13th Annual Labor and Employment Law Conference

November 6–9, 2019

Conference Highlights

• Informative and Thought-Provoking Plenary Sessions:
  - Supreme Court Review
  - The Changing Workplace
  - The Power of People Analytics

• The Impact of the Trump Administration on Labor and Employment Law

• Developments in Labor-Management Relations, plus Conversations with the NLRB

• Cutting-Edge Issues in Discrimination, Harassment and Retaliation, including New Developments in Pay Equity and #MeToo Litigation

• Perspectives from the U.S. Equal Employment Opportunity Commission

• Hot Topics in Litigation and Class Actions

• In-Depth Explorations of Workplace Problems and Solutions

• Diversity and Inclusion Luncheon featuring Ted Shaw, Director, Center for Civil Rights, University of North Carolina School of Law at Chapel Hill; former Director-Counsel and President, NAACP Legal Defense and Educational Fund, Inc.

• Special Values Track Program: Body Wisdom and Mindfulness Tools to Enhance Workplace Performance

Register today and take advantage of substantial early discounts!
We are thrilled to share this outline of the activities planned for the 13th Annual Labor and Employment Law Conference, which will be held from November 6–9, 2019 at the Hilton New Orleans Riverside.

At this year’s Conference, you can expect:

• Prominent speakers and exciting and balanced panels
• A full year’s worth of CLE credit at a price that can’t be beat
• A curriculum covering all aspects of labor and employment law practice
• A multi-level program that will be of value regardless of your degree of experience
• Opportunities for you to meet with colleagues representing all perspectives in the labor and employment arena

The Conference Planning Committee, comprised of extraordinary Section members representing all affiliations, has worked tirelessly during the past year to make this the preeminent labor and employment law conference. We are excited to bring together speakers from private practice and government agencies for robust panels and dialogues. During the Conference, you will have the opportunity to confer with top practitioners representing employees, employers, unions and government agencies, as well as neutrals, in-house counsel and academics.

New Orleans has long been one of the Section’s favorite cities. The Hilton Riverside is the perfect setting from which to take full advantage of the Crescent City’s offerings, which will be highlighted by our wonderful Host Committee. We are especially looking forward to our Networking Reception on Friday evening at the House of Blues, featuring entertainment by some of New Orleans’ finest musicians. The reception will allow attendees to interact in a less structured setting and relax after a full day of educational programs.

We urge you to make your plans to attend the Conference and encourage your colleagues to join you, too. You will not want to miss any of it!

Additional program details and registration information are available on the Conference website at www.ambar.org/laborconference. Register by September 20, 2019 to take advantage of substantial early registration discounts.

We look forward to welcoming you at the 13th Annual Labor and Employment Law Conference.

Joseph E. Tilson
Chair

Christopher T. Hexter
Chair-Elect
Wednesday, November 6

• 4:30 pm – 5:00 pm
  **Law Student Orientation**
  Law student attendees are invited to mingle with each other and members of the Outreach to Law Students Committee prior to the start of the Conference. This event will offer students a casual introduction to the ins and outs of the Annual Section Conference.

• 5:00 pm – 6:00 pm
  **First-Time Attendee/New Section Member Orientation**
  If you are a new member of the Section of Labor and Employment Law or if this is your first Section meeting, join your peers for an overview of what you should know about the Section and how to get the most benefit from attending the Conference.

• 6:00 pm – 8:00 pm
  **Welcome Reception and Committee Expo**
  All attendees are invited to meet, greet and network during this opening reception at the Hilton New Orleans Riverside. Section Committees will offer information about publications, services and programs they provide to labor and employment lawyers.
Thursday, November 7

Plenary Sessions

- 9:45 am – 10:00 am
  Welcome and Introductions

- 10:00 am – 11:15 am
  Supreme Court Review
  The Section Secretary will review recent decisions from the Supreme Court and look at what is in the pipeline for the coming term.

  **SPEAKER:**
  Peggie R. Smith, Washington University School of Law, St. Louis, MO

- 4:00 pm – 5:15 pm
  The Changing Workplace
  The media regularly reports about changes to today's workplace, including the rise of the gig economy and other changes in employer-employee relationships, working arrangements, and compensation and employee benefits structures. Disagreements about the consequences of these changes abound, but there’s little doubt that terms and conditions of employment and the nature of the workplace are changing, and, in some respects, significantly. This panel will identify these significant changes, take an in-depth look at where the workplace is headed, explore how changes in labor and employment laws may have impacted unionized and nonunionized workplaces? When does an employer go too far in seeking to prevent or punish arguably offensive employee conduct involving workplace issues? Where do the NLRB and the EEOC stand on this and what regulatory guidance exists to clarify the issues? How might Title VII litigation be impacted by a concurrent arbitration proceeding concerning whether the plaintiff was disciplined for “just cause” under the collective bargaining agreement or employment agreement?

  **MODERATOR:**
  Cynthia E. Nance, University of Arkansas School of Law, Fayetteville, AR

  **PANELISTS:**
  Dennis M. McClelland, Phelps Dunbar LLP, Tampa, FL
  P. Casey Pitts, Altshuler Berzon LLP, San Francisco, CA
  Lynn Rhinehart, Economic Policy Institute, Washington, DC
  George L. Washington, Jr., Orange Business Services, Oak Hill, VA

  **Sponsored by Welch Consulting**

  **Discrimination, Harassment and Retaliation Track**
  Sponsored by Welch Consulting

  • 8:00 am – 9:15 am
    Balancing Employee Rights Under the NLRA with Employer Obligations Under Title VII
    This panel will explore the tension that exists, or that is perceived to exist, between the right of employees to engage in protected concerted activity under the National Labor Relations Act and the obligation of employers to prevent discrimination and harassment under the federal and state discrimination laws. What special considerations are involved in investigating, prosecuting and defending these types of claims in concert in unionized and nonunionized workplaces? When does an employer go too far in seeking to prevent or punish arguably offensive employee conduct involving workplace issues? Where do the NLRB and the EEOC stand on this and what regulatory guidance exists to clarify the issues? How might Title VII litigation be impacted by a concurrent arbitration proceeding concerning whether the plaintiff was disciplined for “just cause” under the collective bargaining agreement or employment agreement?

  **PANELISTS:**
  Sarah Burke, National Labor Relations Board, Seattle, WA
  Ryan A. Hagerty, Asher Gittler & D’Alba, Ltd., Chicago, IL
  Sonya Richburg, Coca-Cola Bottling Co. Consolidated, Charlotte, NC
  Brent L. Wilson, Eltkeye, Thompson, Sapp & Wilson, LLP, Atlanta, GA

  **EMPLOYEE BENEFITS TRACK**
  • 11:30 am – 12:45 pm
    Determining Pregnancy- and Disability-Related Leave
    Panelists will discuss the interplay between accommodation and leave requests under the PDA, ADAAA and FMLA, along with the potential consequences for mishandling such requests. Learn best practices for employers and employees in navigating this process and hear a discussion of the latest litigation trends.

  **PANELISTS:**
  Kimberley Chaput, Association of Flight Attendants, Astoria, OR
  Amber Trzinski Fox, U.S. Equal Employment Opportunity Commission, Washington, DC
  Sidney O. Minter, Jackson Lewis PC, Raleigh, NC
  Gillian Thomas, ACLU Women’s Rights Project, New York, NY
  Trish Wray, Duke Energy Corporation, Charlotte, NC

  • 2:30 pm – 3:45 pm
    Causation Standards under Employment Discrimination Statutes: But-For, Motivating Factor, Pretext: What Does It All Mean?
    Although plaintiffs always bear the burden of proving discrimination, the causation standards courts have constructed do not always seem to mean the same thing to every judge in every jurisdiction. This presentation will explore how causation standards do or do not differ at various procedural stages of a case and when attempting to prove a claim of Title VII discrimination, Title VII retaliation, age discrimination under the Age Discrimination in Employment Act, and other common types of discrimination claims.

  **PANELISTS:**
  Stephen P. Beiser, McGlinchey Stafford, New Orleans, LA
  Paul W. Mollica, Outten & Golden LLP, Chicago, IL
  Peter Varney, UNC Health Care, Chapel Hill, NC

  **EMPLOYEE BENEFITS TRACK**
  • 11:30 am – 12:45 pm
    What Every Employment Litigator Should Know About Employee Benefits
    The resolution of employment litigation often involves issues related to employee benefits. This program will explore employee benefit issues for employment litigators.

  **PANELISTS:**
  Maria C. Cangemi, Robein, Urnan, Spencer, Picard & Cangemi, APLC, New Orleans, LA
  Stacey C.S. Cerrone, Proskauer Rose LLP, New Orleans, LA
  Denise M. Clark, The Clark Law Group, Washington, DC

  • 2:30 pm – 3:45 pm
    What Every Employment Litigator Should Know About Employee Benefits
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  Stacey C.S. Cerrone, Proskauer Rose LLP, New Orleans, LA
  Denise M. Clark, The Clark Law Group, Washington, DC
2:30 pm – 3:45 pm
**Navigating an Employee Benefit Plan Audit**
The U.S. Department of Labor conducts investigations of pension, 401(k), health and welfare, and other types of employee benefit plans. This panel will discuss the DOL investigatory process and prepare advocates to help their clients navigate a DOL investigation.

**PANELISTS:**
Benjamin Eisner, Spear Wilderman PC, Philadelphia, PA
Alyia Robinson, ERISA Industry Committee (ERIC), Washington, DC
Joanne Roskey, U.S. Department of Labor, Washington, DC
Michelle Thomas, Kaiser Permanente, Oakland, CA

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2:30 pm – 3:45 pm
**The Current Administration’s Impact on the Federal Workplace**
This panel will review the key changes that the Trump Administration has brought to the federal workforce. Both the implemented and proposed changes have raised a host of legal issues that will be discussed, including the First Amendment and free speech rights for federal workers, collective bargaining rights, and the impact of the May 2018 Executive Orders on the federal workplace. Panelists will offer their insights about how the Trump Administration approaches these rights and responsibilities, as well as suggest best practices for dealing with the new political realities.

**PANELISTS:**
Cathy Harris, Kator, Parks, Weiser & Harris, PLLC, Washington, DC
Tristan Leavitt, U.S. Merit Systems Protection Board, Washington, DC
Cathie McQuiston, American Federation of Government Employees, Washington, DC
Jeff Rosenblum, Federal Deposit Insurance Corporation, Washington, DC
Nick Schwellenbach, Project on Government Oversight (POGO), Washington, DC

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2:30 pm – 3:45 pm
**The Brave New World: NAFTA 2.0, BREXIT and Cross-Border Labor Migration**
Political and economic changes are sweeping the globe, as are changes to the common law, statutory and regulatory framework governing a global workforce.

