

The success of the first two ABA Section of Labor and Employment Law Annual CLE Conferences has positioned the annual event as the premier meeting focusing on all aspects of labor and employment law. We are delighted to share with you the program agenda for the 3rd Annual CLE Conference to be held November 4–7, 2009, in Washington, D.C. We are excited to have the Young Lawyers Division (YLD) cosponsoring the Fundamentals Track again this year and hope to see many YLD members at the Conference.

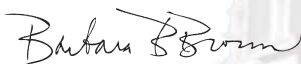
Many of the features that made our first two CLE Conferences so successful will be present again this year:

- **Prominent speakers and exciting speaker panels**
- **A full year's worth of CLE credit at a price that can't be beat**
- **A multitrapped curriculum covering all aspects of your labor and employment law practice**
- **A multilevel program that will be of value regardless of your degree of experience**
- **Networking opportunities for you to meet with colleagues representing all perspectives in the labor and employment arena**

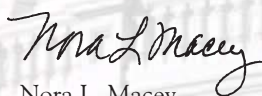
The Section's 3rd Annual CLE Conference provides an opportunity to meet and talk with top practitioners representing plaintiffs, employers, and unions, as well as in-house counsel, academics and government lawyers. In addition to top quality CLE programming, we've planned three networking receptions that will allow you to communicate with your colleagues in a relaxed atmosphere.

The CLE Conference Planning Committee is pleased to hold the meeting in Washington, D.C., during such a historic time. The Conference offers you the opportunity to learn about government initiatives from agency representatives, to observe government hearings and meetings, and to attend receptions and events at some of our nation's most beautiful landmarks. We know that you will not be disappointed.

We look forward to seeing you in Washington, D.C., at the 3rd Annual CLE Conference.



Barbara Berish Brown
Section Chair



Nora L. Macey
Section Chair-Elect



Thank you to our sponsors to date for their generous contributions in support of our 2009 CLE Conference:

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If you are interested in sponsorship opportunities, contact Tracey Moore at mooret@staff.abanet.org or 312/988-5586.

3rd Annual CLE Conference Program Schedule

Wednesday, November 4

4:00–8:00 pm

Conference Registration

5:00–6:00 pm

First-Time Attendee/New Section Member Meet and Greet Reception

6:00–8:00 pm

Welcome Reception and Committee/Vendor Expo

10:00 pm–12:00 am

Young Lawyers Division & Law Student Division Reception

Thursday, November 5

7:00–8:00 am

Continental Breakfast

7:00–8:00 am

Standing Committee Business Meetings and Roundtable Discussions

8:00–9:15 am

Plenary Session: Welcome, Award Presentations, and Supreme Court Review

• 9:30 am–5:15 pm • Consulting Track

9:30–11:00 am *Concurrent Programs*

A. Top Five Issues in Employment Law

B. What Labor & Employment Lawyers Need to Know About Immigration Issues

11:15 am–12:45 pm *Concurrent Programs*

A. It Was the Worst of Times: Layoffs, Regressive Bargaining, and Corporate Restructuring in a Troubled Economy

B. Who's Knocking at My Door? Immigration and Customs Enforcement Raids and Worker/Employer Rights

2:00–3:30 pm *Concurrent Programs*

A. ADA Redux: Current Developments and the Impact of the Americans with Disabilities Act Amendment Act

B. Litigation Issues Related to Employment of Foreign Nationals

3:45–5:15 pm

I Know Who You Are and I Read What You Write: Claims Arising from Blogging, Texting, GPS, and E-mail

• 9:30 am–5:15 pm Fundamentals Track

Cosponsored by the ABA Young Lawyers Division

9:30–11:00 am *Concurrent Programs*

A. Introduction to the Law and Practice Before the National Labor Relations Board

B. What Labor & Employment Lawyers Need to Know About Workplace Safety Laws: OSHA and Workers' Compensation

11:15 am–12:45 pm

EEO Law: Overview and Current Issues under Title VII, the ADEA, and the ADA

2:00–3:30 pm

Update on ERISA Claims Administration and Litigation

3:45–5:15 pm

Representing Employers and Employees in Canada and Europe: A Survey of International Laws Impacting Hiring, Firing, Privacy, and More

• 9:30 am–3:30 pm • Immigration Track

9:30–11:00 am

What Labor & Employment Lawyers Need to Know About Immigration Issues

11:15 am–12:45 pm

Who's Knocking at My Door? Immigration and Customs Enforcement Raids and Worker/Employer Rights

2:00–3:30 pm

Litigation Issues Related to Employment of Foreign Nationals

• 9:30 am–5:15 pm • Litigation Track

9:30–11:00 am

Witnesses Say the Darndest Things: Practice Tips and Ethical Considerations in Preparing, Defending, and Examining the Problem Witness

