

The New Hampshire



Supreme Court Society

Qualified Immunity under the United States Constitution and Official Immunity
under New Hampshire Law

Date: October 28, 2020

Time: 8:30AM – 1:00PM

8:30 to 8:50: Welcome and Preliminary Academic Overview.

Professor John Greabe of the University of New Hampshire Law Center. Professor Greabe will be teaching the basics of immunity doctrine to include qualified immunity under federal law and then similar immunity under state law Professor Greabe will prepare remarks with an eye towards placing things into context for our non-attorney attendees and participants.

8:50 to 11:15: First Panel on Federal Qualified Immunity Principals

8:50 – 10:00

Karen M. Blum, Professor Emerita and Research Professor of Law, Suffolk University Law School will explore the origins of Qualified Immunity under U.S. Federal Law commencing with 42 U.S.C. § 1983 which provides a civil action for deprivation of rights. Professor Blum will continue with an exploration of the development of the common law defense of qualified immunity.

Attorney Larry James, Managing Partner at Crabbe, Brown & James, LLP will discuss the practice of employing the qualified immunity defense in representation of law enforcement. Attorney James is the general counsel for the general counsel for the National Fraternal Order of Police and will discuss balance of holding public officials accountable with the need to protect those officials from harassment or liability when they have performed their duties reasonably.

10:00 to 10:15: Morning Break

10:15 to 11:15

Professor Karen J. Pita Loor, Associate Dean for Experiential Education and Associate Clinical Professor of Law at Boston University will speak on the real-world implications of qualified immunity with a focus on excessive force used in policing protests.

Jay Schweikert of the Cato Institute's Project on Criminal Justice will end the first panel with the current state of advocacy to repeal the qualified immunity from both the current state of pending litigation as well as state and federal legislative initiatives.

Following Mr. Schweikert's presentation, the panel will take Questions and Answers as moderated by Professor Greabe. Professor Greabe will also actively moderate the panel by inserting questions throughout the panel's presentations.

11:15 to 11:30: Break

11:30 to 1:00: Second Panel on New Hampshire Official Immunity

The second panel consists of:

- Former New Hampshire Supreme Court Justice, Charles G. Douglas III, founding partner of Douglas, Leonard & Garvey, P.C.
- Attorney Brian J.S. Cullen Partner at Cullen Collimore, PLLC, Nashua, NH
- Attorney Lawrence A. Vogelmann, Counsel at Shaheen & Gordon, P.A., Dover, NH

This panel will address New Hampshire's doctrine of "official immunity". Justice Douglas will address legislative remedies New Hampshire should consider to hold state officials, including police officers, accountable for their actions and to provide civil remedies to members of the public.

Attorneys Cullen and Vogelmann will address their experience litigating qualified and official immunity cases in New Hampshire. Attorney Cullen routinely represents municipalities, while Attorney Vogelmann advocates for the public.

This panel will also be actively moderated by Professor Greabe who will field questions from the audience.

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