Until now, citizens of European Union member states have been entitled to free movement across borders. UK employers have been free to employ French, Polish and other EU citizens from outside the UK, and European employers have been free to hire British citizens. Simultaneously, NAFTA provided employers with some ability to move key personnel, especially executives, managers and professionals, across borders among Canada, the US and Mexico. The United States-Mexico-Canada Agreement (USMCA), which, assuming ratification, will replace NAFTA, has somewhat different provisions about cross-border employee mobility. This panel will examine, from a comparative perspective, the effects of these changes on US-based employers operating in the UK, the EU and in multiple countries within North America.

**PANELISTS:**
Osvaldo O. Barsanti, D’Auria & Barsanti, Buenos Aires, Argentina
Min Belk, Dentsply Sirona, York, PA
Owen E. Harrnstadt, International Association of Machinists & Aerospace Workers, Upper Marlboro, MD
Danny J. Kauf, Borden Ladner Gervais LLP, Montréal, QC
Marcia Longdon, Kingsley Napley, London, United Kingdom
Kushal Patel, Laura Devine Attorneys, New York, NY

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2:30 pm – 3:45 pm
**Pay Equity around the World: The Next Chapter of the #MeToo Movement**
This session will examine the developments in pay equity around the world. More than ever, governments are enacting new equal pay laws and taking other steps to reduce the wage gap between men and women. The panelists will examine these developments and assess their impact.

**PANELISTS:**
Chris Benson, Leigh Day, London, United Kingdom
Colleen Cleary, CC Solicitors, Dublin, Ireland
Nicole Groves, Facebook, New York, NY
Kimberly Y. Jones, Athena Legal Strategies Group, Boston, MA
Kathryn G. Mantoan, Orrick, Herrington & Sutcliffe LLP, San Francisco, CA
Yona Rozen, AFL-CIO, Washington, DC

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8:00 am – 9:15 am
**Living the High Life: How Legalizing Marijuana Impacts the Modern Workplace**
With the explosion of states legalizing marijuana for medical and/or recreational use, employers are more frequently confronting how to deal with the employee who uses marijuana, including considerations related to drug testing policies. Indeed, employers in this new industry themselves face intriguing challenges in operating businesses that violate federal law while being sanctioned by certain states. This program will address substantive and procedural issues from the perspective of the employer, employee and union representatives, identifying current legal obligations and forecasting on where these obligations may change as legalized marijuana becomes even more widespread.

**PANELISTS:**
Bennett Allen, Cook & Logothetis, LLC, Cincinnati, OH
Luis Avila, Varnum LLP, Grand Rapids, MI
Erica Brown, Dawn Foods Global, Jackson, MI
Kyle Todd, Law Offices of Kyle Todd, Los Angeles, CA
• 11:30 am – 12:45 pm
Meet the National Labor Relations Board
There have been significant changes in the priorities of the NLRB since the Obama Board. Hear from the Chairman and Members of the Trump Board as they discuss and share insights on decisions as well as agency initiatives and developments since their panel last year.

PANELISTS:
Hon. John F. Ring, National Labor Relations Board, Washington, DC (invited)
Hon. Lauren McFerran, National Labor Relations Board, Washington, DC (invited)
Hon. Marvin E. Kaplan, National Labor Relations Board, Washington, DC (invited)
Hon. William J. Emanuel, National Labor Relations Board, Washington, DC (invited)

MODERATORS:
Jennifer Platzkere Snyder, Dilworth Paxson LLP, Philadelphia, PA
Gwynne A. Wilcox, Levy Ratner, P.C., New York, NY

• 2:30 pm – 3:45 pm
Meet the National Labor Relations Board General Counsel
Having completed nearly two years in office, the General Counsel of the NLRB will discuss his vision as General Counsel as well as recent developments, initiatives and changes that have been implemented since last year’s Conference.

MODERATORS:
Jennifer Abruzzo, Communication Workers of America, Washington, DC
Amy J. Zdravecky, Barnes & Thornburg LLP, Grand Rapids, MI

PANELISTS:
Hon. Peter B. Robb, National Labor Relations Board, Washington, DC (invited)
Alice B. Stock, National Labor Relations Board, Washington, DC (invited)

Litigation and Class Action Track
Sponsored by Welch Consulting

• 8:00 am – 9:15 am
State Law Limitations on the Use of Non-Competition or Non-Solicitation Agreements: How Enforcement Actions Are Impacted in this Ever-Changing Landscape
Several states have enacted or are in the process of enacting laws restricting the use of non-competition and non-solicitation agreements. How do these laws square up with the Defend Trade Secrets Act, and what is a litigator’s best strategy for enforcement/defense of these restrictive agreements? How does the employer/employee’s conduct impact enforcement actions?

PANELISTS:
Joseph Y. Ahmad, Ahmad, Zavitsanos, Anapakos, Alawi & Mensing PC, Houston, TX
William Hamilton, University of Florida College of Law, Gainesville, FL
Sepideh Smith, CNH Industrial America LLC, Burr Ridge, IL (invited)
Eric A. Tate, Morrison & Foerster, San Francisco, CA

MODERATOR:
Denis Dembowski, Bloomberg Law, Washington, DC

• 11:30 am – 12:45 pm
Motions in Limine: How to Best Use them to Your Advantage
Motions in limine are usually an afterthought. But thinking early about how they can be used to your advantage may be an important strategic benefit. This panel will discuss the pros and cons of motions in limine; which ones plaintiffs and defendants should consider filing and looking out for; and how to draft and respond to them.

PANELISTS:
Hon. Linda T. Walker, U.S. District Court for the Northern District of Georgia, Atlanta, GA
Uche N. Egemonye, U.S. Department of Labor, Atlanta, GA
Marcus G. Keegan, Keegan Law Firm, LLC, Atlanta, GA
Vanessa M. Kelly, Clark Hill PLC, Princeton, NJ

• 2:30 pm – 3:45 pm
Crafting Winning Opening Statements and Closing Arguments for a Judge or Arbitrator
During the opening statements and closing arguments in a bench trial or arbitration, it is essentially the lawyer that is on trial. This panel will discuss the function and role of both opening statements and closing arguments and how they differ, including how to set the tone for trial or arbitration and how to develop a coherent theme that is ultimately knit together in the end. Panelists will provide tips on engaging a judge or arbitrator (as opposed to a jury) from the start and becoming likeable and trustworthy – two essential components for an effective trial lawyer.

PANELISTS:
Denise K. Drake, Polsinelli PC, Kansas City, MO
Hon. Irma E. Gomez (ret.), JAMS, San Diego, CA
Megan Mechak, McGuilivary Steele Elkin LLP, Washington, DC

Practice and Professionalism Track

• 8:00 am – 9:15 am
How to Avoid and Respond to Sanctionable Conduct: Lessons from Inside the Sandbox (Ethics)
This panel will use real-life labor and employment cases and inspired-by-a-true-story hypotheticals to discuss different types of sanctionable conduct, how to avoid unintentional mishaps, and how to respond when opposing counsel goes low.

PANELISTS:
Hon. Christopher “Casey” Cooper, U.S. District Court for the District of Columbia, Washington, DC
Paula J. Frederick, State Bar of Georgia, Atlanta, GA
Ellen J. Messing, Messing, Rudavsky & Welky, P.C., Boston, MA
Dawn Siler-Nixon, FordHarrison, Tampa, FL

Public Sector Track

• 8:00 am – 9:15 am
When and Where Are Public Employee Strikes Legal?
In the last few years, there has been a number of public employee strikes across the country. Most notably, there have been teacher strikes in several “red” states that have received national attention. This session will look at public employee strikes, at the differences in various states’ laws governing public employee strikes, and the outcome of recent public employee strikes.

PANELISTS:
Lewis G. Brewer, Lewis G. Brewer PLLC, Charleston, WV
Emma Leheny, National Education Association, Washington, DC
Emily Martin, Washington Public Employment Relations Commission, Kirkland, WA
Alexander A. Molina, Los Angeles Unified School District, Los Angeles, CA
**Whistleblower Track**

**8:00 am – 9:15 am**

**Whistleblower Laws and Issues from Across the Globe:** It's a Small World After All  
Like it or not, we live in a global world: many American employers operate in multiple countries. What whistleblower protections do those countries have, and how do they compare with ours? What are the employers’ systems for complying with these numerous laws? Can foreign employees blow the whistle in the US under US law? What are the pluses and minuses of the multiple systems, both for employers and for employees? The panel will explore these and related topics and provide practical advice for employers and employees operating – or thinking of operating – outside the US.

**PANELISTS:**  
Deborah Casale, Slater and Gordon  
Andrea Gangemi, Portolano Cavallo  
Mary Inman, Constantine Cannon LLP  
Jane A. Norberg, Securities and Exchange Commission, Washington, DC  
Victoria Richter, Deutsche Bank, New York, NY

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**Workers’ Compensation Track**

**11:30 am – 12:45 pm**

**Alphabet Soup and the Employment Lawyer: The Interplay of FMLA, ADA and WC**  
This panel will bring the general employment lawyer through various scenarios in which the Family and Medical Leave Act, Americans with Disabilities Act and state workers’ compensation laws overlap, helping to highlight the advantages and disadvantages of each law as far as protections to the employee and to the employer, and guiding the general employment lawyer to avoid pitfalls and traps not always obvious to the uninitiated.

**PANELISTS:**  
Daisy Gurdian Kane, Ochsner Health System, New Orleans, LA  
Robert L. Hendrix III, Morgan & Morgan, Columbus, GA  
Elizabeth Connellan Smith, Verrill Dana, LLP, Portland, ME

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**Workplace Problems and Solutions Track**

**11:30 am – 12:45 pm**

**Ensuring Pay Equity**  
In addition to the federal Equal Pay Act, states are adding or strengthening laws requiring equal pay for equal work. This program will go beyond a survey of the law and will identify legal risks and practical tips to promote pay equity. How can an employer provide equal pay for substantially equal work? The panel will discuss how to determine whether jobs are comparable, conduct pay equity analysis, determine whether differences in pay are based on legitimate factors other than sex, and address unexplained pay differentials.

