

**American Bar Association
Section of Labor and Employment Law**

**2008 ABA Annual Meeting
New York, New York
August 7-10**

Thursday, August 7

12:00 – 1:15 p.m.

Careers in Labor and Employment Law

Marriott Marquis, Palace Winter Garden/Majestic Complex, 6th Floor

If you are considering a career in labor and employment Law, meet with leading lawyers practice in this arena and who will share their diverse perspectives on labor and employment practice and their real-life experiences practicing on behalf of management, unions, and plaintiffs or serving as government attorneys and neutrals. Not only will you learn about the extremely varied career options open to labor and employment lawyers, you will receive concrete practical advice on how to get into the area that interests you, whether it is a big firm practice, a union legal staff, a boutique management or plaintiff's firm, or a federal regulatory agency.

2:00 – 3:30 p.m.

Maternal Wall Bias and Family Responsibilities Discrimination

Co-sponsored with Commission on Women in the Profession

Hilton New York, Nassau Suite, 2nd Floor

This panel, led by Distinguished Professor and ABA Margaret Brent award recipient Joan Williams, will discuss cutting-edge family responsibilities discrimination (FRD) cases, which have increased 400% in the past decade. These cases, which involve employment discrimination based on caregiving responsibilities for children, elderly parents, or ill relatives, have higher success rates than other types of employment discrimination cases. Get an update on the law and strategies for litigating in this developing area. In addition, the speakers will discuss workplace inflexibility and “maternal wall” bias in the profession in particular.

Speakers:

Samantha C. Grant, Mitchell Silberberg & Knupp LLP, Los Angeles, CA

Wendy L. Kahn, Zwerdling Paul Kahn & Wolly, PC, Washington D.C.

Bonnie Pierson-Murphy, UBS Investment Bank, Stamford, CT

Cheryl R. Saban, Paul Hastings, New York, NY

Professor Joan C. Williams, University of California Hastings College of the Law,
San Francisco, CA

5:30 – 7:00 p.m.

Equalitea Tea/Rally/Reception

Co-sponsored with Commission on Women in the Profession

Hilton New York, West Ballroom, 3rd Floor

The Equalitea is a tea/rally/reception that concludes the ABA Day of Equality by bringing together hundreds of people for celebration and inspiration. It will celebrate all the ABA Commission on Women in the Profession has accomplished in the past 20 years; highlight and thank the CLE program participants of the Day of Equality; and issue a call to action regarding the work that still needs to be done to achieve full equality for women in the profession.

Friday, August 8

8:30 – 10:00 a.m.

**Solo Day – Takin’ It To The House: The Law Firm as Business –
Fundamentals of Organizing and Setting Up Your Firm’s Structure and Operation**

Co-sponsored with General Practice Solo and Small Firm Section

Hilton New York, Morgan Suite, 2nd Floor

8:30 – 10:00 a.m.

**Running With The Big Dogs: How To Eat Well Without Being Swallowed Up –
A Primer on Getting Work from Large Law Firms and Corporate Clients.**

Co-sponsored with General Practice Solo and Small Firm Section

Hilton New York, Nassau Suite A, 2nd Floor

10:30 a.m. – 12:30 p.m.

Retiree Medical Plan Liabilities in Today’s Environment

Co-Sponsored with the Business Law Section

Grand Hyatt, Imperial, Conference Level

12:30 - 2:00 p.m.

Strategies for Navigating in the E-Discovery World

Section of Labor and Employment Law

Waldorf=Astoria, Duke of Windsor Suite, 4th Floor

The collection, review, and production of electronically stored information remains a challenge and attorneys and clients alike subject themselves to grave consequences if the process goes wrong. Led by Ronald Hedges, a member of The Sedona Conference's Advisory Board and Electronic Document Retention and Production Working Group, this panel will discuss e-discovery hot topics and recent cases. This will include a discussion of topics such as monetary and evidentiary sanctions for inadequate searches and untimely productions, production of privileged e-discovery and privilege waivers, forensic inspection and imaging of computer systems, preservation orders and litigation holds, key word searches, cost shifting, and spoliation.

Speakers:

Lloyd B. Chinn, Proskauer Rose LLP, New York, NY

Ronald J. Hedges, Nixon Peabody, LLP, New York, NY

Mark D. Risk, Mark Risk PC, New York, NY

George L. Washington, Equant, Inc., Oak Hill, VA

2:00 – 3:00 p.m.

Section of Labor & Employment Law Council Meeting

Waldorf=Astoria, East Foyer, 3rd Floor

2:00 – 4:00 p.m.

