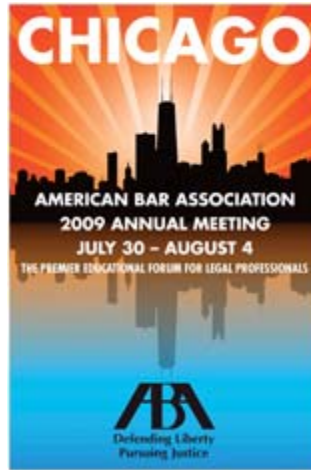


**American Bar Association
Section of Labor and Employment Law**



**2009 ABA Annual Meeting
Chicago, IL**

July 30 – August 2

Thursday, July 30

12:00 – 1:15 p.m.

Careers in Labor and Employment Law

Chicago Marriott Downtown, Denver/Houston 5th Floor

If you are considering a career in Labor and Employment Law, meet with leading labor and employment lawyers who will share their diverse perspectives on labor and employment law 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.

Speakers:

Lori D Ecker, Law Office of Lori D Ecker, Chicago, IL

Marvin Gittler, Asher Gittler Greenfield & D'Alba, Chicago, IL

Grady B Murdock Jr, Littler Mendelson PC, Chicago, IL

Adele Rapport, Chicago, IL

Oscar Romero, Bridgestone Retail Operations LLC, Bloomingdale, IL

Friday, July 31

8:30 a.m. – 5:00 p.m.

Section Information Center

Westin Michigan Avenue, Consulate West, 2nd Floor

9:00 – 10:30 a.m.

Basics of the National Labor Relations Act

Westin Michigan Avenue, Governor's Suite, 3rd Floor

The National Labor Relations Act is the foundation for the American system of collective bargaining and workers' rights to participate in – or refrain from – union representation. This panel will explain the basics of union organizing and the rights of employees, unions and employers; the obligations of the parties to a collective bargaining relationship and the level of protection afforded employees to who choose to engage in or refrain from engaging in union activities.

Moderator:

Joseph Barker, National Labor Relations Board, Chicago, IL

Speakers:

Joel A. D'Alba, Asher, Gittler, Greenfield & D'Alba, Chicago, IL

Elaine S. Fox, Seyfarth Shaw, Chicago, IL

9:00 – 10:30 a.m.

Employee Free Choice Act: Whose Choice Is It?

Westin Michigan Avenue, Buckingham Room, 2nd Floor

Proponents of EFCA claim it levels the playing field and gives workers the choice of a secret ballot election or employer recognition of union representation based on a card majority. Opponents of EFCA claim it is anti-democratic and eliminates the secret ballot. If EFCA passes it will be the first federal labor law reform measure in over 60 years. Is it time to move into the 21st century or should Congress not fix something that is not broken?

Moderator:

Hope J. Singer, Bush, Gottlieb, Singer, Lopez, Kohanski, Adelstein & Dickson, Burbank, CA

Panelists:

Marshall B. Babson, Hughes Hubbard, former Member of the National Labor Relations Board, New York, NY

Thomas A. Kochan, Massachusetts Institute of Technology, Cambridge, MA

Nancy Schiffer, Associate General Counsel, AFL-CIO, Washington, DC

10:45 – 12:15 p.m.

Expansive New Developments in ADA and FMLA

Westin Michigan Avenue, Buckingham Room, 2nd Floor

What lies ahead for employers and employment lawyers on the disability and medical leave legal horizon? Due to significant changes, which went into effect this year, this panel will provide an in-depth look into two of the most difficult statutes facing businesses today: the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. Under, the ADAAA, the panel will cover changes to the definition of “disability,” including changes to the definition of “major life activities” and “substantially limits” and when an individual will be “regarded as” having a disability. The panel will also discuss issues related to “reasonable accommodation” and the interactive process. The panel will also discuss the new FMLA Department of Labor regulations and new developments on: The National Defense Authorization Act, what qualifies as exigency leave, changes to medical certifications, new requirements for notice and designation, changes to the definition of “serious health condition,” and return-to-work issues. You will also learn about any 2009 case developments applying the recent changes in these two well-litigated statutes.