**PANELISTS:**  
Eve H. Cervantez, Altshuler Berzon LLP, San Francisco, CA  
Erin M. Connell, Orrick, Herrington & Sutcliffe LLP, San Francisco, CA  
Nathan D. Woods, Ph.D., Edgeworth Economics, L.L.C., Washington, DC

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**2:30 pm – 3:45 pm**

**The EEOC's Pay Reporting Requirement: Will It Persist and Impact the Pay Gap?**  
Earlier this spring, the U.S. District Court for the District of Columbia ordered the EEOC to reinstate a pay data requirement. The EEOC has since announced covered U.S. employers must submit pay data for calendar years 2017 and 2018 by September 30, 2019. The new reporting requirement and state equal pay and pay transparency laws continue to create new legal obligations but also increase pressure for a greater understanding of pay equity issues, including how to address or explain pay gaps. This panel will explore the current state and future of the EEO-1 Component 2 pay reporting requirement in the U.S., the impact of other pay reporting requirements around the globe, whether the reporting requirement will move the needle toward more equitable pay, and some of the more practical and privacy implications.

**PANELISTS:**  
Anne B. Shaver, Lieff, Cabraser, Heimann & Bernstein, LLP, San Francisco, CA
Friday, November 8

Plenary Sessions

• 9:45 am – 10:00 am
  ABA Section of Labor and Employment Law Award Presentations

• 10:00 am – 11:15 am
  The Power of People Analytics

Employers are using people analytics to make employment decisions. Some employers have entire people analytics teams to further business goals such as recruiting and selecting employees, increasing productivity, improving employee morale, and implementing diversity and inclusion initiatives. As the use of people analytics grows in the workplace, it is important for labor and employment lawyers to understand this burgeoning field and its impact on the workplace. This panel will explore the science behind people analytics, how C-Suites and HR teams are using this data publicly and internally for diversity and inclusion purposes, and the many litigation-related questions this data collection raises. Panelists will consider these questions and provide insights into whether the use of people analytics is more helpful or hurtful to workplaces and diversity and inclusion initiatives.

**Panelists:**
- Peter Boumgarden, Ph.D., Washington University in St. Louis, St. Louis, MO
- Emily M. Dickens, Society for Human Resource Management, Alexandria, VA
- James M. Finberg, Altschuler Berzon LLP, San Francisco, CA
- Samantha C. Grant, Sheppard Mullin Richter & Hampton LLP, Los Angeles, CA

**Moderator:**
- Kelly M. Dermody, Lieff, Cabraser, Heimann & Bernstein, LLP, San Francisco, CA

**Discrimination, Harassment and Retaliation Track**
Sponsored by Welch Consulting

• 8:00 am – 9:15 am
  OFCCP’s New Focused Reviews

This session will examine how OFCCP’s efforts to change disability compliance and inclusion have impacted federal contractors’ and subcontractors’ compliance efforts and explore whether OFCCP’s emphasis on disability compliance will be an impetus for a culture change. Panelists will discuss the current status of the reviews and also will provide insights on how to create a diverse and inclusive workplace culture for individuals with disabilities.

**Panelists:**
- Keir Bickerstaff, U.S. Department of Labor, Washington, DC
- Craig E. Leen, U.S. Department of Labor, Washington, DC
- Catherine (Cay) Thompson, Raytheon Company, Boston, MA
- Annette Tyman, Seyfarth Shaw LLP, Chicago, IL

• 9:45 am – 10:00 am
  Employment Law Award

**Panelists:**
- Yvette D. Everhart, Sass Law Firm, Tampa, FL
- Janis Johnson, SunTrust Banks, Atlanta, GA
- Nolan Lafler, Blitman & King LLP, Syracuse, NY
- Angelique R. Vincent-Hamacher, Robinson, Bradshaw & Hinson, P.A., Charlotte, NC

• 11:30 am – 12:45 pm
  Who is Entitled to Protection from Retaliation? (Fundamentals)

In Thompson v. North American Stainless, the Supreme Court held “firing a close family member [of a complainant] will almost always” permit a claim for third party retaliation. Since Thompson, third party retaliation claims have continued to grow. This panel will discuss how courts have determined whether different co-employee relationships were sufficient to allow a third party retaliation claim to proceed. The panel will also compare the analysis of third party claims under Title VII with analysis of such claims under anti-retaliation provisions of other labor laws such as the FLSA.

**Panelists:**
- Wynter P. Allen, Alden Law Group, PLLC, Washington, DC
- Lucas J. Kaster, Nichols Kaster, PLLP, Minneapolis, MN
- Carson H. Sullivan, Paul Hastings LLP, Washington, DC

• 2:15 pm – 3:30 pm
  Addressing Constructive Discharge in the Individual Discrimination and Harassment Claim

When the plaintiff quits prior to a distinct adverse action, a host of issues arise. Was the plaintiff’s decision justified? What evidence do you need to prove constructive discharge? What’s the impact on damages? This panel will use hypothetical scenarios to explain how to prove or disprove constructive discharge and succeed at trial. The panel also will explore how constructive discharge impacts damages and strategies to maximize or minimize the emotional distress damages that result.

**Panelists:**
- Nolan Lafler, Bickerstaff, Hooper, Siegel, & Thompson, Chicago, IL
- Yvette D. Everhart, Sass Law Firm, Tampa, FL
- Janis Johnson, SunTrust Banks, Atlanta, GA
- Nolan Lafler, Blitman & King LLP, Syracuse, NY
- Angelique R. Vincent-Hamacher, Robinson, Bradshaw & Hinson, P.A., Charlotte, NC

• 4:00 pm – 5:15 pm
  Is Using Implicit Bias to Prove Discrimination under Title VII and Other Antidiscrimination Statutes a Viable Option?

It is common knowledge that implicit bias is a real phenomenon – no matter how self-aware a person claims to be, everyone harbors some internal biases. But can an employee successfully claim that her employer’s implicit biases motivated an adverse action? How “intentional” does the discrimination have to be? Is expert testimony on this subject admissible? This panel will explore parties’ use of implicit bias and the testimony of social science experts to prove or rebut claims of employment discrimination. In addition to addressing employee’s and employer’s experience with using implicit bias as a strategy, this presentation will feature a social science expert who has been retained in employment matters and a judge to discuss her experience with the
use of implicit bias in employment cases and her reactions when employees use this evidence to criticize the decisions of their employers.

**PANELISTS:**
- Hon. J. Michele Childs, U.S. District Court for the District of South Carolina, Columbia, SC
- Lloyd B. Chinn, Proskauer Rose LLP, New York, NY
- Lindsey E. Krause, Nichols Kaster, PLLP, Minneapolis, MN
- Melissa S. Woods, Cohen, Weiss and Simon, LLP, New York, NY
- Sheree C. Wright, Vanderbilt University, Nashville, TN

**Immigration and Human Trafficking Track**

- **8:00 am – 9:15 am**
  - **What Every Labor and Employment Lawyer Needs to Know about Immigration Law (Fundamentals)**
  
  This program will take the foundation provided at the 2018 Conference and expand upon it in key areas, including common visa classifications (H-1B and H-2B), worksite enforcement, reductions in force, and mergers and acquisitions. Guided by expert practitioners, this panel will help those wishing to cross over into the practice of immigration law – or those wishing to learn how to spot immigration issues – gain a stronger foundation for doing so.

  **PANELISTS:**
  - Kathryn Brown, Justice at Work, Philadelphia, PA
  - Jonathan A. Grode, Green & Spiegel LLC, Philadelphia, PA
  - Monica T. Guizar, Weinberg & Rosenfeld, Los Angeles, CA
  - Marisa Warren Sternstein, Dentus Aegis Network, New York, NY

- **2:15 pm – 3:45 pm**
  - **Revisiting Creative Responses to Gender-Based Violence in the Workplace and in Global Supply Chains**
  
  Gender-based violence continues to be a severe workplace issue that leaves women workers more vulnerable to human trafficking and other labor abuses. In June 2017, the International Labor Organization’s (ILO) began a world-wide Dialogue on Violence Against Women and Men in the Workplace. Since then, a broad range of creative proposals have been advanced to improve working conditions and legal compliance with international and national laws. This program will benefit practitioners from every perspective by providing the most developed “best practices” for employers, trade unions and other stakeholders to assist them in identifying and eliminating gender-based violence throughout global supply chains. Panelists will review available U.S. and international legal frameworks, including worker protection and civil rights statutes and criminal penalties, as well as seizure and criminal remedies available under the recently amended Tariff Act that prohibits importation of goods produced in whole or in part with forced labor.

  **PANELISTS:**
  - Eric Carlson, International Labour Organization, Geneva, Switzerland
  - Karen M. Edwards, International Paper, Memphis, TN
  - Gerald T. Hathaway, Drinker Biddle & Reath LLP, New York, NY
  - Jennifer “JJ” Rosenbaum, Global Labor Justice, Washington, DC
  - Robin R. Runge, Solidarity Center, Washington, DC

**International Track**

- **11:30 am – 12:45 pm**

  **Addressing Workplace Mental Health Issues around the World**

  Mental health has come into much sharper focus in recent years, and employers, employees and unions alike are being faced with challenges, both in relation to responding to the mental health of employees and ensuring appropriate steps are taken to protect the mental health and wellbeing of employees. This session will look at the legislative and collective bargaining approaches around the world to worker protections in relation to mental health issues and risks at work, best practices and protocols being adopted by employers and unions to reduce those risks, and initiatives internationally to raise awareness and remove the stigma for workers coping with mental health issues at work.

  **PANELISTS:**
  - Sarah Chilton, CM Murray LLP, London, United Kingdom
  - Cristiano Cominotto, AL Assistenza Legale, Milan, Italy
  - Judy Krebs, SEIU 775, Seattle, WA
  - Patrick Krill, Arid Strategies, Minneapolis, MN
  - Camille A. Olson, Seafarth Shaw LLP, San Francisco, CA

**Labor-Management Relations Track**

Sponsored by American Arbitration Association

- **8:00 am – 9:15 am**
  - **NLRA Basics: An Interactive Labor Law Primer (Fundamentals)**
  
  Using a series of hypotheticals drawn from real-life scenarios, this program will lead the audience step by step through various legal issues arising under the National Labor Relations Act, beginning with issues facing non-union workplaces, and continuing through union organizing drives, collective bargaining and various scenarios that could create unfair labor practices.

  **PANELISTS:**
  - Allison Anderson, Foley Hoag LLP, Boston, MA
  - Steven Flager, WestRock Company, Atlanta, GA
  - Genaira Tyce, National Labor Relations Board, Brooklyn, NY
  - Lindsey Wagner, Scott + Wagner and Associates, Los Angeles, CA
  - Hannah S. Weinstein, Rothner, Segall & Greenstone, Pasadena, CA

- **11:30 am – 12:45 pm**

  **The Ethics of Collective Bargaining: Bigger and Better! (Ethics)**

  As last year’s popular interactive ethics program made clear, union and management attorneys face a myriad of ethical issues in negotiating collective bargaining agreements. Against a new factual backdrop, this program will allow attendees to explore more ethical issues that arise in connection with collective bargaining and labor relations issues.

