

ICE VERSUS THE STATES:

STATE-LAW REMEDIES
FOR FEDERAL
LAWLESSNESS

ICE

OCTOBER 2, 2026

Law Journal
School of Law



UNIVERSITY OF
St. Thomas.

ICE VERSUS THE STATES: STATE-LAW REMEDIES FOR FEDERAL LAWLESSNESS

UNIVERSITY OF ST. THOMAS SCHOOL OF LAW

OCTOBER 2, 2026

WELCOME

Welcome to the University of St. Thomas Law Journal's symposium, ICE Versus the States: State-Law Remedies for Federal Lawlessness; where scholars, local officials, and practitioners will examine the legal and constitutional implications of Operation Metro Surge. This Symposium will explore the Operation's impact on federal-state relations, the heightened tensions surrounding federal enforcement actions, and the legal remedies available to states seeking to hold the federal government accountable for unlawful conduct. Through firsthand experience and expert analysis, our panelists will unpack the trauma and resilience of our communities.

UNIVERSITY OF ST. THOMAS LAW JOURNAL

The *University of St. Thomas Law Journal* is the flagship law review of the University of St. Thomas School of Law. It seeks to embody the school's unique mission by publishing high-quality legal scholarship that promotes ethical actions, the integration of faith and reason, and social justice. The Law Journal's Latin subtitle, *Fides et Lustitia*, which translates into "faith and justice," is a core foundation of our symposia and the works we publish. We promote meaningful exploration of current legal issues through symposia and allow for substantial collaboration between the law review, our faculty, and outside contributors. These symposia also give our law school community a chance to reflect on issues closely connected with the school's mission and vision.

SYMPOSIUM AGENDA

8:00 a.m. Breakfast

8:45 a.m. Welcome and Introductory Remarks

- Interim Dean Jerome Organ, *St. Thomas School of Law*
- Law Journal Editor-in-Chief Noah Barnaby
- Professor Michael Paulsen, *St. Thomas School of Law*

9:00 a.m. Panel 1 - Reflections on Operation Metro Surge

Panelists: Pamela Karlan, *Stanford Law School*; Vikram David Amar, *UC Davis School of Law*; Emmanuel Mauleon, *University of Minnesota Law School*

Moderator: Julie Jonas, *St. Thomas School of Law*

This panel will examine the events surrounding Operation Metro Surge in Minnesota and consider similar federal actions across the nation. Panelists will provide an overview of the legal landscape as it existed at the time of the Operation, including the respective authorities of federal and state governments, and explore the official and unofficial responses to the Operation.

10:30 a.m. Panel 2 - State Civil-Law Remedies Against Federal Agents

Panelists: Akhil Reed Amar, *Yale Law School*; Trevor Morrison, *New York University School of Law*

Moderator: Gregory Sisk, *St. Thomas School of Law*

This panel will examine the civil-law remedies available to states and individuals seeking redress for unlawful conduct by federal agents. Panelists will explore the legal boundaries between federal and state authority, including the doctrines that may limit state-law claims against federal officials and the circumstances under which state courts or state civil remedies may provide a path to accountability. The discussion will consider recent developments, practical challenges in pursuing claims against federal agents, and the broader implications for federalism, individual rights, and government accountability.

SYMPOSIUM AGENDA

12:00 p.m. Break

12:30 p.m. Lunch & Interview with Judge Patrick Schiltz

- The Honorable Patrick Schiltz, *United States District Court for the District of Minnesota*
- Michael Paulsen, *St. Thomas School of Law*

In this conversation, former Chief Judge Patrick Schiltz and Professor Michael Stokes Paulsen will examine Operation Metro Surge through the lens of the federal judiciary. As Chief Judge of the District of Minnesota during the height of ICE activity in Minnesota, Judge Schiltz confronted a series of unprecedented legal and constitutional questions alongside his colleagues. This discussion will explore his role in issuing key decisions that shaped the legal landscape surrounding Metro Surge and the principles that underpin his steadfast commitment to justice. Judge Schiltz will also reflect on the litigation arising from Metro Surge and the lessons those cases offer about the role of the federal courts in times of heightened tension between federal and state authorities.

