Civil Rights: Section 1983

Title 42, Section 1983 (http://www.gpo.gov/fdsys/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap21.htm) , of the United States Code (http://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE) is a procedural vehicle by which one whose federal statutory or constitutional rights have been violated can bring an action against state "actors" who commit these violations "under color of law." The statute was rarely used until 1961, when the Supreme Court ruled that private litigants are to be permitted a federal court remedy as a *first* resort rather than having to first bring suit in state court (Monroe v. Pape, 365 US 167 (1961)) (https://scholar.google.com/scholar_case?case=9116244287806866358.) . Today, Section 1983 actions include suits over freedom of speech, search and seizure, excessive force, cruel and unusual punishment, and due process violations.

1 Self-Help

Civil Rights Law and Practice KF 4749 .L49
(Self Help)
This Hornbook includes Title VI of the 1964 Civil Rights Act, Civil Rights Attorney's Fees Act of 1976, 42 U.S.C. Section 1982, Title VIII of the 1968 Fair Housing Act, Title IX of the Education Amendments of 1972, and more.

Prisoner's Rights Union: Self-Help Materials KFC 1181.5 .P75
Self help materials distributed by the Prisoners' Rights Union including pre-trial, post conviction, and jail-prison conditions.

2 Legal Encyclopedias and Law Summaries

American Jurisprudence 2d (Am. Jur.)
KF 154 .A42 (Ready Reference)
Volume 15, *Civil Rights*

American Law Reports, Federal 3d KF 132 .A471 (Compact)
American Law Reports, Federal, is a set comprised of annotations focusing on very narrow aspects of law. The annotations provide an in-depth analysis of current statutory and case law on

the subject, including law review articles, and other secondary sources on the subject. Look in the index to find annotations dealing with Section 1983 cases.

3 Practice Guides

Civil Actions Against the United States, Its Agencies, Officers, and Employees
KF 1325 .U55 C58
A useful guide for attorneys filing claims against the U.S. government. Topics include sovereign immunity (https://www.saclaw.org/glossary/immunity/) and strategies to circumvent it; and specific types of actions (e.g., a *Bivens* action).

Civil Rights and Civil Liberties Litigation: The Law of Section 1983
KF 1325 .C58 N34
Written for attorneys and judges, this comprehensive practice guide includes discussion of a Section 1983 cause of action, pre-trial matters, damages, possible remedies and defenses, and governmental liability. Useful features include checklists, forms, tables, and footnotes.

Discovery and Proof in Police Misconduct Cases KF 1307 .R93
Contains a variety of Section 1983 forms, including sample pleadings, discovery forms, and sample deposition scripts. Appendices and index included.

Police Civil Liability KF 1307 .S55
Volume I of this work features a chapter devoted to section 1983 litigation, including forms and extensive citations to case law.

Police Misconduct: Law and Litigation KF 1307 .A98
Offers a comprehensive discussion of Section1983 claims relating to police misconduct, plus litigation checklists, sample pleadings, discovery forms, and model closing arguments.

Section 1983 Litigation KF 1325 .C58 S36
This multi-volume set includes a thorough discussion of claims and defenses, statutory attorneys' fees, federal evidence, and jury instructions.

Civil Actions Against State and Local Government KF 1322 .C575 This text examines the grounds on which state and local government entities and their officials may be subject to liability under major civil rights statutes. Chapters 7 and 8 specifically address claims arising under Section 1983 and other civil rights claims.

Sword and Shield: A Practical Approach to § 1983 Litigation KF 1325 .C58 S96
Features in this single-volume guide include a discussion of approaches from both the plaintiff and the defendant; in-depth coverage of the issues involved in selecting a jurisdiction; and the fundamentals of drafting Section 1983 pleadings.

4 Forms

American Jurisprudence Pleading and Practice Forms Annotated
KF 8836 .A45 (Ready Reference)
The only major set of general pleading and practice forms, several volumes within this work address a variety of Section 1983 forms. See the *Table of Statutes* to locate sections that contain forms relevant to 1983 actions.

Section 1983 Litigation: Forms KF 1325 .C58 W5
This user-friendly volume contains model language and sample forms for pleadings, motions, discovery, jury instructions, and miscellaneous forms.

United States District Court for the Northern District of California
The Northern District has a sample complaint for civil rights violations of prisoners.
Electronic Access: On the Internet at Instructions for Filing a Civil Rights Complaint by a Prisoner under 42 USC § 1983 (https://cand.uscourts.gov/sites/default/files/forms/Complaint-by-a-Prisoner-form_12.4.23.pdf) .

5 Court Decisions

Section 1983 Civil Rights Digest KF 1325 .C58 R688
Section 1983 cases decided in federal courts are published in the Federal Supplement, the Federal Reporter, and the Supreme Court Reporter, located in Compact Shelving.

6 Websites

Court Perspectives: Police Misconduct, Section 1983, and Civil Rights (https://supreme.findlaw.com/supreme-court-insights/court-perspectives--police-misconduct--section-1983--and-civil-r.html) court-insights/court-perspectives--police-misconduct--section-1983--and-civil-r.html)

This detailed article on Findlaw defines civil rights references important case law for most police misconduct and civil rights issues.

42 U.S.C. Section 1983 and Civil Rights Lawsuits (http://corporate.findlaw.com/litigation-disputes/typical-section-1983-claims.html)

This detailed article on Findlaw discusses typical Section 1983 claims, including prison litigation and police misconduct.

Have Your Civil Rights Been Violated? (https://www.findlaw.com/civilrights/civil-rights-overview/have-your-civil-rights-been-violated.html)

This article on Findlaw will first discuss whether a protected right was violated, and what constitutes a protected right. The article will also discuss what your options are for a suspected civil rights violation.

7 Community Resources

American Civil Liberties Union (ACLU) of Northern California (https://www.aclunc.org/home)

39 Drumm Street, San Francisco, California 94111
(415) 621-2493
The ACLE works to preserve and guarantee the protections of the Constitution’s Bill of Rights through litigation, education, and dissemination of information on constitutional freedoms.

Office of the Attorney General: Civil Rights Section (https://oag.ca.gov/civil)

Attorney General’s Office California Department of Justice
Attn: Public Inquiry Unit
P.O. Box 944255 , Sacramento, CA 94244-2550
(916) 210-6276 or (Toll-free in California) (800) 952-5225
The mission of the Civil Rights Enforcement Section is to work with the public, state, federal and local government agencies, and with civil rights and community groups to identify civil rights issues and vigorously prosecute those who have violated the law.