  **PANELISTS:**
  - Vanessa D. Bullock, Federal Mediation and Conciliation Service, Philadelphia, PA
  - Pamela Chandran, UNAC/UHCP, San Dimas, CA
  - Susan Davis, Cohen, Weiss and Simon LLP, New York, NY
  - Brenda D. Pryor, SIU School of Medicine, Springfield, IL
  - Jamie R. Rich, Greenberg Traurig, LLP, San Francisco, CA
13th Annual Labor and Employment Law

- 2:15 pm – 3:30 pm
  Evolving Labor Issues in the Gig Economy
  The rise of the gig economy – characterized by employment relationships that are designed to be temporary and flexible – has presented unique issues in the area of labor law. With this type of employment relationship becoming increasingly common, how should practitioners confront common labor problems in this new context? Panelists will provide an open-ended exploration of the issues involved for various practitioners.
  
  **PANELISTS:**
  - Johnda Bentley, SEIU, Washington, DC
  - Caryl Flannery, Centene Corporation, St. Louis, MO
  - Richard F. Griffin Jr., Bredhoff & Kaiser PLLC, Washington, DC
  - Lori Armstrong Halber, Reed Smith LLP, Philadelphia, PA

- 4:00 pm – 5:15 pm
  Does the Railway Labor Act Need a Formal Union Decertification Procedure?
  Panelists will debate whether the National Mediation Board should institute a formal decertification procedure.
  
  **PANELISTS:**
  - Kevin Brodar, United Transportation Union, North Olmsted, OH
  - Marc Esposito, Delta Airlines, Atlanta, GA
  - Kyle Fortson, National Mediation Board, Washington, DC
  - Aparna B. Joshi, O’Melveny & Myers LLP, Los Angeles, CA
  - Stephen B. Moldof, Cohen, Weiss and Simon LLP, New York, NY

Litigation and Class Action Track
Sponsored by Welch Consulting

- 8:00 am – 9:15 am
  Trying the Challenging Employment Case
  This panel will discuss strategies for trying some of the more complex/thorny issues in a sexual harassment case to a jury, judge or arbitrator. Issues to be covered include the handling of delayed reporting of harassment by the plaintiff (e.g., “#WhyIDidntReport” arguments), the introduction of, and challenges to, “MeToo” evidence, addressing the continuing violation theory at trial, direct and cross-examination of alleged harassers and victims, and handling challenges presented by the “serial plaintiff” and the “equal opportunity offender.”

  **PANELISTS:**
  - Hon. Rebecca R. Pallmeyer, U.S. District Court for the Northern District of Illinois, Chicago, IL
  - Lisa J. Banks, Katz, Marshall & Banks, Washington, DC
  - Eric L. Barnum, Baker & Hostetler LLP, Atlanta, GA
  - Sara J. Geenen, The Previant Law Firm, S.C., Milwaukee, WI

- 11:30 am – 12:45 pm
  Tips for Identifying the Best Jury for Your Case in the Social Media Age
  Jury selection is as important as any other aspect of trial. Ideally, you will have given thought to a strategy for potential jurors who are best for your case and set of claims. In the short amount of time you have with potential jurors, how do you obtain information and best identify the juror that is perfect for your case, or worse, the disaster juror? How do you demonstrate your likeability and trustworthiness during a process where you are eliminating jurors or peering into their personally held beliefs and private life? Panelists will provide their views on jury selection dos and don’ts.

  **PANELISTS:**
  - Michael P. Royal, Littler Mendelson P.C., Dallas, TX
  - Michael C. Subit, Frank Freed Submit & Thomas LLP, Seattle, WA
  - Jill Huntley Taylor, Ph.D., Dispute Dynamics, Philadelphia, PA

- 2:15 pm – 3:30 pm
  Crafting Winning Opening Statements and Closing Arguments in a Jury Trial
  During the opening statements and closing arguments in a jury trial, it is essentially the lawyer that is on trial. This panel will discuss the function and role of both opening statements and closing arguments and how they differ, including how to set the tone for trial and how to develop a coherent theme that is ultimately knit together in the end. Panelists also will provide tips on engaging the jury from the start and becoming likeable and trustworthy – two essential components for an effective trial lawyer.

OSHA Track

- 4:00 pm – 5:15 pm
  Recent Developments at OSHA
  The panel will discuss the state of the Occupational Safety and Health Administration during the first two years of the Trump Administration. Panelists will discuss what they are seeing in OSHA enforcement, litigation and new or pending rule or policy changes.

  **PANELISTS:**
  - Esmeralda Aguilar, Sherman Dunn, P.C., Washington, DC
  - Eric J. Conn, Conn Maciel Carey LLP, Washington, DC
  - Anne R. Godoy, U.S. Department of Labor, Washington, DC
  - Nicole Marquez, Worksafe, Oakland, CA
Practice and Professionalism Track

- 4:00 pm – 5:15 pm
   **Ethical Strategies for Dealing with Overly Aggressive Counsel: You Can Go Higher (Ethics/Fundamentals)**

Facing scorched earth tactics and other unprofessional conduct and/or unethical tactics from counsel can be daunting for everyone but especially for new attorneys. This program will use scenarios from labor and employment cases to discuss what counsel should do when faced with challenging behavior. Learn to push back ethically and professionally at depositions, telephone conferences, email and motion and practice work.

**PANELISTS:**
- Hon. Karen Wells Roby, U.S. District Court for the Eastern District of Louisiana, New Orleans, LA
- Blanca Banuelos, California Rural Legal Assistance, Stockton, CA
- Eric W. Iskra, Spilman Thomas & Battle PLLC, Charleston, WV
- Nicole E. Teixeira, Leonard Carder LLP, Oakland, CA

Technology Track

- 8:00 am – 9:15 am
   **Technology in the Age of #MeToo**

The #MeToo and #TimesUp movements have produced a cascade of revelations concerning serious sexual harassment and other gender-based discrimination in the workplace. These movements have questioned the status quo in many, if not all, industries. How (and what) technology should be employed to address this crisis? And, what are the legal implications, practical impacts, and ethical queries for management, government, unions, and individuals when these technologies are employed?

Drawing from their respective expertise and experience, this panel will address these questions in depth. In doing so, panelists will provide insight on technology aiming to prevent pay inequities, gender discrimination and sexual harassment and to assist in the investigation and resolution of claims. They will also discuss this technology’s implementation in the workplace, in investigations, and in the courtroom.

**PANELISTS:**
- Gail Schneider Eisenberg, Stowell & Friedman, Ltd., Chicago, IL
- Angie Cowan Hamada, Allison Slutsky & Kennedy, P.C., Chicago, IL
- Michelle G. Marks, Epstein Becker & Green, P.C., Chicago, IL
- Jenny R. Yang, Open Society Foundations, Fellow, Washington, DC

- 11:30 am – 12:45 pm
   **Surveillance, Perception of Surveillance and the Challenges of Work in the Age of Scanners, Electronic Communication and Social Media (Ethics)**

In the last two decades, technologies that track the conduct of employees (and prospective employees) on, and off, duty have increased exponentially. Most Americans have online consumer and social media footprints that are massive, which often are accessible to employers. This panel will consider these tracking technologies and the use of workers’ electronic data, how they are being used, ethical and legal considerations from employer, employee, union and government perspectives, and the use of data drawn from these technologies in litigation.

**PANELISTS:**
- Gail A. Glick, Alexander Krakow + Glick LLP, Los Angeles, CA
- Nicky Jatana, Jackson Lewis P.C., Los Angeles, CA
- Gavin W. Manes, Ph.D., Avansis, Tulsa, OK
- Steven C. Steinberg, Anti-Defamation League, Washington, DC
- Clement L. Tsao, Brunstetter, Stranch & Jennings, PLLC, Nashville, TN

Wage and Hour Track

Sponsored by Welch Consulting

- 8:00 am – 9:15 am
   **Navigating State Wage and Hour Laws**

Many states have wage and hour laws that offer greater protections to workers and stricter requirements for employers than the FLSA. Application of the states’ ABC and other tests for determining whether a worker is an employee and longer statutes of limitations are just two examples. Workers are increasingly bringing state law claims instead of or in conjunction with FLSA claims. This panel will explore trends in state law claims being filed (including tip credit and fluctuating work week pay period issues as well as different standards for penalties) and discuss best practices to ensure employer compliance.

**PANELISTS:**
- C. Andrew Head, Head Law Firm, LLC, Chicago, IL
- Robyn B. Klinger, Workplace Counsel and Investigations, Newton, MA
- Gregory McGillivary, McGillivary Steele Elkin LLP, Washington, DC
- Lauren Thibodeaux, Nike, Inc., Beaverton, OR

- 11:30 am – 12:45 pm
   **Meet the Department of Labor: A Discussion of Strategic Initiatives in 2019 and Beyond**

The Department of Labor has been busy continuing enforcement while rolling out new initiatives, regulations and guidance. This panel will discuss what the DOL has accomplished and is trying to accomplish, including changes to the proposed salary threshold for the FLSA’s white-collar exemptions, joint employment, the newly-created Office of Compliance Initiatives, and the DOL’s digital reference guide, use of opinion letters, and other compliance tools. Panelists also will discuss the DOL’s ongoing areas of enforcement.

**PANELISTS:**
- Hon. Kate O’Scannlain, U.S. Department of Labor, Washington, DC
- Cheryl M. Stanton, U.S. Department of Labor, Washington, DC

**MODERATORS:**
- Michele R. Fisher, Nichols Kaster, PLLP, Minneapolis, MN
- David S. Fortney, Fortney & Scott, LLC, Washington, DC

(Continued on page 14)
### Wednesday, November 6

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<td>4:00 pm – 8:00 pm</td>
<td>Conference Registration</td>
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<td>4:30 pm – 5:00 pm</td>
<td>Law Student Orientation</td>
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<td>5:00 pm – 6:00 pm</td>
<td>First-Time Attendee/ New Section Member Orientation</td>
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<tr>
<td>6:00 pm – 8:00 pm</td>
<td>Welcome Reception and Committee Expo</td>
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### Thursday, November 7

<table>
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<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>8:00 am – 9:15 am</td>
<td>Welcome and Introductions</td>
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<tr>
<td>11:30 am – 12:45 pm</td>
<td>Diversity and Inclusion Luncheon</td>
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<tr>
<td>5:15 pm – 6:00 pm</td>
<td>Standing Committee Business Meetings</td>
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<td>6:00 pm – 7:00 pm</td>
<td>Diversity and Inclusion Networking Reception</td>
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<tr>
<td>7:00 pm – 10:00 pm</td>
<td>Committee Dinners (ticketed)</td>
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<td>7:00 pm – 10:00 pm</td>
<td>Young Lawyers Dine-Around</td>
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### Friday, November 8

<table>
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<tr>
<td>8:00 am – 9:15 am</td>
<td>Welcome and Introductions</td>
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<tr>
<td>10:00 am – 11:15 am</td>
<td>PLENARY SESSION The Power of People Analytics</td>
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<tr>
<td>11:30 am – 12:45 pm</td>
<td>CONCURRENT PROGRAMS</td>
</tr>
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### 12:45 pm – 2:15 pm
Diversity and Inclusion Luncheon
Featuring Ted Shaw, Director, Center for Civil Rights, University of North Carolina School of Law at Chapel Hill; former Director-Counsel and President, NAACP Legal Defense and Educational Fund, Inc.

