

2011 ANNUAL MEETING EMPLOYEE BENEFITS PROGRAMS

The following programs will be presented by the member sections of the Joint Committee on Employee Benefits at the 2011 Annual Meeting. The times and locations are subject to change. Programs with an asterisk require a ticket.

Thursday, August 4, 2011

9:00 AM to 10:30 AM

Section of Labor and Employment Law

*Class Action Litigation After Dukes v. Walmart**

This panel will explore the implications of the Supreme Court's review of the 9th Circuit's decision upholding the certification of a gender discrimination class of two million female Walmart employees. The Court's decision is likely to impact the admissibility and use of expert testimony at the class certification stage, including the use of sampling, as well as the standards trial courts at both the state and federal level apply when determining whether to certify a gender discrimination class and when a class may be certified under 23(b)(2).

Moderator: Beth Terrell, *Terrell Marshall & Daudt PLLC* Seattle, WA

Speakers: John C. Coffee, Jr., *Columbia University School of Law*, New York, NY; Roberta L. Steele, *Goldstein Demchak Baller Borgen & Dardarian*, Oakland, CA; Barbara D'Aquila, *Fulbright & Jaworski LLP*, Minneapolis, MN; T. Warren Jackson, *DIRECTV Group Inc.*, El Segundo, CA

Forest Hill Ballroom, 1st Floor
Toronto Marriott Bloor Yorkville
Tickets: \$90.00
Solo, Govt. & Judges: \$35.00

Toronto, Canada

Forest Hill Ballroom, 1st Floor
Toronto Marriott Bloor Yorkville
Tickets: \$90.00
Solo, Govt. & Judges: \$35.00

2:00 PM to 3:30 PM

Section of Health Law and Business Law

*What Every Lawyer Needs to Know about Health Privacy in the U.S. (and Canada)**

The federal HIPAA privacy rules are only one piece of the privacy puzzle. Lawyers who handle health information need to understand the limitations the law places on the access to, handling of, and storage of health information. Lawyers may need to initiate internal policies in their practices related to health information or face potential penalties or civil actions. This program will review these issues from the U.S. perspective, and provide Canadian insight on the approach to health privacy across the U.S. northern border.

Panelists: Jonathan Joseph, *Christian & Barton LLP*, Richmond, VA; Phillip Long, *Brooks, Pierce McLendon, Humphrey & Leonard LLP*, Greensboro, NC; Daniel Fabiano, *Fasken Martineau Dumoulin*, Toronto, Ontario, Canada

Room 717B, 700 Level
Metro Toronto Convention Centre
Tickets: \$90.00
Solo, Govt. & Judges: \$35.00

Friday, August 5, 2011

9:00 AM to 10:30 AM

Section of Labor and Employment Law

*Ensuring Real "Win-Win" Cross-Border Mergers and Acquisition's**

Recent reports indicate that mergers and acquisitions activity and venture investments are on the upswing. Such corporate transactions implicate a variety of legal disciplines and require a team of lawyers on each side from several practice areas. Differences in laws among jurisdictions add a further layer of complexity to such transactions. This panel will examine the key issues in cross border corporate transactions involving U.S. and Canadian parties, focusing on the potential labor, employment, and employee benefits best practices and pitfalls.

Moderator: George L. Washington, *EQUANT*, Oak Hills, VA,

Speakers: Erica A. Tate, *Morrison & Foerster LLP*, San Francisco, CA; Katherine Blostein, *Outen & Golden LLP*, New York, NY; Steve Moldof, *Cohen, Weiss and Simon LLP*,

New York, NY; Donna Walwyn, *Baker & McKenzie LLP*,

2:00 PM to 3:30 PM

Commission on Sexual Orientation and Gender Identity, Section of International Law, Center for Human Rights and the National LGBT Bar Association

*Changing Landscape of LGBT Rights: A Global Look**

The rights of lesbian, gay, bisexual, and transgender (LGBT) persons throughout the U.S. and around the world are in a state of tremendous change. In some countries, governments sponsor or fail to prevent acts of violence against LGBT persons and their advocates. Other countries (including Canada), seek to protect and promote the equal rights of LGBT persons. This session examines both extremes and will address recent developments in a number of areas.