1:45 p.m. Break

SYMPOSIUM AGENDA

2:00 p.m. Panel 3 - State Criminal-Law Remedies Against Federal Agents

Panelists: Daniel Richman, *Columbia School of Law*; Mary Moriarty, *Hennepin County Attorney*; Joseph H. Thompson, *Thompson Jacobs PLLC*

Moderator: Rachel Moran, *St. Thomas School of Law*

This panel will examine the legal authority and practical challenges involved in pursuing criminal remedies under state law for unlawful conduct by federal agents. Panelists will explore the constitutional and federalism principles governing state criminal jurisdiction over federal officials. The discussion will consider when state criminal law may apply to federal agents, the obstacles to prosecution, and the broader implications for accountability, federal-state relations, and the rule of law.

3:30 p.m. End of Program

KEYNOTE SPEAKER

AKHIL REED AMAR

Sterling Professor of Law and Political Science, Yale Law School

Akhil Reed Amar is a Sterling Professor of Law and Political Science at Yale University, where he teaches constitutional law at both Yale College and Yale Law School. A member of the Yale faculty since 1985, Professor Amar is one of the nation's most prominent constitutional scholars, with more than 100 law review articles and numerous acclaimed books, including *The Bill of Rights*, *America's Constitution*, *America's Unwritten Constitution*, *The Constitution Today*, and the first two volumes of his trilogy on American constitutional history. His scholarship has been cited extensively by the U.S. Supreme Court and every federal court of appeals, and he is a member of the American Academy of Arts and Sciences. Professor Amar is also a frequent contributor to leading national publications and consultant for television, radio, and podcast productions. He is the recipient of numerous honors for scholarship and teaching, including the ABA's Silver Gavel Award, and holds Yale's unofficial "triple crown" of the Sterling Chair, DeVane Medal, and Lamar Award. He earned his bachelor's degree, summa cum laude, and J.D. from Yale and clerked for Judge (later Justice) Stephen Breyer before joining the Yale faculty.

PANELISTS & MODERATORS

VIKRAM DAVID AMAR

Daniel J. Dykstra Distinguished Professor of Law, UC Davis School of Law

Vikram David Amar returned to UC Davis in 2023 as a professor of law after serving for eight years as Dean and Iwan Foundation Professor of Law at the University of Illinois Urbana-Champaign College of Law. One of the nation's leading authorities on constitutional law, federal courts, and civil procedure, Professor Amar has authored numerous books and more than 100 scholarly articles, as well as several leading legal treatises and casebooks. He is a frequent commentator on constitutional and legal issues in national media and writes regularly for Justia and SCOTUSblog. A member of the American Law Institute, Professor Amar has served as a consultant to organizations including the U.S. Department of Justice, the National Association of Attorneys General, and the ACLU of Southern California, and in 2025 joined the bipartisan Task Force for American Democracy. He earned his bachelor's degree from UC Berkeley and J.D. from Yale Law School, where he served as an articles editor of the Yale Law Journal, and clerked for Judge William A. Norris of the Ninth Circuit and Justice Harry A. Blackmun of the U.S. Supreme Court before practicing at Gibson, Dunn & Crutcher.

JULIE JONAS

Associate Professor of Law, University of St. Thomas School of Law

Julie Jonas is an Associate Professor at the University of St. Thomas School of Law, where she joined the faculty in 2022. Her scholarship focuses on wrongful convictions, including the use of expert testimony in cases involving contested forensic science and the effects of technology and privacy issues on wrongful convictions and the criminal justice system. Before joining St. Thomas Law, Jonas served as Legal Director of the Great North Innocence Project at the University of Minnesota Law School, where she helped secure the release of eight innocent individuals who had been wrongfully incarcerated. She has continued her innocence advocacy through pro bono representation and has secured the release of two additional long-term clients. Jonas has also played a significant role in criminal justice policy reform, contributing to legislation providing compensation to wrongfully convicted individuals, establishing best practices for eyewitness identification procedures, and regulating the use of jailhouse informants. She currently serves on the Board of the Conviction Review Unit at the Office of the Minnesota Attorney General and provides pro bono support to the Legal Rights Center's First Defense program. Jonas is a frequent presenter on criminal justice issues and has received numerous honors for her advocacy and teaching, including the Ronald I. Meshbesher Distinguished Service Award, the Jonas Justice Award, and the St. Thomas School of Law Dean's Award for Outstanding Teaching. She earned both her B.A. and J.D. from the University of Minnesota.