### 2:30 pm – 3:45 pm
CONCURRENT PROGRAMS
- Causation Standards under Employment Discrimination Statutes: But-For, Motivating Factor, Pretext: What Does It All Mean? pg 4
- Crafting Winning Opening Statements and Closing Arguments for a Judge or Arbitrator pg 6
- The Current Administration’s Impact on the Federal Workplace pg 5
- The EEOC’s Pay Reporting Requirement: Will It Persist and Impact the Pay Gap? pg 7
- Meet the National Labor Relations Board General Counsel pg 6
- Navigating an Employee Benefit Plan Audit pg 5
- Pay Equity around the World: The Next Chapter of the #MeToo Movement pg 5

## PLENARY SESSION
The Changing Workplace pg 4
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<th>Time</th>
<th>Event</th>
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<tr>
<td>8:00 am – 9:00 am</td>
<td><strong>VALUES TRACK</strong>&lt;br&gt;Body Wisdom and Mindfulness Tools to Enhance Workplace Performance pg 15</td>
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<tr>
<td>9:00 am – 10:15 am</td>
<td><strong>CONCURRENT PROGRAMS</strong>&lt;br&gt;- How to Achieve Diversity and Inclusion in Arbitrator Selection pg 15&lt;br&gt;- LGBTQ Issues before the Supreme Court pg 15&lt;br&gt;- Name that Objection pg 16&lt;br&gt;- NLRB Rulemaking under the APA: Proposals to Revive Notice and Comment Rulemaking and Its Effect on Practitioners pg 16&lt;br&gt;- Solving the Privacy Puzzle in the Workplace pg 17&lt;br&gt;- The State of OSHA Inspections Post-Mar Jac pg 16&lt;br&gt;- Wage and Hour Fundamentals (Fundamentals) pg 17</td>
</tr>
<tr>
<td>10:45 am – 12:00 noon</td>
<td><strong>CONCURRENT PROGRAMS</strong>&lt;br&gt;- All You Need to Know about the 2018 Rule 23 Amendments pg 16&lt;br&gt;- Attorneys’ Fees and Costs in Wage and Hour Class and Collective Actions pg 17&lt;br&gt;- Employee Use of Personal Technology at the Workplace pg 16&lt;br&gt;- Ethical and Strategic Issues when the Whistleblower is a Gatekeeper (Ethics) pg 17&lt;br&gt;- Gamification in Employee Recruiting and Selection pg 16&lt;br&gt;- Harassment Claims in the Wake of the #MeToo Movement: To Arbitrate or Not to Arbitrate, That is the Question pg 15&lt;br&gt;- Off-Duty/Off-Premises Conduct: What Happens in New Orleans . . . Could Actually Get You Fired pg 17</td>
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<tr>
<td>12:30 pm – 2:00 pm</td>
<td><strong>COLLEGE OF LABOR AND EMPLOYMENT LAWYERS PROGRAM:</strong>&lt;br&gt;Retrospectives on Labor and Employment Law pg 17</td>
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<tr>
<td>12:45 pm – 2:15 pm</td>
<td>Pro Bono Luncheon&lt;br&gt;In-House Corporate Counsel Luncheon <em>(In-House Corporate Counsel only)</em></td>
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<td>2:15 pm – 3:30 pm</td>
<td><strong>CONCURRENT PROGRAMS</strong>&lt;br&gt;- Addressing Constructive Discharge in the Individual Discrimination and Harassment Claim pg 8&lt;br&gt;- Crafting Winning Opening Statements and Closing Arguments in a Jury Trial pg 10&lt;br&gt;- Developments in Sarbanes-Oxley, Dodd-Frank and the SEC Whistleblower Program pg 14&lt;br&gt;- Evolving Labor Issues in the Gig Economy pg 10</td>
</tr>
<tr>
<td>4:00 pm – 5:15 pm</td>
<td><strong>CONCURRENT PROGRAMS</strong>&lt;br&gt;- Class Action Certifications: When and How to Challenge and The Best Defenses to Withstand the Challenge pg 10&lt;br&gt;- Class Discovery in Wage and Hour Litigation pg 14&lt;br&gt;- Does the Railway Labor Act Need a Formal Union Decertification Procedure? pg 10&lt;br&gt;- Emerging and Evolving ADA Issues, including Website Accessibility, Service/Emotional Support Animals and Neurodiverse Hiring pg 15&lt;br&gt;- Ethical Strategies for Dealing with Overly Aggressive Counsel: You Can Go Higher (Fundamentals/Ethics) pg 11&lt;br&gt;- Is Using Implicit Bias to Prove Discrimination under Title VII and Other Antidiscrimination Statutes a Viable Option? pg 8&lt;br&gt;- Recent Developments at OSHA pg 10</td>
</tr>
<tr>
<td>7:00 pm – 10:00 pm</td>
<td>Conference Reception at House of Blues pg 18</td>
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### Whistleblower Track

**2:15 pm – 3:45 pm**

**Developments in Sarbanes-Oxley, Dodd-Frank and the SEC Whistleblower Program**

The past few years have seen major developments under Sarbanes-Oxley, Dodd-Frank and in the SEC Whistleblower Program. This panel will analyze some of the more significant changes, including interpretations of the *Lawson* decision regarding SOX’s coverage of contractors, the extraterritorial application of SOX, the ARB’s broadened interpretation of the contributing factor standard, the *Digital Realty* decision’s requirement of external reporting under Dodd-Frank, and the proposed changes to rules governing the SEC whistleblower program. Panelists will discuss the impact of these developments on internal compliance programs and on how counsel for employers and employees approach claims under Dodd-Frank and SOX.

**Panelists:**

- Christopher J. Collins, Sheppard Mullin
- Megan Guenther, U.S. Department of Labor
- Frances Nicastro, Barclays
- Jason Zuckerman, Zuckerman Law

### Workplace Problems and Solutions Track

**8:00 am – 9:15 am**

**Employee Protest, Political Action and Freedom of Speech in the Modern Workplace**

Protests increasingly are moving into the workplace with the 2017 Day Without Immigrants, the NFL players, Google, etc. This panel will explore the legal protections and limits on employee free speech in government and private sector and union and non-union workplaces. Panelists will discuss recent developments under Section 7 of the National Labor Relations Act, the interplay between free speech rights/lawful off duty conduct and antidiscrimination or retaliation protections, and what type of activity is protected.

**Panelists:**

- Christine E. Webber, College et al. v. President and Fellows of Harvard
- Lisa D. Thompson, Students for Fair Admissions, Inc.
- Daniel L. Nash, Akin Gump Strauss
- Brent L. Garren, SEIU 32BJ
- Christopher David Ruiz Cameron, Southwestern Law School
- Corie Pauling, TIAA Financial Services
- David A. Lowe, LLP, San Francisco, CA
- Samantha Dulaney, Rudy, Exelrod, Zieff & Lowe, LLP
- David K. West, Duane Morris LLP
- Lisa L. Nash, Akin Gump Strauss
- Thaddeus D. Holmes, SEIU 32BJ
- Becky R. Thorson, U.S. District Court for the District of Florida

### Class Discovery in Wage and Hour Litigation

**4:00 pm – 5:15 pm**

This panel will discuss questions that arise in case valuation such as participation rates, likelihood of success, statutes of limitations, liquidated damages, and other remedies. Panelists will address strategies for proving or disproving hours worked along with technical issues, including what constitutes compensable work, how to determine the regular and overtime rate, and whether a .5 or 1.5 overtime premium is appropriate. The impact of bench versus jury trial on these issues will be explored, along with a discussion of hot button issues in mediation concerning the case value.

**Panelists:**

- Hon. Virginia Hernandez Covington, U.S. District Court for the Middle District of Florida
- Hunter Hughes, Alternative Dispute Resolution
- Theodora R. Lee, Littler Mendelson P.C.
- Lawrence Morales II, The Morales Firm
- David Ricksecker, McGillivary Steele

### Protecting Diversity Programs in a Damore Era: Strategies for the Successful Creation and Implementation of Aggressive Diversity Programs

How can employers move the needle on diversity in a meaningful, measurable and lawful way? Efforts to create a more diverse and inclusive workforce and to expand and strengthen opportunities for underrepresented talent fall in the good bucket, but how employers try to achieve diversity can violate anti-discrimination laws if developed improperly. How do *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College et al.* and other recent cases guide affirmative action for employers? This panel will discuss the legal risk associated with implementing aggressive diversity initiatives or affirmative action programs and best practices to successfully implement programs while minimizing legal risk.

**Panelists:**

- Samantha Dulaney, IATSE
- David A. Lowe, Rudy, Exelrod, Zieff & Lowe, LLP
- Laura R. McNeal, University of Louisville
- Corie Pauling, TIAA Financial Services
- Joseph K. West, Duane Morris LLP

### Valuing a Wage and Calculating Damages

**2:15 pm – 3:30 pm**

**Calculating Damages**

Joshua F. Young, Troy L. Kessler, and Oswald B. Cousins will be addressed.

**Panelists:**

- David Ricksecker, McGillivary Steele
- Lawrence Morales II, The Morales Firm
- Hunter Hughes, Alternative Dispute Resolution

### Are Grassroots Movements the New Enforcers?

**2:15 pm – 3:30 pm**

Employees, independent contractors and unions are increasingly using social media and grassroots movements to seek transparency, accountability and social responsibility from employers. What do organizers need to consider when driving these campaigns, especially in the context of public sector walk-outs? What impact do such movements have on employers’ reputations, decision-making and workplace practices? This panel will...
explore whether grassroots efforts by workers, employees and unions are driving change in employment policies and cultures, how employers are or should be responding, and legal and other issues that these stakeholders should expect to confront in the near future.