Designing a 401(k) Plan: How to Select Investment Options for Your Employees

Section of Labor and Employment Law

Waldorf=Astoria, Starlight North Terrace, 18th Floor

With the shift away from traditional defined benefit pension plans, employers have increasingly turned to 401(k) plans to offer employees a way to save for retirement. One of the most daunting questions facing employers when they decide to establish a 401(k) plan, is how to select the number and types of investment options their employees will be offered. This session will focus on best practices that plan sponsors (whether law firms or other employers) should use in making these design decisions.

Moderator:

Phyllis C. Borzi, O'Donoghue & O'Donoghue LLP, Washington, DC

Speakers:

Debra Berns, CBS Corporation, New York, NY

Diane Vallerie Improta, Hewitt Investment Group LLC, Norwalk, CT

Susan Serota, Pillsbury Winthrop Shaw Pittman LLP, New York

2:00 – 5:00 p.m.

Historical Trial: Murder at Madison Square Garden: The High-Tech Trial of Millionaire Harry Thaw for Shooting Architect Stanford White

Co-sponsored with General Practice Solo and Small Firm Section

Hilton New York, Sutton Parlor South, 2nd Floor

2:00 – 5:00 p.m.

e-Discovery from the War Room!

Co-sponsored with Tort Trial and Insurance Practice Section

Hilton New York, Clinton Suite, 2nd Floor

2:45 – 4:15 p.m.

Effective Use of Jury Consultants

Section of Labor & Employment Law, Co-sponsored with Tort Trial and Insurance Practice Section

Waldorf=Astoria, Starlight Center Terrace, 18th Floor

Employment litigation is risky. Couple the emotions of the parties with the prospective jurors life stories, and picking a fair and impartial jury can be a challenge. Our jury consultant and experienced trial attorneys will discuss techniques for identifying juror's views and biases, offer practical advice on how to approach voir dire, and identify potential pitfalls to avoid during the jury selection process.

Speakers:

Llezie Green Coleman, Cohen, Milstein, Hausfeld & Toll, P.L.L.C., Washington, DC

Barbara D'Aquila, Fulbright & Jaworski, Minneapolis, MN

Susan Fillichio, Decision Quest, Los Angeles, CA

8:00 – 10:00 p.m.

Section of Labor & Employment Law Council Dinner (By Invitation)

Le Bernardin, 155 West 51st Street

Saturday, August 9

8:30 – 10:00 a.m.

Litigating National Origin and Religious Discrimination Post 9/11

Section of Labor & Employment Law, Co-sponsored with Tort Trial and Insurance Practice Section

Waldorf=Astoria, Conrad Suite 4th Floor

World events and the nightly news have put more emphasis on issues concerning national origin and religion than at any time in recent history. This panel will discuss strategies for litigating these cases, including practical advice for advising clients on how to address these issues when they arise in the workplace.

Speakers:

Sandra R. McCandless, Sonnenschein Nath & Rosenthal, San Francisco, CA

Rodney Perry, Bryan Cave, Chicago, IL

Anjana Samant, Outten & Golden, New York, NY

8:30 – 10:00 a.m.

United Nations Convention on the Rights of Persons with Disabilities and the Americans with Disabilities Act: Similarities and Differences

Co-Sponsored with the Commission on Mental and Physical Disability Law

Hilton New York, Nassau Suite B, 2nd Floor

10:15 – 11:15 a.m.

Fair Measure: Toward Effective Attorney Evaluations

Section of Labor & Employment Law

Waldorf=Astoria, Conrad Suite 4th Floor

Is your attorney evaluation process really unbiased? Do you need help making it more objective? This panel will provide a guide to implement and conduct an evaluation program with unbiased evaluations and will discuss raising evaluators' consciousness of the various ways that gender bias can impact performance reviews. The panel will also discuss sample checklists and evaluation forms. Although the panel's discussion will be generally geared to gender bias in evaluating attorneys, it can be universally applied to other under-represented groups and other professionals.

Speakers:

Rachel Geman, Lief Cabraser Heimann & Bernstein, LLP, New York, NY

T. Warren Jackson, The DIRECTV Group, Inc., El Segundo, CA

Elaine D. Koch, Bryan Cave, Kansas City, MO

Patricia C. Slovak, Schiff Hardin LLP, Chicago, IL

Ann B. Stevens, Morrison & Foerster, McLean, VA

2:00 – 2:15 p.m.