PAMELA KARLAN

Professor of Law and Co-Director of the Supreme Court Litigation Clinic, Stanford Law School

Pamela S. Karlan is a professor at Stanford Law School and co-director of the school's Supreme Court Litigation Clinic, where students litigate cases before the U.S. Supreme Court. A leading scholar of voting rights and the political process, Professor Karlan has served as a commissioner on the California Fair Political Practices Commission, an assistant counsel and cooperating attorney for the NAACP Legal Defense Fund, and twice as a Deputy Assistant Attorney General in the U.S. Department of Justice's Civil Rights Division, where she received the Attorney General's Award for Exceptional Service. She is the co-author of leading casebooks on constitutional law, constitutional litigation, and the law of democracy, and serves as co-reporter on the American Law Institute's forthcoming Restatement on Constitutional Torts. She has also written numerous scholarly articles. Before joining Stanford in 1998, she taught at the University of Virginia School of Law and clerked for Justice Harry A. Blackmun of the U.S. Supreme Court and Judge Abraham D. Sofaer of the U.S. District Court for the Southern District of New York. Professor Karlan is a member of the American Academy of Arts and Sciences and the American Law Institute. She earned her B.A. and M.A. from Yale University and her J.D. from Yale Law School.

EMMANUEL MAULEÓN

Associate Professor of Law, University of Minnesota Law School

Emmanuel Mauleón joined the University of Minnesota Law School as an Associate Professor of Law in 2024. His scholarship examines the relationship between protection and violence in law, with a particular focus on policing, state security, race, immigration, and community alternatives to official forms of protection. He teaches courses including Criminal Procedure; Critical Race Theory; Critical Theories of Policing; Race, Sexuality, and the Law; and Latines and the Law. He received the Stanley V. Kinyon Teacher of the Year Award in 2026. Before joining Minnesota Law, Professor Mauleón taught at UCLA School of Law and held fellowships with the Brennan Center for Justice and NYU's Policing Project, and he clerked for Judge Sarah Netburn of the U.S. District Court for the Southern District of New York. His scholarship has appeared in leading law reviews, and his public commentary has been featured in outlets including NPR, TIME, The Economist, and Minnesota Public Radio. He earned his J.D. from UCLA School of Law, where he served on the UCLA Law Review, and holds a B.F.A. in Painting with Highest Honors from the Rhode Island School of Design.

RACHEL MORAN

Professor of Law and Director of Clinical Education, University of St. Thomas School of Law

Rachel Moran is a professor and founder of the Criminal and Juvenile Defense Clinic at the University of St. Thomas School of Law. She has received multiple awards at St. Thomas, including the Dean's Award for Excellence in Scholarship, the Dean's Award for Outstanding Teaching, and the Professor of the Year award. In 2024 she was named a Fulbright U.S. Scholar and spent the Fall 2024 semester in Santiago, Chile, studying the policing of mass protests. Moran focuses her scholarship on issues pertaining to police accountability, policing reform, and public access to records of police misconduct. She was previously named a Bellow Scholar for a research project studying law enforcement administrators' perspectives on laws allowing public access to misconduct records. Her articles have appeared in the Columbia Law Review, Minnesota Law Review, Boston College Law Review, UC Irvine Law Review, Washington Law Review, and Colorado Law Review, among others. She has also provided commentary for the New York Times, Washington Post, CNN, USA Today, Newsweek, PBS NewsHour, and many other national, international, and local media outlets.

MARY MORIARTY

Hennepin County Attorney

Mary Moriarty is the elected Hennepin County Attorney, serving as chief executive of Minnesota's largest public law office. Before her election in 2022, she previously served as Hennepin County's first female Chief Public Defender from 2014 to 2020, following 25 years as a public defender. Early in her career, Moriarty argued *Minnesota v. Dickerson*, a case that would eventually go before the U.S. Supreme Court to establish the landmark "plain feel doctrine," which governs police pat-down searches. As Chief Public Defender, she oversaw approximately 45,000 cases annually and managed a staff of more than 200 attorneys and support personnel. An independent evaluation by the National Center for State Courts recognized the office as one of the country's leading public defender organizations. As County Attorney, Moriarty oversees more than 500 employees and a \$69 million annual budget, setting policies for criminal prosecutions and overseeing child protection, child support, and legal services for Hennepin County government. She earned her B.A. from Macalester College in 1986 and her J.D. from the University of Minnesota Law School in 1989, after which she clerked for Hennepin County Judge Kevin Burke.

