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2025 AILA Federal Court Litigation Conference and Webcast

At a time when federal litigation is an essential tool to protect the rights of your clients, we hope you will join us in Las Vegas for the 2025 AILA Federal Court Litigation Conference and Webcast. Our experts will discuss litigation strategies to thwart detention and removal and to sue to secure benefits wrongfully denied or delayed. You'll learn about high-impact litigation in the news and how it could affect your clients. Additionally, former government attorneys will give an inside look at how cases are litigated and settled.

This conference is a must for business, removal, and humanitarian attorneys alike, whether you're building your first federal case or looking to sharpen your edge. This two-day conference is a unique opportunity to refine your skills to sue—and win—against the government in federal court.

July 22–23, 2025
The Cosmopolitan of Las Vegas
Las Vegas, NV

Times listed on the program are Pacific Time (PT).

Note: *All sessions and events are subject to change without notice.*

Tuesday, July 22, 2025

7:30 am – 5:30 pm **Registration, Information, and Exhibits**

Track One: Brera 5-6

8:00 am – 8:05 am **Welcome and Greetings**
*Kate Melloy Goettel, Federal Court Litigation Conference Committee Chair/AILA
Federal Court Litigation Section Steering Committee Chair, Iowa City, IA*

8:05 am – 9:35 am **Give Me Liberty or Give Me Liberty! Habeas Practice Under Trump 2.0**
*One of the hallmarks of modern immigration enforcement is that everyone—
from EB-5 investors with pending I-829 petitions, to asylum seekers subjected to
expedited removal after DHS dismisses their removal proceedings—is potentially*

(DL) = Discussion Leader

* = invited, not confirmed

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at risk of being detained. Accordingly, it is incumbent upon all practitioners to know how to employ habeas petitions in defense of their clients.

- Procedure, custody and the immediate custodian rule
- Evidentiary hearings and non-Rule 26 discovery
- The All Writs Act and other motions
- Using habeas to return an individual to a jurisdiction
- Constitutional underpinnings of civil detention
 - Habeas appeals
- Litigation around expedited removal

Faculty:

*Kate Melloy Goettel (DL), Federal Court Litigation Conference
Committee Chair/ AILA Federal Court Litigation Section Steering
Committee Chair, Iowa City, IA
Laura Lichter, AILA Past President, Denver, CO
Michael Tan, San Francisco, CA*

9:35 am – 10:05 am **Networking Break**

10:05 am – 11:05 am **Unusual and Unlawful Removals: Updates on the Alien Enemies Act, §212(f) Expulsions, and Third-Country Removals**

The Trump Administration has radically expanded the mechanisms for removing people from the United States. To do so, it has relied on wartime authority in the Alien Enemies Act, a nearly limitless interpretation of INA §212(f), and contracts to outsource detention to El Salvador and South Sudan. These attempts by the administration aim to remake removal beyond the bounds of the INA and the Constitution. Panelists will detail pending systemic litigation to block these efforts and what individual advocates can do to protect their clients.

- Updates on Alien Enemies Act, INA §212(f), and third-country removal litigation
- What to do if your client is at risk of removal:
 - Under the Alien Enemies Act
 - To a third country where they fear persecution
 - To a third country where they will be detained at the request of the U.S. government

Faculty:

*Laura P. Lunn (DL), Westminster, CO
My Khanh Ngo, San Francisco, CA*

11:05 am – 11:35 am **Networking Break**

11:35 am – 12:35 pm **Punishment at the Border and the Interior: The Expanding Use of Civil and Criminal Penalties Against Immigrants**

As immigration enforcement intensifies, the administration has increasingly relied on both civil and criminal penalties to police noncitizens. Panelists will

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examine the expanded use of civil sanctions like registration, fines, and criminal enforcement. They also will outline the legality of increased enforcement and the litigation tools that can be used to fight them.

- Registration cases at the border and how federal public defenders are handling them
- Self-incrimination through registration
- State and federal prosecutions for trespassing and other newly created crimes

Faculty:

Ashley Tabaddor (DL), Washington, D.C.