Moderator:

Adele Rapport, Chicago, IL

Speakers:

Elizabeth M. Ebanks, LeClairRyan, Richmond, VA

Lori D. Ecker, Law Office of Lori D. Ecker, Chicago, IL

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

1:00-2:30 p.m.

Managing Reductions in Force and Reorganizations In an Economic Downturn

Westin Michigan Avenue, Buckingham Room, 2nd Floor

Countless employers have been forced to make massive cutbacks in workforces due to the recession. This panel of experts will discuss the labor, employment and immigration implications in reductions in force and reorganizations. Some of the topics that will be discussed include: managing layoffs and reorganizations, alternatives to layoffs, voluntary layoff programs, Worker Adjustment and Retraining Notification Act requirements, the Consolidated Omnibus Budget Reconciliation Act (COBRA) requirements, influencing the message, maintaining employee morale, the issues that arise when there is a collective bargaining agreement in place, and the issues that arise when some of the employees are on various visas.

Moderator:

Mark Risk, Mark Risk PC, New York, NY

Speakers:

Laurie Burgess, Burgess Law Offices, Chicago, IL

Frida P. Glucoft, Mitchell Silberberg & Knupp LLP, Los Angeles, CA

Vanessa Kelly, Schwartz Kelly, Annandale, NJ

2:00 – 3:00 p.m.

Section of Labor & Employment Law Council Meeting

Westin Michigan Avenue, Governor's Suite, 3rd Floor

2:45 – 4:15 p.m.

It's a Whole New World: What the Economic Crisis Means for Labor and Employment Law

Westin Michigan Avenue, Windsor Room, 2nd Floor

How is the economic earthquake and federal bailout changing labor and employment law? Are the basic assumptions underlying employment and labor relations and our practices still at all valid? How will the new economy impact changes in employers' compensation plans? What do labor and employment lawyers need to know about bankruptcy? This panel will examine the concrete implications of the bail out economy across a wide range of issues, including the initiation, litigation, arbitration and settlement of employment and labor claims; the impact of the Troubled Asset Relief Program (TARP) and an uncertain economy on executive compensation, employment contracts, collective bargaining agreements, severance agreements and whistleblowing claims.

Moderator:

Jonathan Ben-Asher, Beranbaum Menken Ben-Asher & Bierman LLP, New York, NY

Speakers:

Lori Deem, Abrahamson Vorachek & Levinson, Chicago, IL

Jeffrey S. Heller, BP America, Inc., Warrenville, IL

Joseph A. Kohanski, Bush, Gottlieb, Singer, Lopez, Kohanski, Adelstein & Dickinson, Glendale, CA

Grady B. Murdock, Littler Mendelson, P.C., Chicago, IL

3:15 – 4:15 p.m.

International Committee Meeting

Westin River North, Mayfair, 3rd Floor

This session will provide an update on Committee programs and publications and will serve as a networking opportunity to learn more about the Committee's functions and plans. Information on significant developments in the international labor and employment arena will be addressed.

Saturday, August 1

8:00 a.m. – 2:30 p.m.

Section Information Center

Westin Michigan Avenue, Consulate West 2nd Floor

8:30 – 10:00 a.m.

E-Discovery: Best Practices for Managing Risk While Conducting Cost-Effective Review and Production

Westin Michigan Avenue, Michigan Room, 2nd Floor

As a result of e-discovery, litigation costs have increased and the technical needed to request and respond to discovery has increased as well. Experts will provide best practice tips on when and how to initiate a legal hold, how to develop effective ESI retention programs, how to avoid spoliation of evidence and how to make effective requests and responses for ESI and the importance of the Rule 26(f) conference and agreements for sharing costs.

Panelists:

Hon. Andrew J. Peck, U.S. District Court for the Southern District of New York, New York, NY

Michael Gray, Jones Day, Chicago, IL

Nicole Walthour, International Paper, Inc., Memphis, TN

Marni Willenson, Farmworker Justice, Washington, DC

10:15 – 11:45 a.m.

