Wednesday, February 19

4:00 – 5:45  Registration

4:30 – 4:45  Welcome and Introductions
Laura Ho, Goldstein, Borgen, Dardarian & Ho, Employee Co-chair
Ryan Haggerty, Asher, Gittler & D’Alba, Ltd., Union & Employee Co-chair
Lawrence Peikes, Wiggin and Dana LLP, Employer Co-chair
Dane Steffenson, U.S. Department of Labor, Public Co-chair

4:45 – 5:45  What Has Been Done and Undone in the Department of Labor?
An engaging and spirited debate on the Trump DOL’s various initiatives and actions featuring opinionated voices representing both sides of the aisle.

6:00 – 6:30  Reception for First-Time Attendees and Mentors

6:30 – 8:00  Welcome Reception at JW Marriott Los Cabos Beach Resort

Thursday, February 20

7:00 – 8:00  Breakfast Buffet

8:00 – 9:30  Don’t Forget About the States: The Largest Settlements and Judgments and the Most Important Defense Victories in State Law During the Past Year
The biggest judgments and changes affecting employers and employees are occurring under state laws: independent contractors, expense reimbursement class actions, increased penalties and statutes of limitations, airline worker litigation, and many other rapidly changing areas applying worker wage and hour protections. Don’t miss out on the most important changes in the past year!

9:00 – 10:30  Spouse/Guest Breakfast

9:30 – 10:30  What’s New at the EEOC: New Initiatives and Notable Cases
Learn about EEOC initiatives and notable cases from the past year.

10:30 – 10:45  Break

10:45 – 11:45  FLSA Hot Topics
Our ever popular FLSA roundup. No time to read the hundreds of pages summarizing FLSA cases in 2019? No problem! This panel will highlight what you need to know about the past year’s most significant FLSA decisions and regulations, and their likely impact on future wage and hour litigation.
11:45 – 12:45 Arbitrating Individual FLSA Claims Under Compulsion
In the wake of employer efforts to decertify collective claims, a massive proliferation of arbitration agreements, and SCOTUS’ decision in *Epic*, arbitrations involving individual claimants have erupted on a never-before-seen scale. Here from experts on all sides who will discuss practical tips and best practices for handling wage and hour arbitrations.

12:45 – 1:15 Committee Business Meeting
a. Section Updates
b. Publications
c. Liaisons to Section Administrative Committees
d. Future Meetings

6:00 – 7:00 Diversity & Inclusion Reception

7:00 – 9:00 Reception and Dinner at

Friday, February 21

7:15 – 8:15 Breakfast Buffet

8:15 – 9:15 Equal Pay Update
The Equal Pay Act proposes to provide an update on and analysis of *Rizo v. Yovino*, the long-running Ninth Circuit case that was recently remanded by the U.S. Supreme Court and involves whether prior salary is a legal basis for a wage differential under the EPA. The panel also will discuss current trends in EPA litigation with a focus on the shifting scope of defenses available to employers under the EPA and other related state laws.

9:15 – 10:15 I’ll Take the FMLA for $1,000
This interactive FMLA Jeopardy session was so much fun last year that we are doing it again! Participants will be divided into teams and compete for prizes by playing through this unique answer-and-question format based on 2018 FMLA decisions summarized in the Midwinter Report. This hands-on exercise will demonstrate the complexities that employees and employers face when requesting or approving FMLA leave. Whether you consider yourself well-versed in the FMLA, or are just learning the ropes, you will leave this session with a new appreciation for the FMLA.

10:15 – 10:30 Break

10:30 – 11:30 ADEA Update & the Latest Whistleblower Developments
ADEA update to include a discussion of recent appellate activity in the Second (Anthropologie), Sixth (Hudson City Schools), Seventh (Ashley Furniture), and Tenth (HHS) Circuits; the POWADA bill; recent jury verdicts ($15mm for a former LA Times journalist) ADEA collective actions, including in the S.D.N.Y. (IBM) and conditional certification in the E.D. Tenn. (Volkswagen); disparate impact claims under the ADEA (CA DEFH enforcement action); but-for causation; and the impact of the age of decision-makers.

Handling internal complaints, compliance investigations, and disclosures: Employees who raise concerns about fraud and other violations present both a risk and an opportunity for employers. How a company responds can mean the difference between saving millions of dollars and losing much larger sums to judgments, enforcement actions, not to mention tarnished reputations. Join us for the perspectives of in-house, management, and plaintiff’s counsel on what to do – and what not to do – when an employee blows the whistle.
11:30 – 12:30 Ethics: Litigating as an Attorney of Color/LGBTQ Attorney
As attorneys, when we think about preparing for depositions and trial, we commonly think about preparing our outlines, organizing our exhibits, prepping our witnesses, and researching legal arguments that we will be making. But for attorneys of color and LGBTQ attorneys, there are extra forms of preparation to consider. Questions like “will I be the only person of color in the courtroom?” “how will I respond if this client is homophobic?,” “I am the same race as the workers and there are some racialized remarks about the workers in the record” come into play more often than many of us think. Even within the confines of our offices, the position of the attorneys of color and LGBTQ attorneys come into play. How many attorneys of color and/or LGBTQ attorneys are in positions of authority in our offices? What does it mean to be the only partner of color or LGBTQ supervisor? This panel will discuss the interplay between being a diverse attorney and how that impacts the practice of law inside and outside of the courtroom. Discussion will include the recent ABA Guidelines for Litigation Conduct and ABA Model Rules of Professional Conduct Rules 3.3, 3.4 and 8.4.

7:00 – 9:00 Dinner at Los Tamarindos (optional ticketed event)

The ABA will seek 9.5 hours of CLE credit in 60-minute states, and 11.4 hours of CLE credit for this program in 50-minute states including 1 hour of ethics credit in 60-minute states and 1.2 hours of ethics CLE credit in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Visit www.americanbar.org/mcle for general information on CLE at the ABA.

Visit the Section of Labor & Employment Law website at www.americanbar.org/labor for information about the Section Development Fund and Government and YLD Fellowship Program opportunities.

For registration fees over $500, 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. Send requests to laboremplllaw@americanbar.org.