Name of Panel: The Rise and Fall of *Bivens*: An Academic Perspective

Date | Time| Location: October 22, 2026 | 10:30 a.m. to 11:45 a.m. ET | National Union Building 918 F St NW, 4th Floor Washington, DC 20004

Brief Description:

The Supreme Court has been steadily closing the door to *Bivens* claims for decades, threatening meaningful accountability for federal law enforcement and removing a key tool from civil rights litigators' arsenal. With *Nielsen v. Watanabe* on the merits docket for this upcoming term, legal experts have voiced concern over the future availability of *Bivens* claims and how federal courts might narrow *Bivens* as litigants, including the current Administration, seek to further cabin or overturn *Bivens* outright. How has the Court expanded and contracted the scope of *Bivens*? What can we expect from the Roberts Court in *Nielsen* and future cases?

Agenda of Panel: 10:30 a.m. to 11:45 a.m. (Maximum 1.25 hours of CLE)

- Introductions / Opening Remarks (5 min)
- Panel Discussion (55 min)
- Q&A (15 min)

Panelists' Names and Bios:

Kami N. Chavis, *Vice Dean, R. Hugh and Nolie Haynes Professor of Law, and Director of the W&M Center for Criminal Justice Policy and Reform, William & Mary Law School*

Danielle C. Jefferis, *Schmid Professor for Excellence in Teaching, Associate Professor of Law, University of Nebraska College of Law*

Stephen Vladeck, *Agnes Williams Sesquicentennial Professor of Federal Courts, Georgetown Law*

Akua Amaning, *Director of Public Safety, Center for American Progress (moderator)*

Materials for Panel:

Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971).

Davis v. Passman, 442 U.S. 228 (1979).

Ziglar v. Abbasi, 582 U.S. ___ (2017).

Hernandez v. Mesa, 589 U.S. ___ (2020).

Egbert v. Boule, 596 U.S. ___ (2022).

Goldey v. Fields, 606 U.S. ___ (2025).

Stephen I. Vladeck, *The Disingenuous Demise and Death of* Bivens, CATO SUPREME CT. REV. (2020).

Danielle C. Jefferis, *RIP* Bivens, 103 NEB. L. REV. 1 (2004).

Kami Chavis, *The Coming Crisis in Law Enforcement and How Federal Intervention Could Promote Police Accountability in a Post-Ferguson United States*, 4 WAKE FOREST L. REV. ONLINE 31 (2014).

Hai-Lam Phan, Jasmine Hardy, Stephanie Wylie, Akua Amaning, Sarah Figgat, and Maggie Jo Buchanan, *Qualified Immunity and the* Bivens *Doctrines Explained*, CENTER FOR AMERICAN PROGRESS (Feb. 11, 2021).

Lawrence Hardy, *Supreme Court to weigh rights of federal prison inmates to sue over lack of medical treatment*, NBC NEWS (June 22, 2026).

Name of Panel: To *Bivens* and Beyond: Legal Avenues for Accountability

Date | Time| Location: October 22, 2026 | 12:45 p.m. to 2:00 p.m. ET | National Union Building 918 F St NW, 4th Floor Washington, DC 20004

Brief Description:

Across the United States, lawyers are not only employing *Bivens* actions, but are also pursuing other legal avenues to hold federal agents accountable for their conduct. While some lawyers are using state law to sue federal law enforcement, others are using federal law, such as conspiracy statutes from the Reconstruction period, to support their cases. What are the current limitations of *Bivens* actions and other remedies under federal and state law, especially considering the additional hurdles posed by qualified immunity? What are some innovative litigation strategies being used in federal law enforcement accountability cases?

Agenda of Panel: 12:45 p.m. to 2:00 p.m. (Maximum 1.25 hours of CLE)

- Introductions / Opening Remarks (5 min)
- Panel Discussion (55 min)
- Q&A (15 min)

Panelists' Names and Bios:

Jorge Castillo, Senior Counsel, American Civil Liberties Union (ACLU)

Chris Kemmitt, Director of Litigation, Legal Defense Fund (LDF)

Bhavani Raveendran, Founder & Trial Attorney, Raveendran Law LLC

Elizabeth Cruikshank, Senior Counsel, Institute for Constitutional Advocacy and Protection (moderator)

Materials for Panel:

Rodriguez v. Porter, ACLU IDAHO (2026).

Gigi Liman, *How a Gambling Warrant Could Change Immigration Enforcement Authority*, LAWFARE (Apr. 20, 2026).