Milagros Cisneros, Phoenix, AZ

Amrutha Jindal, Rio Grande City, TX

12:35 pm – 1:35 pm **Lunch Break** (provided by AILA for in-person attendees)

1:35 pm – 2:35 pm **Extraordinary Remedies for Extraordinary Attorneys**

Many recent immigration cases have rocketed up to the courts of appeal, and even to the U.S. Supreme Court, in compressed timeframes. Our expert panelists will examine advanced and emergency procedures before the district courts and the courts of appeal.

- Temporary restraining orders and preliminary injunctions
- Motions to stay injunctions, motions for injunction on appeal
- Collateral order doctrine for appellate jurisdiction
- Filing a writ of mandamus in the court of appeals to force action from the district court
- The All Writs Act
- Remedies for preserving jurisdiction and ability to give meaningful relief

Faculty:

John Nicholas Sinodis (DL), San Francisco, CA

Melissa Crow, North Potomac, MD

Alvaro M. Huerta, Los Angeles, CA

2:35 pm – 3:00 pm **Networking Break**

3:00 pm – 4:00 pm **Suing for Tortious Conduct: FTCA Claims**

Panelists will provide insight into the lifecycle of a Federal Tort Claims Act (FTCA) case, from administrative filing to potential litigation or settlement. Participants will gain an understanding of the legal framework, procedural requirements, and strategic considerations involved in bringing tort claims against the federal government.

- Jurisdictional issues, including timeliness and exhaustion
- Application of state tort law under the FTCA's "law of the place" provision
- Venue considerations
- Common immigration-related torts:
 - False arrest

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- Assault
- Negligent medical care
- Intentional infliction of emotional distress
- Common defenses to FTCA claims
- Settlement strategies, including negotiations; terms found in settlement agreements

Faculty:

Kate Melloy Goettel (DL), Federal Court Litigation Conference Committee Chair/AILA Federal Court Litigation Section Steering Committee Chair, Iowa City, IA

Emma Winger, Deputy Director, Litigation, American Immigration Council, Federal Court Litigation Conference Committee, Washington, D.C.

4:00 pm – 4:10 pm

Networking Break

4:10 pm – 5:10 pm

Retaliation for First Amendment Speech: How to Defend Against Unconstitutional Conduct in Federal Court

The current administration has targeted individuals, universities, law firms, and corporations for exercising their First Amendment and other constitutional rights. Panelists will discuss how some national law firms have fought back and already won injunctions against the enforcement of these unconstitutional policies. They will also discuss how to litigate these issues in habeas corpus and other federal actions when individuals are targeted and held in ICE detention.

- ICE’s retaliatory targeting of individuals who have protested detentions, sweeps, or organized detainees
 - Immigrant detainees’ access to speak with the media
 - Immigrant detainees’ access to the internet and the media
 - Counsel’s access to immigrant detainees and media in GEO and CORE facilities
- Executive actions targeting law firms and individual attorneys
- Executive actions targeting universities
 - Temporary restraining order in the Harvard University case
- How to litigate First Amendment retaliation claims in U.S. district courts: building your complaint and claims of retaliation

Faculty:

Christopher M. Peterson (DL), Las Vegas, NV

Baher Azmy, New York, NY

Michael Kagan, Las Vegas, NV

5:10 pm – 6:00 pm

Conference Happy Hour

Join us for drinks and networking following the conference!

Track Two: Brera 2-3

8:05 am – 9:35 am

Using the Administrative Procedure Act to Stop Abrupt Policy and Regulatory Shifts

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Sudden and radical changes in policy are taking place by means of executive orders, rules, agency memoranda, and other writings. Sometimes these changes even occur with no written documentation at all. As these changes may affect millions of noncitizens with little warning, APA litigation is more important than ever both to challenge rules and to defend individual clients.