**PANELISTS:**
- M. Carter DeLorme, Jones Day, Washington, DC
- Nick Kalm, Reputation Partners, Chicago, IL
- Mark D. Risk, Mark Risk PC, New York, NY
- Maneesh Sharma, United Steelworkers, Pittsburgh, PA

**Saturday, November 9**

**Values Track**

**8:00 am – 9:00 am**

**Body Wisdom and Mindfulness Tools to Enhance Workplace Performance**

A senior executive corporate lawyer and a professional yoga teacher and life coach will provide practical tools for mindfulness at work. Maximize your workplace performance, make sound decisions, and navigate stressful decision making using brain and body wisdom. Drawing from several decades of legal experience and coaching strategies, the speakers will offer mindfulness-based exercises and tips to conserve and restore energy, so you can build resilience that can be called upon in moments of crisis.

**SPEAKERS:**
- Leonard Shen, Visa, Inc., San Jose, CA
- Cindy Walker, eRYT CLC, Mindful Movement, Los Gatos, CA

**Emerging and Evolving ADA Issues, including Website Accessibility, Service/Emotional Support Animals and Neurodiverse Hiring**

This panel will explore the new meaning of equal employment opportunity for individuals with disabilities. What are the accessibility requirements for employers’ websites and apps? How should employers evaluate requests to bring service and emotional support animals to work? Can employers focus on hiring veterans with disabilities or individuals with particular kinds of disabilities who are well-suited for jobs in their workforce such as recovering substance abusers? What are neurodiverse hiring initiatives? Can employers single out specific types of disabilities (e.g., autism spectrum disorders or “more severe” disabilities) for special hiring? How can employers avoid job segregation?

**PANELISTS:**
- Jillian M. Cutler, Frank Freid Subit & Thomas LLP, Seattle, WA
- Dana Lossia, Levy Ratner, P.C., New York, NY
- Shelly Carthen Watson, University of Minnesota, Minneapolis, MN
- Jennifer T. Williams, Cozen O’Connor, Miami, FL

**MODERATOR:**
- Dori Goldstein, Bloomberg Law, Washington, DC

**10:45 am – 12:00 noon**

**Harassment Claims in the Wake of the #MeToo Movement: To Arbitrate or Not to Arbitrate, That is the Question**

The emergence of the #MeToo movement has raised many questions about whether harassment claims should be subject to arbitration. Is arbitration an inappropriate venue for adjudicating harassment claims? Does the arbitral process limit the victims’ due process rights? Panelists will provide their perspectives, including balancing confidentiality concerns.

**PANELISTS:**
- Allyson L. Belovin, Levy Ratner, P.C., New York, NY
- Fredric R. Dichter, Arbitrator, Vero Beach, FL
- Raquel Fas Bravo, The Law Office of Raquel Fas Bravo, Lake Worth, FL
- Cathi J. Hunt, Fortice, Seattle, WA
- Jennifer L. Sabourin, Miller, Canfield, Paddock and Stone, PLLC, Detroit, MI

**Alternative Dispute Resolution Track**

Sponsored by JAMS

**9:00 am – 10:15 am**

**How to Achieve Diversity and Inclusion in Arbitrator Selection**

Parties select arbitrators based upon a reputation for acceptability and fairness. However, parties have criticized the makeup of arbitration panels as being too white, too male and too old. Yet those same parties select “who they know” to hear and resolve disputes presented. The recruitment and advancement of women and persons of color to serve as arbitrators and mediators presents a vexing problem in the labor and employment ADR community. This panel will discuss the challenges and opportunities in developing more diverse rosters of arbitrators.

**PANELISTS:**
- Hon. Candace Cooper (ret.), JAMS, Los Angeles, CA
- Allison Gambill, Brownstein Hyatt Farber Schreck, LLP, Denver, CO
- Wesley Kennedy, Allison, Slutsky & Kennedy, P.C., Chicago, IL
- Jon H. Rosen, The Rosen Law Firm, Seattle, WA
- Alan A. Symonette, Arbitrator, Philadelphia, PA

**Discrimination, Harassment and Retaliation Track**

Sponsored by Welch Consulting

**9:00 am – 10:15 am**

**LGBTQ Issues before the Supreme Court**

Pending before the Supreme Court is a trilogy of cases concerning whether LGBTQ individuals are protected under Title VII. The panel will discuss these cases, G. & G.R. Harris Funeral Homes, Inc. v. EEOC, Altitude Express, Inc. v. Zarda, and Bostock v. Clayton County, Georgia, and other significant cases impacting the LGBTQ community in the queue and ripe to be heard by the U.S. Supreme Court.

**PANELISTS:**
- J. Randall Coffey, Fisher & Phillips LLP, Kansas City, MO
- Duncan Crabtree-Ireland, SAG-AFTRA, New York, NY
- Louis Lopez, U.S. Office of Special Counsel, Washington, DC
- Gregory R. Nevins, Lambda Legal, Washington, DC
Labor-Management Relations Track
Sponsored by American Arbitration Association

• 9:00 am – 10:15 am

NLRB Rulemaking under the APA: Proposals to Revive Notice and Comment Rulemaking and Its Effect on Practitioners
The NLRB recently published a Notice of Proposed Rulemaking in the Federal Register regarding its joint-employer standard. The NLRB General Counsel has expressed a preference for notice-and-comment rulemaking in important areas of labor law under the assumption that such rulemaking would foster predictability, consistency and stability. What is the current status of the NLRB’s rulemaking authority under the APA? To what extent is deference afforded to the agency under *Chevron*, *Skidmore* as revived by *Mead*, and other federal authority? To what extent is notice-and-comment rulemaking preferable to judicial rulemaking, or vice-versa, in the unique context of labor law? What role should the NLRB play in fostering labor relations?

**PANELISTS:**
Daniel E. Curry, Schwartz Steinsapir Dohrn & Sommers, Los Angeles, CA
RyAnn McKay Hooper, Epstein Becker & Green, P.C., New York, NY
Nicole Mormilo, National Labor Relations Board, Washington, DC

• 10:45 am – 12:00 noon

Employee Use of Personal Technology at the Workplace: Bound and Gagged at Work or Fair Limits to Ensure Productivity?
The world is increasingly tech dependent and employers want tech savvy employees who can communicate with ease on today’s devices and apps. Yet many employers want these same employees to effectively check their tech at the office door. How is the Board currently balancing employee use of technology to exercise Section 7 rights against the right of employers to control their property and workplace? From recording devices, to email and the internet, this panel will look at the Trump Board’s revisiting of employee rights to use tech at work, including those recently secured by key Obama Board decisions.

**PANELISTS:**
Katherine “Katy” Dunn, SEIU Local 32BJ, New York, NY
Ashley Eddy Kott, MGM Resorts International, Las Vegas, NV
Kathleen McKinney, National Labor Relations Board, New Orleans, LA
Amber M. Rogers, Hunton Andrews Kurth LLP, Houston, TX
Teri Guttman Valdes, Teri Guttman Valdes LLC, Coral Gables, FL

Litigation and Class Action Track
Sponsored by Welch Consulting

• 9:00 am – 10:15 am

Name that Objection
Trial attorneys often have split seconds to process objectionable questions or testimony and address the court with cogent and persuasive argument rebutting it. Panelists will discuss how to recognize the most frequent objections, preserve an objection for appeal purposes, and sharpen objection reflexes. The panel also will provide tips for identifying objectionable testimony after it is given and what to do when the “cat is out of the bag.”

**PANELISTS:**
Hon. Ivan L. R. Lemelle, U.S. District Court for the Eastern District of Louisiana, New Orleans, LA
Allison Balus, Baird Holm LLP, Omaha, NE
Kevin D. Fitzpatrick Jr., DeLong, Caldwell, Bridges, Fitzpatrick & Benjamin, L.L.C., Atlanta, GA

• 10:45 am – 12:00 noon

All You Need to Know About the 2018 Rule 23 Amendments
For the first time in 15 years, Federal Rule of Civil Procedure 23, governing class actions, has been amended. This panel will address the key changes to the Rule that are likely to impact future federal class action litigation. Topics will include notice to class members by any means, “notice of proposed settlement, core factors for the court to consider in approving settlements, amendments designed to discourage bad faith objections, and changes to appealable issues.

**PANELISTS:**
Tracey Holmes Donesky, Stinson Leonard Street LLP, Minneapolis, MN
Loren B. Donnell, Burr & Smith, LLP, Fort Lauderdale, FL
Jennifer L. Kroll, Martin & Bonnett P.L.L.C., Phoenix, AZ

OSHA Track

• 9:00 am – 10:15 am

The State of OSHA Inspections Post-Mar Jac
On October 9, 2018, the U.S. Court of Appeals for the Eleventh Circuit upheld a district court’s order quashing an Occupational Safety and Health Administration inspection warrant. OSHA unsuccessfully challenged the district court’s finding that the agency lacked administrative probable cause based on injuries noted on a company’s OSHA Form 300 logs. The panel will discuss whether *Mar Jac Poultry* impairs OSHA’s ability to rely upon 300 logs and similar evidence as the basis for obtaining an administrative search warrant. The panel will also address related legal issues that may arise during various stages of an OSHA inspection.

**PANELISTS:**
Victoria L. Bor, Sherman Dunn, P.C., Washington, DC
Juan Lopez, U.S. Department of Labor, Arlington, VA
Shontell Powell, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Atlanta, GA
Jora Trang, Worksafe, Washington, DC

Technology Track

• 10:45 am – 12:00 noon

Gamification in Employee Recruiting and Selection
Companies in all industries, from technology to food service, have introduced gamification into the recruiting and hiring process. Now that law firms are on board, the technology looks like it is here to stay. But do pre-employment games really help select the best applicants? Do they favor millennials over older workers? Do applicants of certain ethnicities fare better? This panel will tell you everything you need to know about the gamification of recruiting, what technologies employers are using, whether they accurately predict employee success, and whether they can be validated to eliminate bias.

**PANELISTS:**
Kate Bischoff, HRive Law & Consulting LLC, Minneapolis, MN
Andrez Carberry, John Deere, Moline, IL
Eric Dunleavy, Ph.D., DCI Consulting Group, Washington, DC
Peter Romer-Friedman, Outten & Golden LLP, Washington, DC
## Wage and Hour Track
**Sponsored by Welch Consulting**

### 9:00 am – 10:15 am
**Wage and Hour Fundamentals (Fundamentals)**

This panel will discuss wage and hour fundamentals all management and employee attorneys should know. From the nuts and bolts of the FLSA, to what to expect in wage and hour litigation, this panel will give an overview of important issues to practitioners who are new to the wage and hour arena or need a refresher. Common mistakes employers make under federal and state wage and hour law will also be discussed.