Section of Labor & Employment Law Business Meeting and Election
Waldorf=Astoria, Library, 18th Floor

2:00 – 3:30 p.m.

When In Rome ’? : Cross-Cultural Issues In The Courts

Co-sponsored with Section of International Law

Sheraton New York, Conference Room L, Executive Conference Center

2:00 – 3:30 p.m.

The Wage-Hour Litigation Wars: Successful Strategies for Plaintiff and Defense Counsel in Litigating Wage-Hour Claims and Class Actions

Co-sponsored with Tort Trial and Insurance Practice Section

Hilton New York, Gibson Suite 2nd Floor

2:00 – 3:30 p.m.

Women in the Judiciary:

How to Become a Judge and What It’s Like When You Get There

Co-sponsored with Section of Individual Rights & Responsibilities

Hilton New York, Petit Trianon, 3rd Floor

Sunday, August 10

8:30 – 10:00 a.m.

Multiple Representation Issues in Traditional Labor Law

Section of Labor & Employment Law

Waldorf=Astoria, Conrad Suite 4th Floor

Representing a single client in a particular legal issue or dispute rarely presents difficult ethical challenges. Whether you are advising a client concerning union organizing activity or prosecuting or defending a harassment case, your focus is on that client and that particular set of circumstances. In these situations, challenging ethical problems rarely arise. However, because of the nature of the labor and employment law practice (lawyers representing unions and employees or employers and managers, or government agencies representing the public interest), joint/multiple representation issues often arise. Whenever a lawyer attempts to represent multiple parties, or where similar representation of separate clients conflict with each other, a lawyer often is faced with an ethical or practical dilemma, or both. This panel will identify common ethical situations involving multiple representation, including related concerns for government investigators, and will provide advice on how to avoid the potential pitfalls.

Speakers:

Denise M. Clark, Law Office of Denise M. Clark, Washington, DC

Fern H. Singer, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Birmingham, AL

8:30 – 10:00 a.m.

Heaven Can't Wait: Issues in Religious Accommodation

Co-sponsored with Section of Individual Rights & Responsibilities

Hilton New York, Nassau Suite A, 2nd Floor

8:30 – 10:00 a.m.

Ultimate Arbitration Update

Co-sponsored with Section of Dispute Resolution

Hilton New York, Sutton Parlor North, Second Floor

Leading practitioners on our annual arbitration update panel will bring you up-to-date on the latest developments in arbitration law and practice. Topics include the Arbitration Fairness Act, Hall Street Associates LLC v. Mattel, Inc., Preston v. Ferrer, case-driven modifications to arbitration agreements, *pro se* plaintiffs, dispositive motions, *in camera* review, and service provider statistics and news. Come discuss with our panelists the ever-evolving world of arbitration.

Speakers:

Stephen J. Hirschfeld, Curiale Dellaverson Hirschfeld & Kraemer LLP, San Francisco, CA

Wayne N. Outten, Outten & Golden LLP, New York, NY

Susan Grody Ruben, Arbitrator & Mediator, Cleveland, OH

Eric P. Tuchmann, American Arbitration Association, New York, NY

9:30 – 11:00 a.m.

New DOL Fee Disclosure Regulations: Compensation Unmasked: What Service Providers to Pension and Health Plans Must Tell Plan Sponsors About Their Fees

Section of Labor and Employment Law

Waldorf=Astoria, Jade Room, Third Floor

The new buzzword in Washington and elsewhere is “transparency.” For many years plan sponsors have complained that they have been unable to obtain from some vendors information about the real cost of services provided to 401(k), health plans and other employer-sponsored benefit plans. In a recent series of proposals, the Department of Labor has taken on the issue of fee transparency from various angles with mixed reactions from plan sponsors, participant advocates, and the service provider community. This session will focus on the key issues and controversies with an expert panel representing all of those conflicting viewpoints.

Moderator:

Phyllis C. Borzi, O’Donoghue & O’Donoghue LLP, Washington, DC

Speakers:

Beth Dickstein, Sidley Austin LLP, Chicago, IL

Erin Sweeney, Dickstein Shapiro LLP, Washington, DC

Kristen Zarenko, Senior Benefits Law Specialist, Office of Regulations and Interpretations, Employee Benefits Security Administration, U.S. Department of Labor, Washington, DC

2:00 – 5:00 p.m.

Automatic Enrollment and Beyond – What Techniques Really Work to Encourage Employees to Prepare for Retirement, and What More Needs to Be Done?

Joint Committee on Employee Benefits

Grand Hyatt, Broadway, Conference Level