- How regulatory comments can be used to prepare cases for litigation
- Challenging rules and individual decisions under the APA as arbitrary, capricious, or an impermissible construction of the statute
- Challenging rules and policies that have not been published under *Guilford College v. Wolf*
- Using *Accardi* claims to enforce related regulations, policy manual provisions, and policy memoranda
- Crafting effective remedies under the APA: vacatur, remand, injunction, etc.

Faculty:

Jeff Joseph (DL), AILA President/Federal Court Litigation Conference Committee, Denver, CO

Jesse M. Bless, Federal Court Litigation Conference Committee/ AILA Benefits Litigation Committee Vice Chair, Georgetown, MA

Mark Stevens, Washington, D.C.

9:35 am – 10:05 am

Networking Break

10:05 am – 11:05 am

How to Avoid Getting Thrown Out of Court: Jurisdictional Challenges

The INA includes a variety of jurisdiction-stripping provisions designed to limit or eliminate judicial review of various types of decisions. Panelists will focus on these jurisdictional problems, discuss which court to file in, and address how to present claims to avoid some common and difficult jurisdictional issues.

- Jurisdiction in the district court (28 USC §1331) vs. jurisdiction in the court of appeals (8 USC §1252)
- Limits on the review of discretionary decisions: §1252(a)(2)(B) and §1252(a)(2)(D)
- Review of expedited removal orders under §1252(e), and limits on what type of relief is available
- Review of consular decisions in light of *Munoz*
- Limits under §1252(g)

Faculty:

Robert Pauw (DL), AILA Author, Litigating Immigration Cases in Federal Court, 6th ed./ Federal Court Litigation Conference Committee, Seattle, WA

Leslie Dellon, Senior Attorney, Business Immigration, American Immigration Council, Federal Court Litigation Conference Committee, Washington, D.C.

Eric Lee, Southfield, MI

11:05 am – 11:35 am

Networking Break

(DL) = Discussion Leader

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- 11:35 am – 12:35 pm **Winning the Day: Process and Procedure in District Court**
The odds today are much higher than before that practitioners will have to navigate through various unprecedented procedural hurdles and appear before district court. Our experts will advise on the best practices to ensure you're ready to ethically and zealously advocate for your client in today's immigration litigation landscape.
- Demeanor before the court, staff, and opposing counsel
 - How to effectively approach clerk and chambers
 - Finding and working with local counsel
 - Competency advantage: capitalize on your expertise
 - Difficulties with PACER and CM/ECF: Is it really that easy to call and correct?
 - Why you must know and abide by standing orders and local rules
- Faculty:*
 Waleed Naser (DL), Federal Court Litigation Conference Committee, Chicago, IL
 Brian Scott Green, Benefits Litigation Committee Chair/Federal Court Litigation Conference Committee, Littleton, CO
 Lauren Bingham, Washington, D.C.
- 12:35 pm – 1:35 pm **Lunch Break** (provided by AILA for in-person attendees)
- 1:35 pm – 2:35 pm **Holding the Line: Benefits Litigation**
It's hard to feel confident about the outcome of even the most basic benefit applications under the current administration. As the agencies become less predictable, practitioners must be more prepared than ever to challenge adverse agency actions and decisions in the federal courts. Panelists will review common claims, strategies, and risks to help prepare you to defend your clients' rights and hold the government accountable.
- Preparing for mass denials benefits
 - When and how those denials may be litigable
 - Litigating naturalization delay cases, denial of naturalization, denaturalization, and passport denials
 - Challenging visa revocations and other terminations of lawful status without legal process
 - Considering delay litigation, potential class actions, standing issues, and more ways to address agency processing issues
- Faculty:*
 Jesse M. Bless (DL), Federal Court Litigation Conference Committee/Benefits Litigation Committee Vice Chair, Georgetown, MA
 Steven A. Brown, Benefits Litigation Committee, Houston, TX
 Christopher Dempsey, Jacksonville, FL
- 2:35 pm – 3:00 pm **Networking Break**

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3:00 pm – 4:00 pm

What to Do After You Get Past a Motion to Dismiss in District Court

You have filed and served your complaint and briefed a motion to dismiss, but the judge has denied the motion either in full or in part. What do you do now? Panelists will discuss best practices for negotiations, discovery, briefing, and oral arguments for summary judgment.