Drawing the Line: Privacy in the Workplace

Westin Michigan Avenue, Michigan Room, 2nd Floor

New technologies make it easier than ever for employers to screen and recruit talent. Moreover, employers can easily discover personal information through social networking sites and blogs that could prompt a decision to terminate employment. What is the appropriate use for technologies that can monitor employees work habits and location? Are employees ever off duty?

Moderator:

Ruth Hill Bro, Baker McKenzie, Chicago, IL

Panelists:

Joan Harris, Target Corporation, Minneapolis, MN

Rachel Minter, Law Offices of Rachel Minter, New York, NY

12:00 – 1:00 p.m.

Section Luncheon

Westin Michigan Avenue, Windsor Room, 2nd Floor

Plan to join your labor and employment colleagues for a networking buffet luncheon. Please indicate your intention to attend by contacting Lynette Kelley in the Section office at kelleyl@staff.abanet.org.

1:00 – 2:30 p.m.

Ethics of Negotiation and New Developments in Ethics

Westin Michigan Avenue, Buckingham Room, 2nd Floor

Join our experienced panel as they discuss challenges and offer practical advice on ethics when negotiating and new case law developments in ethics, including: key differences between FLSA and Rule 23 negotiations and settlements, avoiding conflicts when representing multiple parties, negotiating aggregate settlements, agreements restricting future representation, mediator's role in sponsoring settlement to the Court, confidentiality issues with settlement agreements, duties of candor to mediator and opposing counsel, puffing in the presence of a judge or mediator, communicating with clients about settlement offers, and threatening prosecution and reporting misconduct.

Moderator:

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

Panelists:

Dennis P. Duffy, Baker Botts, Houston, TX

George A. Hanson, Stueve Siegel Hanson LLP, Kansas City, MO

T. Warren Jackson, DIRECTTV Group, Inc., El Segundo, CA

2:30 – 3:00 p.m.

Section Business Meeting and Election

Westin Michigan Avenue, Buckingham Room, Second Floor

Sunday, August 2

8: 30 a.m. – 10:00 a.m.

ERISA Hot Topics

Hyatt Regency Chicago, Columbus Hall, C/D, Gold Level, East Tower

Our panel of experts will discuss the latest and most significant developments in ERISA litigation, affecting employers, employees and employee benefit plans. Topics include: What claims 401k plan participants are making in the wake of the historic drop in the value of plan benefits (for example, that the employer should not have included its own stock in such plan, or that fees charged to participants were excessive); how the courts' standard of review of a benefits denial is affected by the Supreme Court's decision in *MetLife v. Glenn*; how *Kennedy v. Plan Administrator* resolves disputes among surviving spouses, former spouses and others claiming a decedent's benefits; and how plaintiffs are faring in the wake of decisions limiting the remedies in ERISA cases alleging misrepresentations and certain statutory violations.

Moderator:

J. Timothy McDonald, Rogers & Hardin LLP, Atlanta, GA

Panelists:

Elizabeth Hopkins, United States Department of Labor, Washington, DC

William T. Payne, Stember Feinstein Doyle & Payne, Pittsburgh, PA

10:00 – 11:30 a.m.

Ultimate Arbitration Update

Co-sponsored with Section of Dispute Resolution

Westin Michigan Avenue, Buckingham Room, 2nd Floor

Join us for our annual gathering to discuss the cutting edges of arbitration practice. Among the topics covered will be the impact of the U.S. Supreme Court's decision in *Pyett*, circuit court case update, difficult discovery issues, and ethical issues in class action arbitration. This always-lively panel invites your questions and comments.

Moderator:

Susan Grody Ruben, Arbitrator and Mediator, Cleveland, OH

Panelists:

Mark Y. Berger, Univ. of Missouri Law School, Kansas City, MO

Thomas Doyle, Saunders & Doyle, Chicago, IL

Kevin McCarthy, McCarthy Smith, Portage, MI

Stuart Widman, Miller Shakman, Chicago, IL