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PRACTICE GUIDE · CIVIL RIGHTS

Practice Pointers

Grand Park Law Group · 2026



1. **Day-one preservation letter.** Send a litigation hold to the agency, the city/county counsel, the district attorney (if charges are pending), and any third-party vendors (e.g., body-cam storage providers). Demand preservation of all video, audio, dispatch, jail, medical, and personnel records.
2. **Public Records Act (Cal. Gov. Code § 7920 et seq.) requests early.** Use SB 1421/SB 16 disclosures to obtain officer disciplinary and use-of-force records. These also build the *Monell* record.
3. **Calendar the six-month Government Claims Act deadline at intake.** Set a 90-day internal tickler. Missing it can bar the Bane Act claim and every other state-law damages claim against the public entity, together with any fee recovery under § 52.1(i).
4. **Plead both tracks.** Always file § 1983 alongside Bane Act (and Ralph Act if the facts permit). The Bane Act is your hedge against qualified immunity.
5. **Investigate *Monell* before filing.** Pull prior lawsuits, IA records, DOJ findings, and consent decrees. A bare-bones *Monell* allegation will be dismissed under *Iqbal/Twombly*.
6. **Watch *Heck v. Humphrey*.** If your client was convicted of resisting arrest (PC § 148(a)) or assault on a peace officer (PC § 245(c)), carefully temporally segregate the force used before, during, and after the conduct that supported the conviction.
7. **Assess venue.** Federal court is often more favorable on procedural rules and jury pools in some districts; state court is sometimes better for Bane Act-only cases or for liberal damages juries. Removal is automatic for any case with a federal claim.

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8. **Build the damages case from intake.** Treating providers, mental-health records, family declarations, employment records, day-in-the-life materials. Civil rights damages are story-driven.
9. **Negotiate fee provisions explicitly.** Settlement agreements should expressly address § 1988 and § 52.1(i) fees; *Buckhannon* "prevailing party" issues can otherwise eliminate fees in voluntary dismissals.
10. **Understand indemnification.** The real defendant in compensatory terms is the city or county, not the officer. The officer becomes the real defendant only on punitive damages — and that is where settlement leverage is generated.

Practice Civil Rights

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