

Thelton E. Henderson Center for Social Justice Ruth Chance Lecture Series

ASHCROFT V. IQBAL OR CIVIL PROCEDURE V. CIVIL RIGHTS



**Stephen B. Pershing,
Director**

UCDC Law Program

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Javid Iqbal, an Arab Muslim, was rounded up in New York with hundreds of other Arab Muslims in the aftermath of September 11. He was placed in high-security isolation where he was brutally beaten for months. Iqbal filed suit against high U.S. government officials alleging that they had designed the program and had reason to know that it would result in discriminatory maltreatment.

By a 5-4 vote in its last term, the U.S. Supreme Court decided against Iqbal. The Court's majority interpreted a key rule of federal civil procedure to require dismissal before he could pursue pre-trial discovery because the Court was not sufficiently satisfied that the factual allegations in his Complaint against the high officials were "plausible."

Many civil rights lawyers fear that the *Iqbal* decision, which constitutes new law, makes it impossible to bring claims against the United States that allege secret government action violated federal civil rights.

Stephen B. Pershing wrote an amicus curiae brief to the Supreme Court in the case. In his Ruth Chance lecture he will examine the decision through the lens of social justice, and reveal how rules of civil procedure that are intended to promote access to justice can become barriers to that very access.

A veteran public interest attorney, Mr. Pershing is the new director of the UCDC Law Program in Washington. The Court's opinion and many other papers in the case are available at http://www.scotuswiki.com/index.php?title=Ashcroft%2C_Former_ATT%27Y_Gen._v._Iqbal.

Sept. 14, 2009

Boalt - 105

12:45 - 1:45 p.m.

**Lunch is first-come,
first-served.**

**Please bring your
own beverage.**