Chris Kemmitt and Georgina Yeomans, *The States Can Save Us From the Supreme Court's Brutal Rulings Protecting Bad Police*, SLATE (Oct. 18, 2021).

Jan Wolfe, *Why it is difficult to sue ICE agents*, REUTERS (Jan. 15, 2026).

Joanna C. Schwartz, *How Qualified Immunity Fails*, 127 YALE L. J. 2 (2017).

Felipe De La Hoz, *This Maine Lawsuit is Testing the Boundaries of Suing Federal Immigration Agents*, BOLTS (July 7, 2026).

Susan Svrluga, *Pro-Palestinian protester sues Trump administration, citing KKK Act*, WASH. POST (July 14, 2026).

Emily Reina Dindial, *States Have the Power to Hold Federal Agents Accountable by Allowing People to Sue Them for Rights Violations*, ACLU (Apr. 6, 2026).

Alba Asenjo Domínguez, *Family of Renee Good sues ICE agent and top Trump officials*, THE GUARDIAN (Oct. 1, 2026).

Lex McMenamin, *ICE-free zones and blocked liquor licenses: US cities fight back against immigration raids*, THE GUARDIAN (Feb. 16, 2026).

Name of Panel: Revisiting 1983 in 2026: Legal Reform at the Federal and State Levels

Date | Time| Location: October 22, 2026 | 2:30 p.m. to 3:45 p.m. ET | National Union Building 918 F St NW, 4th Floor Washington, DC 20004

Brief Description:

Even before the rise of ICE abuses during the second Trump Administration, federal and state legislators have been crafting laws to fill in the cracks left behind by the Supreme Court's *Bivens*-related rulings and federal statutes, such as 42 U.S.C. § 1983. However, as the pressure mounts, federal and state lawmakers are increasingly ramping up efforts to pass or amend laws to guarantee remedies when federal agents violate constitutional rights. What have been the major successes and failures in legislative proposals to secure federal law enforcement accountability? How should additional state or federal legislation addressing federal agent accountability reflect the lessons learned from these successes and failures?

Agenda of Panel: 2:30 p.m. to 3:45 p.m. (Maximum 1.25 hours of CLE)

- Introductions / Opening Remarks (5 min)
- Panel Discussion (55 min)
- Q&A (15 min)

Panelists' Names and Bios:

Kerry E. Doyle, Partner, Green & Spiegel

Nina Patel, Senior Policy Counsel, American Civil Liberties Union (ACLU)

Harrison Stark, Senior Counsel, Director of Special Projects, State Democracy Research Initiative, University of Wisconsin Law School

Justin Vail, Head of Washington DC Office & Counsel, Protect Democracy (moderator)

Materials for Panel:

42 U.S.C. § 1983.

Henry Rose, *The Demise of the Bivens Remedy is Rendering Enforcement of Federal Constitutional Rights Inequitable But Congress Can Fix It Federal Constitutional Rights Inequitable But Congress Can Fix It*, 42 N. ILL. U. L. REV. 229 (2022).

Akhil R. Amar, *Using State Law to Protect Federal Constitutional Rights: Some Using State Law to Protect Federal Constitutional Rights: Some Questions and Answers About Converse- 1983*, 64 U. COLO. L.

REV. 159 (1993).

Anya Bidwell, *State Efforts to Allow Lawsuits Against Federal Officials Gain Speed*, STATE COURT REPORT (Apr. 6, 2026).

Harrison Stark, *Explainer: State-Created Damages Remedies Against Federal Officials*, STATE DEMOCRACY RESEARCH INITIATIVE (Aug. 1, 2025).

Adam Liptak, *A Legal Tool for Holding ICE Agents to Account, Hiding in Plain Sight*, N.Y. TIMES (Feb. 2, 2026).

Protect Democracy applauds California legislature's passage of the No Kings Act, PROTECT DEMOCRACY (Aug. 27, 2026).

Nicole Ndumele and Nina Patel, *ACLU Calls on Congress to Hold Federal Agents Accountable by Allowing People to Sue Them for Rights Violations*, ACLU (May 21, 2026).

Rachel Poser, Emily Bazelon and Matthew Purdy, *The View From Inside Trump's D.H.S.*, N.Y. TIMES (Apr. 14, 2026).

Bivens Act of 2025, H.R.___, 119th Cong. (2025).

Constitutional Accountability Act, H.R.___, 119th Cong. (2025).

New York State Bivens Act, Civil Rights (CVR) CHAPTER 6, ARTICLE 8-A (N.Y. 2026).