- Conducting negotiations now that the agency might lose
- Discovery in district court
 - Supplementing the record, discovery, FOIA
 - Rule 56(d) discovery
 - Pre-certifications class discovery
- Best practices for briefing summary judgment
- Preparing for and presenting oral argument on summary judgment

Faculty:

*Brian Scott Green (DL), Benefits Litigation Committee Chair/Federal Court
Litigation Conference Committee, Littleton, CO*

Jessica Arena, Benefits Litigation Committee, San Francisco, CA

Curtis Morrison, Bonsall, CA

4:00 pm – 4:10 pm

Networking Break

4:10 pm – 5:10 pm

Getting Paid: Best Practices for Securing EAJA Fees

You've won! Now, how do you recoup your attorneys' fees and costs under the Equal Access to Justice Act (EAJA)? Panelists will explore how to set yourself up for a successful EAJA motion before the complaint is even filed.

- Pre-motion negotiation strategy
- Statutory prerequisites for EAJA fees: prevailing party, substantial justification, and net worth
- Reasonableness of hours and rate requested
 - When are enhanced fees warranted?
- Crafting assignments of fee awards in retainers
- Effective tracking of billable time
- Where to file if the case has been appealed
 - District court or court of appeals?

Faculty:

*Jeremy McKinney (DL), AILA Past President/Governance Committee Vice Chair,
Greensboro, NC*

Edward F. Ramos, Coral Gables, FL

Jeff Robins, Washington, D.C.

5:10 pm – 6:00 pm

Conference Happy Hour

Join us for drinks and networking following the conference!

Wednesday, July 23, 2025

7:30 am – 5:00 pm

Registration and Exhibits

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Brera 5-6

8:00 am – 9:00 am

High-Profile Litigation: Managing Your Case in the Press

In the age of social media, it can be hard to control the narrative around your high-profile federal court lawsuits. Effective advocacy involves writing and public speaking both inside and outside the courtroom. Expert litigators and communicators will share their experiences and tips on how to manage formal and informal media.

- Talking with your clients about using the media
 - Individual, corporate, and institutional clients
 - The risk of character assassination
 - Privacy vs. public relations
- Working with public relations teams
 - Choosing good media outlets
 - Press conferences and press releases
 - Social media
- Building and maintaining the public relations narrative
- The ethics of “trying a case in the media”

Faculty:

Simon Y. Sandoval-Moshenberg (DL), Fairfax, VA

Charles H. Kuck, AILA Past President, Atlanta, GA

Laura Lichter, AILA Past President, Denver, CO

*Belle Woods, AILA Senior Associate Director, Communications,
Washington, D.C.*

9:00 am – 9:30 am

Networking Break

9:30 am – 10:30 am

Impactful Litigation: The Power of Big and Small Litigation

Class actions and multi-plaintiff litigation can be powerful tools to combat a lawless executive. But not every issue is suited to classic impact litigation. Some actions must be challenged through individual cases. Each type of litigation can be strategic, coordinated, and impactful. Our panel of experts will outline the risks, benefits, and important considerations for both big and small litigation.

- The basics of class action lawsuits
- How to decide if a case is best suited for multi-plaintiff or class action litigation
- Update on nationwide injunctions
- Coordinated and systemic individual litigation

Faculty:

Zachary Nightingale (DL), San Francisco, CA

*Emma Winger, Deputy Director, Litigation, American Immigration Council/
Federal Court Litigation Conference Committee, Washington, D.C.*

