



Moderator:

The Hon. Beth Phillips
Chief United States District Judge

Panelists:

Arthur A. Benson II
Benson & Associates

Charles C. Eblen
Shook Hardy & Bacon, L.L.P.

Michael Foster
Foster Wallace, L.L.C.

UNITED STATES COURTS
WESTERN DISTRICT OF MISSOURI
*PRISONER REPRESENTATION CLE &
LUNCHEON*

April 25, 2019

11:30 a.m. – 1:00 p.m.

*Charles Evans Whittaker Courthouse
(Simulcast to the Springfield and Jefferson City
United States Courthouses)*

Please join us to learn how you can get on-your-feet trial experience in federal court by serving as appointed counsel to prisoners in civil rights cases. This CLE is complimentary. Lunch will begin at 11:30 a.m., and the CLE will start at noon. 1.2 hours of CLE credit are pending in Missouri and Kansas.

Occasionally, in the interest of justice, the Court finds that counsel should be appointed to represent prisoners in civil rights cases. Appointments frequently occur after summary judgment motions have been decided and are often for the limited purpose of presenting the plaintiff's case to a jury and/or to representing the plaintiff in mediation. Appointed counsel may enter into fee arrangements with inmates or obtain statutory attorneys fees.

Three attorneys who have accepted these appointments will share their experiences.

Arthur A. Benson II is a civil rights attorney in private practice since 1971. His firm, Benson & Associates, specializes exclusively in trial work with an emphasis in civil rights and constitutional issues as well as employment discrimination, police misconduct, First Amendment, conditions of confinement, legal malpractice, and voting rights cases. Of note, in 2017, Benson settled an Eighth Amendment case concerning a prisoner's allegations that although he had reported serious symptoms of cervical spine cord damage for two years, it took an additional two years for defendants to make the correct diagnosis, leading to the prisoner suffering permanent nerve damage and permanent neurological impairments.

Charles C. Eblen is a partner at Shook Hardy & Bacon, L.L.P., where he serves as national trial and appellate counsel for several multinational corporations and as chair of the Pro Bono committee. He has represented prisoners in civil rights cases, often supervising associates on these cases, since 2003. Recently, Eblen and a junior attorney obtained a verdict in a case filed under the Federal Tort Claims Act. In that case, an inmate recovering from amputation injured himself on an outdoor exercise track after his walker dipped into an open and obvious hole on the track. As a result, the inmate suffered a wound on his stump that later became infected.

Michael Foster is a partner at Foster Wallace, LLC, concentrating in plaintiff's business litigation, personal injury matters, and civil rights. He is a former shareholder at Polsinelli PC where he began his career in 2008. He received the Legal Champion Award from Missouri Lawyers Weekly in 2018 and the Pro Bono Publico Award by the Missouri Bar Association in 2018. Both awards relate to a case where he was appointed to represent a prisoner in a secondhand smoking case that led to likely the largest jury verdict in United States history for such claim and resulted in a statewide ban on prisoner smoking.