TREVOR MORRISON

Professor of Law and Dean Emeritus, New York University School of Law

Trevor Morrison is the Eric M. and Laurie B. Roth Professor of Law and Dean Emeritus at New York University School of Law, where he served as Dean from 2013 to 2022. He also serves as Chief Legal Officer and Senior Presidential Advisor on Institutional Policy at NYU. His research and teaching focus on constitutional law, particularly separation of powers and federalism, and federal courts, with extensive scholarship examining constitutional law within the executive branch and the role of historical practice in understanding the separation of powers. Morrison served as Associate Counsel to President Barack Obama and previously clerked for Judge Betty B. Fletcher of the Ninth Circuit and Justice Ruth Bader Ginsburg of the U.S. Supreme Court. He has also served in the U.S. Department of Justice's Office of the Solicitor General and Office of Legal Counsel and has taught at Cornell and Columbia law schools. Morrison has served on several presidential commissions, including President Biden's Presidential Commission on the Supreme Court and the Permanent Committee for the Oliver Wendell Holmes Devise. He earned his B.A. in history from the University of British Columbia and his J.D. from Columbia Law School and is a Fellow of the American Academy of Arts and Sciences and a member of the American Law Institute and Council on Foreign Relations.

JEROME M. ORGAN

Interim Dean, Bakken Professor of Law, and Co-director of the Holloran Center for Ethical Leadership in the Professions, University of St. Thomas School of Law

Jerome M. Organ is Interim Dean, Bakken Professor of Law, and Co-director of the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law, where he has been a founding faculty member since 2001. His teaching and scholarship span environmental law, property law, legal education, and professional identity formation. Before joining St. Thomas Law, Organ practiced environmental law with Foley & Lardner in Milwaukee and taught at the University of Missouri-Columbia School of Law. His scholarship has examined environmental dispute resolution and the allocation of regulatory authority among federal, state, and local governments, as well as developments in legal education and the formation of professional identity. He is coauthor of several books addressing property, lawyering, interviewing and counseling, and lawyers' moral responsibility. Organ has also been a principal co-investigator of the 2014 and 2021 Surveys of Law Student Well-Being, examining substance use, mental health, and help-seeking behaviors among law students. For more than a decade, he has worked with the Holloran Center to advance the integration of professional identity formation into legal education nationwide. Organ has received numerous teaching honors, including the University of St. Thomas School of Law Dean's Award for Teaching. He earned his B.A. from Miami University and his J.D. from Vanderbilt University Law School, where he served as an editor of the Vanderbilt Law Review and was elected to the Order of the Coif.

MICHAEL PAULSEN

Professor of Law, University of St. Thomas School of Law

Michael Stokes Paulsen is a leading scholar of constitutional interpretation and a professor at the University of St. Thomas School of Law. Before joining St. Thomas, he served as the McKnight Presidential Professor of Law and Public Policy, Briggs and Morgan Professor of Law, and Associate Dean for Research and Scholarship at the University of Minnesota Law School. Professor Paulsen has published extensively in leading legal journals, including the Yale Law Journal, Stanford Law Review, University of Chicago Law Review, and NYU Law Review. He earned his B.A. with distinction from Northwestern University, an M.A. in Religion from Yale Divinity School, and a J.D. from Yale Law School, where he served as an editor of the Yale Law Journal and received the Harlan Fiske Stone Prize for appellate advocacy. Following law school, he served in the U.S. Department of Justice's Criminal Division Honors Program, as staff counsel for the Center for Law & Religious Freedom, and as an attorney-advisor in the Office of Legal Counsel.

DANIEL RICHMAN

Professor of Law, Columbia Law School

Daniel Richman is a professor at Columbia Law School whose teaching and scholarship focus on criminal adjudication, federal criminal law, sentencing, cybersecurity, data privacy, and surveillance law. A former federal prosecutor in the U.S. Attorney's Office for the Southern District of New York, Richman served as chief appellate attorney and worked in the office's organized crime and narcotics units. He previously clerked for Justice Thurgood Marshall of the U.S. Supreme Court and Chief Judge Wilfred Feinberg of the Second Circuit. Before joining Columbia's faculty in 2007, he taught at Fordham Law School and the University of Virginia School of Law. Richman is a recipient of Columbia University's Presidential Award for Teaching and has served as an adviser to former FBI Director James B. Comey and as a consultant to the U.S. Departments of Justice and Treasury. He also chaired New York City's Local Conditional Release Commission under Mayor Michael Bloomberg. Richman earned his B.A. from Harvard University and his J.D. from Yale Law School.