**PANELISTS:**
- Elizabeth Gropman, Leonard Carder, LLP, Oakland, CA
- Laura Ho, Goldstein, Borgen, Darabian & Ho, Oakland, CA
- N. Katie Manley, Morgan Stanley, New York, NY
- Trishanda L. Treadwell, Parker, Hudson, Rainer & Dobbs LLP, Atlanta, GA

### 10:45 am – 12:00 noon
**Attorneys’ Fees and Costs in Wage and Hour Class and Collective Actions**

The FLSA mandates the award of reasonable attorneys’ fees and costs to a prevailing plaintiff. This panel will analyze how courts are determining a reasonable fee in settlement and post-trial and what costs are being permitted as recoverable. Common funds, lodestars and multipliers will be discussed, along with challenges defendants are making in disputed fee requests. Limitations on the recoverability of costs, such as expert fees, travel and computer aided research tools, will also be explored.

**PANELISTS:**
- Hon. Janis van Meerveld, U.S. District Court for the Eastern District of Louisiana, New Orleans, LA
- Jason C. Marsili, Rosen Marsili & Rapp LLP, Los Angeles, CA
- Nathan J. Oleson, Akin Gump Strauss Hauer & Feld LLP, Washington, DC
- Jessica Riggin, Bakin, Hyland & Riggin LLP, San Francisco, CA

## Whistleblower Track
**Sponsored by EmployStats**

### 10:45 am – 12:00 noon
**Ethical and Strategic Issues When the Whistleblower is a Gatekeeper (Ethics)**

There a myriad of ethical and strategic issues that arise when lawyers, accountants and compliance professionals blow the whistle against corporate fraud. This panel will explore the many issues from the multiple perspectives and different statutes, including the False Claims Act, the SEC whistleblower provisions, SOX and OSHA-administered whistleblower retaliations statutes. Professional ethics issues also will be explored for the whistleblower and counsel.

**PANELISTS:**
- Connie N. Bertram, Polsinelli PC, New York, NY
- Channah Brody, U.S. Department of Labor, Atlanta, GA
- Melinda C. Burrows, NetScout Systems, Inc., Westford, MA
- Michael Filoromo, III, Katz, Marshall & Banks, LLP, Washington, DC
- Mark Hanna, Murphy Anderson PLLC, Washington, DC

## Workplace Problems and Solutions Track
**Sponsored by EmployStats**

### 9:00 am – 10:15 am
**Solving the Privacy Puzzle in the Workplace**

This panel will discuss the many issues employers face identifying which privacy laws apply, addressing employees’ concerns about the use and protection of their personal information, and bargaining with unions about the use of employees’ personal information. What are the current privacy standards in light of the European Union’s General Data Protection Regulation (GDPR) and the California Consumer Privacy Act? Panelists will discuss the legal responsibilities and risks that employers have related to employees’ personal information and will provide practical tips related to data privacy or security breach of employee data.

**PANELISTS:**
- Wendi S. Lazar, Outten & Golden LLP, New York, NY
- Jessica Ludd, UNAC/UHCP, San Dimas, CA
- Jason Pill, Phelps Dunbar, Tampa, FL
- Patrick Thébaut, Jeantet, Paris, France

**MODERATOR:**
- Mark Smith, Bloomberg Law, Washington, DC

## Whistleblower Track
**Sponsored by EmployStats**

### 10:45 am – 12:00 noon

This panel will discuss off-duty conduct, including use of alcohol and drugs, social media presence, romantic/sexual relationships, political protest and the extent to which employers can monitor and enforce standards or laws employees are expected to follow outside the workplace.

**PANELISTS:**
- Ericka Dorsey, American Federation of Government Employees, Washington, DC
- Kimberly W. Geisler, Scott Dukes and Geisler, P.C., Birmingham, AL
- Tami Becker Gomez, Alaska Airlines, Seattle, WA
- Brian E. Koncius, Bogas & Koncius P.C., Bingham Farms, MI

### 12:30 pm – 2:00 pm
**The College of Labor and Employment Lawyers Presents: Retrospectives on Labor and Employment Law**

Join us for a fascinating tour of the past fifty years of labor and employment law. Our “tour guides” are acclaimed veterans in the field, with almost 150 years of combined experience between them, each having been involved in critical and iconic developments that are still relevant today. Their enduring reputations are exceeded only by the scope of their achievements as trailblazers in the field of labor and employment law. Panelists will share their experiences and recollections gained in landmark cases, ground-breaking negotiations, and historic mediations that left an indelible mark on the field of labor and employment law.

**MODERATOR:**
- Cynthia E. Nance, University of Arkansas School of Law, Fayetteville, AR

**PANELISTS:**
- Chai R. Feldblum, Morgan, Lewis & Bockius LLP, Washington, DC
- Peter J. Hurtgen, Curley Hurtgen & Johnsrud, LLP, Menlo Park, CA
- Theodore J. St. Antoine, University of Michigan Law School, Ann Arbor, MI
Networking and Social Events

Wednesday, November 6

• 4:30 pm – 5:00 pm
   Law Student Orientation
   Law student attendees are invited to network with each other and members of the Outreach to Law Students Committee and Section Leadership prior to the start of the Conference. This event will offer students a casual introduction to the ins and outs of the Annual Section Conference.

• 5:00 pm – 6:00 pm
   First-Time Attendee/New Section Member Orientation
   If you are a new member of the Section of Labor and Employment Law or if this is your first Section meeting, join your peers for an overview of what you should know about the Section and how to get the most benefit from attending the Conference.

• 6:00 pm – 8:00 pm
   Welcome Reception and Committee Expo
   All attendees are invited to meet, greet and network during this opening reception at the Hilton New Orleans Riverside. Section Committees will provide information about publications, services and programs they provide to labor and employment lawyers.

Thursday, November 7

• 5:15 pm – 6:00 pm
   Standing Committee Business Meetings
   Section of Labor and Employment Law Standing Committees will conduct business meetings in an informal setting.

• 7:30 pm – 10:00 pm
   Young Lawyers Dine-Around
   Members of the ABA Young Lawyers Division are invited to participate in an organized “dine-around” at several of New Orleans’ wonderful restaurants. Sign-up information and further details will be provided to YLD Conference registrants.

• 7:30 pm – 10:00 pm
   Committee Dinners (optional ticketed events)
   • International Labor and Employment Law – Arnaud’s
   • State and Local Government Bargaining and Employment Law – Mother’s Next Door

Friday, November 8

• 7:00 pm – 11:00 pm
   Conference Reception at House of Blues
   Join with old friends and new to celebrate the 13th Annual Labor and Employment Law Conference at the House of Blues, which will feature great food, drinks and live entertainment.
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*If you are interested in sponsoring the Conference, contact Brad Hoffman at brad.hoffman@americanbar.org.*

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Gregory R. Nevin, Lavandera & Associates, New York, NY
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Gilian Thomas, ACLU Women’s Rights Project, New York, NY
Catherine (Cay) Thompson, Raytheon Company, Boston, MA
Annette M. Tomkins, Seyfarth Shaw LLP, Chicago, IL
Peter Varney, UNC Health Care, Chapel Hill, NC
Angélique Vincent-Hamacher, Robinson & Hanson, PA, Charlotte, NC
Brent L. Wilson, Elazar, Thompson, Sapp & Wilson, LLP, Atlanta, GA
Melissa S. Woods, Cohen, Weiss and Simon LLP, New York, NY
Trish Wray, Duke Energy Corporation, Charlotte, NC
Sheree C. Wright, Vanderbilt University, Nashville, TN

Employee Benefits

Maria C. Cangemi, Ropes, Urrera, Spencer, Pecord & Cangemi, APLC, New Orleans, LA
Stacey C.S. Cerrone, Proskauer Rose LLP, New Orleans, LA
Denise M. Clark, The Clark Law Group, Washington, DC
Benjamin Eisner, Sperr Wilderson PC, Philadelphia, PA
Aliya Robinson, EBISA Industry Committee (ERICC), Washington, DC
Joanne Roskey, U.S. Department of Labor, Washington, DC
Michelle Thomas, Kaiser Permanente, Oakland, CA

Federal Sector

Cathy Harris, Katos, Parks, Wexer & Harris, PLLC, Washington, DC
Tristan Leavitt, U.S. Merit Systems Protection Board, Washington, DC
Cathie McQuiston, American Federation of Government Employees, Washington, DC
Jeff Rosenblum, Federal Deposit Insurance Corporation, Washington, DC
Nick Schwellenbach, Project on Government Oversight (POGO), Washington, DC

Immigration and Human Trafficking

Kathleen Brown, Justice at Work, Philadelphia, PA
Eric Carlson, International Labour Organization, Geneva, Switzerland
Karen M. Edwards, International Paper, Memphis, TN

Jonathan A. Grode, Green & Spiegel LLC, Philadelphia, PA
Monica T. Guizar, Washington, DC
Gerald T. Hathaway, Driscoll Biddle & Rohr LLP, New York, NY
Jennifer “JJ” Rosenbaum, Global Labor Justice, Washington, DC
Robin S. Runge, Solidarity Center, Washington, DC
Marisa Warren Stemsten, Dentus Anigis Network, New York, NY

International

Osvaldo O. Barsanti, O’Accesso & Barsanti, Buenos Aires, Argentina
Mia Belk, Dental Sirona, York, PA
Chris Benson, Leigh Day, London, United Kingdom
Sarah Chilton, CM Murray LLP, London, United Kingdom
Colleen Cleary, CC Solicitors, Dublin, Ireland
Cristiano Cominotto, AL Assistenza Legale, Milan, Italy
Nicole Groves, Facebook, New York, NY
Owen E. Hermstad, International Association of Machinists & Aerospace Workers (IAMAW), Upper Marlboro, MD
Kimberly J. Young, APLA Legal Services Group, Boston, MA
Danny J. Kaufer, Borzen Ladner Gervais LLP, Vancouver, BC
Judy Krebs, SEIU 775, Seattle, WA
Patrick Krill, Krill Strategies, Menlo Park, CA
Kathryn M. Mantoan, Orrick, Herrington & Sutcliffe LLP, San Francisco, CA
Camille A. Olson, Seyfarth Shaw LLP, San Francisco, CA
Kushal Patel, Lauren Devine Attorneys, New York, NY
Yona Rozen, APL-CIO, Washington, DC