Moderator: D'Arcy Kemnitz, *National LGBT Bar Association*, Washington, DC

Panelists: Saghi Ghahraman, *Persian Gay and Lesbian Organization*, Toronto, Canada; El Farouk Khaki, *Law Office of El Farouk Khaki*, Toronto, Canada; and C. Dixon Osburn, *Human Rights First*, Washington, DC

Room 712 700 Level
Metro Toronto Convention Centre
Tickets: \$90.00
Solo, Govt. & Judges: \$35.00

Saturday, August 6, 2011

8:30 AM to 10:00 AM

Family Law Section

Same-Sex Marriage in North America: A Look at Where We Are Eight Years On*

Same-sex marriage has been a reality in North America beginning with the Ontario and Massachusetts decisions in 2003. The panel will examine the progress of law reform in this area since that time.

Speakers: Martha McCarthy, *Martha McCarthy & Co.*, Toronto, Ontario, Canada; Richard Wilson, *Richard A. Wilson, PC*, Chicago, IL

Room 704, 700 Level
Metro Toronto Convention Centre
Tickets: \$90.00
Solo, Govt. & Judges: \$35.00

10:45 AM to 12:15 AM

Section of Labor and Employment Law

A Divided North America: Comparing LGBT Rights in the U.S. and Canada*

Canadian and U.S. panelists will discuss how their respective countries are addressing (or failing to address) legal issues facing LGBT people including issues related to health benefits, social security benefits, family and medical leave, how employers can or should accommodate transgender employees and other laws that effect employers and employees.

Moderator: Anthony J. Amendola, *Mitchell Silberberg & Knupp LLP*, Los Angeles, CA

Speakers: Shannon Minter, *National Center for Lesbian Rights*, San Francisco, CA; Michael Gottheil, Toronto, Canada; Andrea Zwack, Vancouver, Canada

Forest Hill Ballroom, 1st Floor
Toronto Marriott Bloor Yorkville
Tickets: \$90.00
Solo, Govt. & Judges: \$35.00

11:00 AM to 12:00 PM

Section of Business Law

Employee Benefits and Executive Compensation Business Meeting

TBD
The Westin Harbour Castel

2:00 PM to 3:30 PM

JCEB Program

Health Care Reform: Looking Back at Where Things Stand Now

A panel of government experts and informed practitioners will discuss DOL, Treasury and HHS regulations dealing with some of the most pressing issues facing employers. This program will provide the attendees with an update of the key components of the Act. Learn how the Affordable Care Act and its implications relative to employee benefit design, cost and compliance are relevant to you and your clients.

Moderators: Sally Doubet King, *McGuireWoods LLP*, Chicago, IL and Bernard V. Kearse, *Kearse & Associates, PC*, Atlanta, GA

Panelists: Hon. Phyllis C. Borzi, *Assistant Secretary of Labor, Employee Benefits Security Administration, U.S.*

Department of Labor, Washington, DC; George Bostick, Benefits Tax Counsel, Office of Benefits Tax Counsel, U.S. Department of the Treasury, Washington, DC; Kevin Knopf, Attorney-Advisor, Office of Benefits Tax Counsel, Office of Tax Policy, U.S. Department of the Treasury, Washington, DC and Eugene Holmes, Proskauer, Washington, DC

Room 716B, 700 Level
Metro Toronto Convention Centre
FREE CLE

Sunday, August 7, 2011

7:30 AM to 8:30 AM

Section of Tort Trial and Insurance Practice

Employee Benefits Committee Business Meeting

Cosmopolitan, 4th Floor
Sheraton Centre Toronto Hotel

2:00 PM to 3:30 PM

JCEB Program

ERISA Litigation: Effect on Plan Design

A panel of well-known ERISA practitioners from the plaintiff, defense, Department of Labor and in-house perspectives will discuss a number of the most significant ERISA/employee benefits decisions over the past year, including the Supreme Court's recent decision in *CIGNA Corp. v. Amara*. The panel will discuss how these recent decisions may increase the number of cases filed in the future, as well as their potential impact on governmental enforcement and regulatory initiatives. The panel will also give their impressions and predictions on how these recent cases will impact plan sponsors' approaches to plan selection, design, drafting and administration for both pension and health plans.

Moderator: Jonathan G. Rose, *Alston & Bird LLP*, Washington, DC

Panelists: TBD

Room 716B, 700 Level
Metro Toronto Convention Centre
FREE CLE

Monday, August 8, 2011

2:30 PM to 4:30 PM

Section of Business Law

Investors Have Their Say on Pay: Lessons Learned from the 2011 Proxy Season*

Co-chairs: Ronald Mueller, *Gibson Dunn & Crutcher LLP*, Washington, DC and Gloria Nusbacher, *Hughes Hubbard & Reed LLP*, New York, NY

TBD
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