Zachary R. New, Aurora, CO

10:30 am – 11:00 am

Networking Break

(DL) = Discussion Leader

* = invited, not confirmed

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- 11:00 am – 12:00 pm **Effectively Settling Cases for Durable Relief**
Our expert panelists will discuss settling federal court cases to secure effective and durable relief for your clients. They will address crafting settlement terms and negotiating with government attorneys.
- Different types of settlements:
 - Court-enforced settlements
 - Consent decrees
 - Stipulations of dismissal by both parties
 - Effective negotiation techniques with government attorneys
 - When and how to use settlement conferences and mediation
 - Retaining jurisdiction for post-settlement enforcement motions
 - Whether to include attorneys' fees in settlement agreements
- Faculty:*
 Lucas Guttentag (DL), New Haven, CT
 Bardis Vakili, Encinitas, CA
 Courtney Moran, Chicago, IL
- 12:00 pm – 2:00 pm **Lunch Break (Lunch will not be provided, explore the Las Vegas strip or see the AILA food guide for options nearby)**
- 2:00 pm – 3:30 pm **Circuit Breakers: How to Win in the Circuit Court of Appeals in Removal and Non-removal Cases**
Experts will describe appellate practice through the lens of petitions for review of removal orders and appeals filed from district court orders. In the enforcement-minded environment, every practitioner can benefit from a thorough breakdown of what a noncitizen can do if they receive a final order of removal. At some point, every practitioner in the district courts either will be an appellant or appellee and find themselves with a case on appeal. Fear not! Enjoy this ride through appellate procedure!
- FRAP it up: Federal Rules of Appellate Procedure
 - Be a local yocal: Focus on the circuit rules!
 - Petitions For Review under 8 USC §1252
 - Appeals from non-removal district court orders
- Faculty:*
 Sabrina R. Damast (DL), AILA Board of Governors, Los Angeles, CA
 Joshua Altman, San Diego, CA
 Katharine Clark, San Diego, CA
 Maria Baldini-Potermin, Chicago, IL
- 3:30 pm – 4:00 pm **Networking Break**
- 4:00 pm – 5:00 pm **It's "Just Us:" Former Government Attorneys**
For the first time, immigration lawyers have earned a sizable "credibility advantage" over government attorneys. Our former government attorneys will discuss their prior roles, so practitioners know exactly who opposing counsel is and, more importantly, how they think.

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 * = invited, not confirmed

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- What is the difference between an AUSA and an OIL Attorney?
 - Advantages and disadvantages of each
- What is the attorney client relationship really like between DOJ and other executive agencies?
- In what instances do AILA attorneys know more than government attorneys?
- Why do “we” have the credibility advantage and why must we keep it?
- Be a friend and lead the way home

Faculty:

Jeff Robins (DL), Washington, D.C.

Lauren Bingham, Washington, D.C.

Kara Lynum, Washington, D.C.

5:00 pm

Conference Concludes

Conference Program Committee

Kate Melloy Goettel, Federal Court Litigation Conference Committee Chair/Federal Court Litigation Section Steering Committee Chair, Iowa City, IA

Jeff Joseph, AILA President, Denver, CO

Rekha Sharma-Crawford, AILA Second Vice President, Kansas City, MO

Robert Pauw, AILA Author, Litigating Immigration Cases in Federal Court, 6th ed., Seattle, WA

Brian Scott Green, AILA Benefits Litigation Committee Chair, Littleton, CO

Amanda Waterhouse, AILA Removal Defense Section Steering Committee Chair, Houston, TX

Jesse M. Bless, AILA Benefits Litigation Committee Vice Chair, Georgetown, MA

Mark A. Prada, Miami, FL

Waleed Naser, Chicago, IL

Michelle Lapointe, Legal Director, American Immigration Council, Washington, D.C.

Emma Winger, Deputy Director, Litigation, American Immigration Council, Washington, D.C.

Leslie Dellon, Senior Business Immigration Attorney, American Immigration Council, Washington, D.C.

Jennifer Coberly, AILA Business Immigration Litigation Attorney, Washington, D.C.

Michael Orlando, AILA Associate Director of Professional Development, Washington, D.C.

(DL) = Discussion Leader

* = invited, not confirmed

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