Labor-Management Relations

Hon. John F. Ring, National Labor Relations Board, Washington, DC (invited)
Hon. Lauren McCaffren, National Labor Relations Board, Washington, DC (invited)
Hon. Marvin E. Kaplan, National Labor Relations Board, Washington, DC (invited)
Hon. William J. Emanuel, National Labor Relations Board, Washington, DC (invited)
Hon. Peter B. Robb, National Labor Relations Board, Washington, DC (invited)

Jennifer Abruzzo, Communication Workers of America, Washington, DC
Bennett Allen, Cook & Lopothitis, LLC, Cincinnati, OH
Alison Anderson, Foley Hoag LLP, Boston, MA
Luis Avila, Varvurna LLP, Grand Rapids, MI
Johnda Bentley, SEIU, Washington, DC
Kevin Brodar, United Transportation Union, North Olmsted, OH
Erica Brown, Daewoo Foods Global, Jackson, MI
Vanessa D. Bullock, Federal Mediation and Conciliation Service, Philadelphia, PA
Pamela Chandran, UNAC/ UIUCP, San Diego, CA
Daniel E. Curry, Schwartz Steinpass Dohrmann & Soumner, Los Angeles, CA
Susan Davis, Cohen, Weiss and Simon LLP, Philadelphia, PA
Katherine “Katy” Dunn, SEIU Local 22B, New York, NY
Marc Esposito, Delta Airlines, Atlanta, GA
Steven Flagler, WestRock Company, Atlanta, GA
Cary Flannery, Cereant Corporation, St. Louis, MO
Kyle Fortson, National Mediation Board, Washington, DC
Richard F. Griffin Jr., Brolid & Kaiser PLLC, Washington, DC
Lori Armstrong Halbert, Reed Smith, Philadelphia, PA
AryAnn McKee Hoover, Epstein Becker & Green, PC, New York, NY
Aparna B. Joshi, O’Melvery & Myers LLP, Los Angeles, CA
Ashley Eddy Kott, MGM Bowlum, International, Las Vegas, NV
Kathleen Kinney, National Labor Relations Board, New Orleans, LA
Stephen M. Moldof, Cohen, Weiss and Simon LLP, New York, NY
Nicole Mormillo, National Labor Relations Board, Washington, DC
Brenda D. Pryor, SII University of Medicine and Science, Springfield, IL
Jamie R. Rich, Greenberg Traurig, LLP, San Francisco, CA

Lindsey Wagner, Scott & Wagner and Associates, Los Angeles, CA
Maahah S. Weinstein, Bodner, Segal & Greenstone, Pasadena, CA
Gwynne A. Wilcox, Levy Bates, PC, New York, NY
Amy J. Zecky, Barnes & Thornburg LLP, Grand Rapids, MI

Litigation and Class Action

Hon. Nanette Jolivette Brown, U.S. District Court for the Eastern District of New York, Brooklyn, NY
Hon. Leslie J. Abrams Gardner, U.S. District Court for the Middle District of Georgia, Atlanta, GA
Hon. Ivan L. R. Lemelle, U.S. District Court for the Eastern District of Louisiana, New Orleans, LA
Hon. Rebecca P. Palmeir, U.S. District Court for the Northern District of Illinois, Chicago, IL
Hon. Mary S. Driven, U.S. District Court for the Middle District of Florida, Tampa, FL
Hon. Linda T. Walker, U.S. District Court for the Northern District of Georgia, Atlanta, GA
Joseph Y. Ahmad, Ahmad, Zavitsanos, Aniappan, Abawi & Mesinger PC, Houston, TX
Allison Balus, David Holm LLP, New York, NY
Lisa J. Banks, Katz, Marshall & Banks, PC, Washington, DC
Eric L. Barnum, Barnum & Hostetler LLP, Atlanta, GA
Maureen S. Binetti, Wilentz, Goldman & Spitzer, PA, Woodland Park, NJ
Kim Boyle, Phelps Dunbar LLP, New Orleans, LA
J. Derek Braziel, Lee & Braziel, LLP, Dallas, TX
Laurie M. Burgess, Adams & Jasmine LLP, San Francisco, CA
Denis Dembowski, Bloomberg Law, Washington, DC
Tracey Holmes Donesky, Stanos Leonard LLP, Minneapolis, MN
Loren Donnell, Burr & Smith, LLP, Lakeland, FL
Denise K. Drake, Polsinelli PC, Kansas City, MO
Uche N. Egemonye, U.S. Department of Labor, Washington, DC
Kevin D. Fitzpatrick Jr., DeLong, Caldwell, Bridgers, Fitzpatrick & Benjamin, LLC, Columbus, GA
Sara J. Geenen, The Prevanent Law Firm, S.C., Milwaukee, WI
Irena E. Gomez (ret.), JAMS, San Diego
William F. Hamilton, University of Florida College of Law, Gainesville, FL
Registration
The registration fees cover the Wednesday Welcome Reception and Committee Expo, Friday Conference Networking Reception, continental breakfasts, refreshment breaks and attendance at all CLE sessions. The Spouse/Guest fee of $95 covers the Wednesday and Friday evening receptions. Register online at www.ambar.org/laborconference.

Special discounts are available for registrations received in the ABA Office by September 20, 2019. The deadline for receipt of advance registration to appear on the Conference roster is October 18, 2019.

Cancellations
Registration fees are refundable, less a $50 administrative fee, for written cancellations received in the Section office by October 11, 2019. Substitutions are allowed in lieu of cancellation.

Hotel Information
We have negotiated special rates for Conference attendees at the Hilton New Orleans Riverside and at the Loews New Orleans. Hotel reservations may be made online:

Hilton New Orleans Riverside
https://book.passkey.com/e/49848833

Loews New Orleans

Alternatively, you may contact the Hilton at (504) 561-0500 or the Loews at (504) 595-3300 to reserve your room at the group rate. The reservation deadline for the group rates is October 2, 2019. After this date, or once our room blocks have been consumed, the group rates will be subject to availability. NOTE: There is a minimum stay of 2 nights for reservations arriving on Saturday, November 9.

Travel Information
With ABA Egencia, you can automatically obtain ABA negotiated airfare discounts for travel to the ABA Meetings. ABA Egencia enables you to purchase the best airfare at the time of booking, by providing you with the ability to search for and compare fares from virtually every airline serving the destination. Reservations with ABA Egencia can be made online or offline. For offline reservations, call (877) 833-6285, ABA Egencia is available online at www.egencia.com via ABA Travel Services. ABA airfare discounts on some carriers may also be obtained by purchasing your tickets under the ABA Discount Codes directly from the airline or through your travel agent.

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Tickets can be booked on ABA Egencia or via www.swabiz.com using ABA SWABIZ Company ID 99422890.

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Continuing Legal Education
The ABA will seek 15 hours of CLE credit in 60-minute states, and 19.2 hours of CLE credit for this program in 50-minute states (including 5 hours of Ethics credit in 60-minute states and 6 hours of Ethics credit in 50-minute states). Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at www.ambar.org/laborconference for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.

Financial Assistance
Visit the Section of Labor and Employment Law website at www.americanbar.org/laborlaw for information about the Section Development Fund and YLD Fellowship Program opportunities. Full or partial fee waivers may be available based on financial hardship. Qualifying attorneys could receive at least a 50% reduction in the course fee. This does not include any reduction in meals, lodging or travel costs associated with the course. Please send written requests to laborempllaw@americanbar.org.

Persons with Disabilities
Services for persons with disabilities are available. If special arrangements are required, please notify Judy Stofko at Judy.Stofko@americanbar.org at least four weeks prior to the Conference.
Registration Form

ABA Section of Labor and Employment Law

13th Annual Labor and Employment Law Conference
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Mail: American Bar Association
Attn: Service Center – Meeting/Event Registrations Dept.
321 North Clark Street, Chicago, IL 60654

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Affiliation
(Please select ONE affiliation that best describes your practice.)
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☐ Government/Public
☐ In-House Corporate Counsel
☐ In-House Union Counsel
☐ Neutral
☐ Academic (Full Time)
☐ Law Student
☐ Judge
☐ Other

* Not a Section of LEL Member? Join online at www.americanbar.org/groups/labor_law.html to register for the Conference at the Section of LEL Member rate.

Registration Rates
(On or before 9/20/19) $625 $725
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☐ ABA Member $825 $995

☐ Non-ABA Member $1,095 $1,195

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Discount Rate 1: Solo Practitioner/Neutral/Government/Non-Profit/Academic–Non-ABA $575 $675

Discount Rate 2: Small Firm (<20 lawyers)/In-House Corporate Counsel/YLD Member/1st-Time Attendee/Section of LEL Council Member–LEL $525 $625

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Discount Rate 3: Speaker/Panelist/Moderator $295 $295

Discount Rate 4: Law Student Member of LEL $50 $50

Discount Rate 5: Spouse/Guest $95 $95

Total: ___________________________

The deadline for receipt of advance registration forms to appear in the Conference roster is October 18, 2019.

Questions?
Call the Section Office at 312-988-5813 or email laborempllaw@americanbar.org.

Method of Payment
☐ Enclosed check (made payable to American Bar Association)
   (Credit card payments accepted online only.)

Events
☐ Law Student Orientation (Wednesday)
☐ First-Time Attendee/New Section Member Orientation (Wednesday)
☐ Welcome Reception and Committee Expo (Wednesday)
☐ Diversity & Inclusion Luncheon (Thursday)
☐ Pro Bono Luncheon (Friday)
☐ Conference Networking Reception at House of Blues (Friday)
☐ $60 In-House Corporate Counsel Luncheon (In-House Corporate Counsel only) (Friday)
☐ $95 International Labor & Employment Law Committee Dinner at Arnaud's (Thursday)
☐ $75 State & Local Government Bargaining & Employment Law Committee Dinner at Mother's Next Door (Thursday)

Total: ___________________________

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Conference Highlights

• Informative and Thought-Provoking Plenary Sessions:
  - Supreme Court Review
  - The Changing Workplace
  - The Power of People Analytics

• The Impact of the Trump Administration on Labor and Employment Law

• Developments in Labor-Management Relations, plus Conversations with the NLRB

• Cutting-Edge Issues in Discrimination, Harassment and Retaliation, including New Developments in Pay Equity and #MeToo Litigation

• Perspectives from the U.S. Equal Employment Opportunity Commission

• Hot Topics in Litigation and Class Actions

• In-Depth Explorations of Workplace Problems and Solutions

• Diversity and Inclusion Luncheon featuring Ted Shaw, Director, Center for Civil Rights, University of North Carolina School of Law at Chapel Hill; former Director-Counsel and President, NAACP Legal Defense and Educational Fund, Inc.

• Special Values Track Program: Body Wisdom and Mindfulness Tools to Enhance Workplace Performance