THE HONORABLE PATRICK J. SCHILTZ

Senior Judge, U.S. District Court for the District of Minnesota

Judge Patrick J. Schiltz is a Senior Judge of the U.S. District Court for the District of Minnesota, where he served as Chief Judge from 2022 to 2026. Nominated by President George W. Bush in 2005 and confirmed by the U.S. Senate in 2006, Judge Schiltz has served on the federal bench for two decades. Before his appointment, he was a professor at the University of St. Thomas School of Law, where he also served as Associate Dean, and previously taught at the University of Notre Dame Law School. He began his legal career by clerking for then-Judge Antonin Scalia on the U.S. Court of Appeals for the D.C. Circuit and subsequently for Justice Scalia on the U.S. Supreme Court. Judge Schiltz also practiced law in Minnesota from 1987 to 1995. A native of Duluth, Minnesota, he earned his B.A. from the College of St. Scholastica and his J.D. from Harvard Law School.

GREGORY SISK

Associate Dean of Research; Pio Cardinal Laghi Distinguished Chair in Law; Co-director of the Terrence J. Murphy Institute for Catholic Thought, Law, and Business and Professor of Law; University of St. Thomas School of Law

Gregory Sisk is the Pio Cardinal Laghi Distinguished Chair in Law and Associate Dean of Research at the University of St. Thomas School of Law. He is a nationally recognized scholar of federal courts, civil litigation with the federal government, empirical analysis of judicial decision-making, legal ethics, and constitutional law. He earned his J.D. from the University of Washington Law School and his B.A. from Montana State University. After law school, Sisk served in all three branches of the federal government as a legislative assistant to a United States Senator, a law clerk to a judge on the U.S. Court of Appeals for the Ninth Circuit, and an appellate specialist with the U.S. Department of Justice. He later headed the appellate department of a Seattle law firm and has handled appeals before ten of the thirteen federal courts of appeals and several state appellate courts. Sisk is the author of *Litigation With the Federal Government*, a casebook and treatise, and his empirical research on judicial decision-making received the Law and Society Association's Article Prize in 1999. He remains active in appellate litigation and legal ethics, including briefing cases before the U.S. Supreme Court and serving as an expert witness and consultant on professional responsibility. He also served as reporter for the Iowa Rules of Professional Conduct Drafting Committee and is an elected member of the American Law Institute.

JOSEPH H. THOMPSON

Founding Partner, Thompson Jacobs PLLC; Former Acting U.S. Attorney for the District of Minnesota

Joseph H. Thompson is the former Acting United States Attorney for the District of Minnesota and a 17-year veteran of the Department of Justice. Over the course of his tenure, he led some of DOJ's most significant fraud and public corruption prosecutions, including as lead prosecutor in the 78-defendant Feeding Our Future case, the largest COVID-19 fraud case in the country. As Acting U.S. Attorney, Thompson oversaw all federal prosecutions in the state of Minnesota, including the prosecution of Vance Luther Boelter for the assassination of Representative Melissa Hortman and the investigation of the Annunciation Catholic School shooting. In 2023, Thompson served on the Special Counsel team investigating the unauthorized removal and retention of classified documents discovered at the Penn-Biden Center in Washington DC and President Joe Biden's personal residence in Delaware. Thompson's work has received sustained national and international media attention, including coverage in The New York Times, Wall Street Journal, Washington Post, Financial Times, CNN, BBC News, Fox News, and National Public Radio.

Thompson earned his J.D., with distinction, from Stanford Law School and clerked for the Honorable Rebecca R. Pallmeyer of the U.S. District Court for the Northern District of Illinois and for the Supreme Court of the Republic of Palau. He graduated from Gustavus Adolphus College.

Following his departure from the Department of Justice in January 2026, Thompson founded Thompson Jacobs PLLC, a boutique law firm in Minneapolis that specializes in complex civil litigation, investigations, compliance and anti-fraud work.



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