11:15 am–12:45 pm

Case Dismissed? Summary Judgment Practice in Employment Cases

2:00–3:30 pm

How Should I Deal with My Opponent's Expert Witness Report? Cross-Examining Experts and Arguing *Daubert* Issues

3:45–5:15 pm

Navigating the E-Discovery Minefield: Latest Developments and Current Compliance Issues

• 9:30 am–12:45 pm Public Sector Track

9:30–11:00 am

Bargaining in the Public Sector in Difficult Economic Times

11:15 am–12:45 pm

A Primer on Collective Bargaining and Individual Rights in the Public Sector

• 9:30 am–12:45 pm Sports and Entertainment Law Track

9:30–11:00 am

Intellectual Property Issues for Employment Lawyers

11:15 am–12:45 pm

What Employment Lawyers Can Learn From Drug Testing in Sports

• 9:30 am–5:15 pm Traditional Labor Track

9:30–11:00 am *Concurrent Programs*

A. Laying Down the Law: A Question-and-Answer Session with the Solicitor of Labor on Enforcement Issues Under Federal Labor Statutes Including OSHA, FLSA, and More

B. Introduction to the Law and Practice Before the National Labor Relations Board

11:15 am–12:45 pm

Stop! I Say Stop Again! The Developing Law of NLRB Remedies

2:00–3:30 pm

A Conversation with the NLRB: Board Members Provide Insight on Past Decisions and Future Issues

3:45–5:15 pm

Tell Us More: The General Counsel Discusses Enforcement Issues with a Panel of Union and Management Attorneys

• 12:45–5:15 pm In-House Counsel Track

12:45–2:00 pm

In-House Counsel Networking Luncheon

2:00–3:30 pm

The Message from the Top: Corporate General Counsel and HR Directors Address the Legal and Practical Challenges Faced by Employers in 2009 and Beyond

3:30–5:15 pm

Main Street Blues and Wall Street News: Managing Uncertainties from the Inside

• 12:45–5:15 pm • Pro Bono Track

12:45–2:00 pm

Pro Bono Workshop and Luncheon

3:45–5:15 pm

A Practical Workshop on Pro-Bono Service: Teaching Lawyers How to Secure Tax Credits for Low-Income Workers

• 2:00 pm–5:15 pm • ADR Track

2:00–3:30 pm

Mandatory Arbitration of Statutory Discrimination Claims: The Challenges Confronting Employers, Unions, and Plaintiffs in Response to the Supreme Court's Decision in *14 Penn Plaza v. Pyett*

3:30–5:15 pm

Effective Mediating: Demonstration of Advanced Techniques for Advocates and Mediators

• 2:00–3:30 pm Employee Benefits Track

2:00–3:30 pm

Update on ERISA Claims Administration and Litigation

12:45–2:00 pm

**Pro Bono Workshop and Luncheon
In-House Counsel Networking Luncheon**

6:00–7:30 pm

**Reception Honoring
Diversity in the Profession at the
United States Library of Congress**

Friday, November 6

7:00–8:00 am

Continental Breakfast

7:00–8:00 am

Constituent Breakfasts

8:00–9:15 am

Plenary Session: Claims Arising From Religious Expression at Work: Lessons for the Multicultural Workplace

ABA Section of Labor & Employment Law

• 9:30 am–5:15 pm • Consulting Track

9:30–11:00 am *Concurrent Programs*

A. Getting Even? Don't Even Think About It!
Expanding Avenues for High-Speed Pursuit of Retaliation Claims

B. Advanced ERISA Update: Prosecuting and Defending ERISA Claims

11:15 am–12:45 pm *Concurrent Programs*

A. Pay Me Now, or Pay Me Later!
The Lilly Ledbetter Fair Pay Act and Compensation Equity

B. Transgender and Sexual Orientation Discrimination and Update on Sex Stereotyping Claims

2:00–3:30 pm

Peace as You Part: Negotiating Enforceable and Error-Free Separation Agreements and Other Releases

3:45–5:15 pm *Concurrent Programs*

A. You Can't Do That! Yes, I Can!
Noncompetes and Trade Secrets

B. When Johnny and Joanie Come Marching Home Again: Recent Developments in USERRA

• 9:30–11:00 am Employee Benefits Track

9:30–11:00 am

Advanced ERISA Update:
Prosecuting and Defending ERISA Claims

• 9:30 am–5:15 pm Fundamentals Track

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9:30–11:00 am *Concurrent Programs*

A. Planes and Trains: The Railway Labor Act
B. Frequently Encountered Wage & Hour Issues
Arising under the Fair Labor Standards Act (FLSA) and State Wage & Hour Laws

11:15 am–12:45 pm

Numbers, Please! Pattern and Practice Statistics for the EEO Lawyer

2:00–3:30 pm

It's Elementary . . . Actually, It's Basic:
Basic Employment Rights and Responsibilities

3:45–5:15 pm

The Last Resort: What Labor & Employment Lawyers Need to Know About Bankruptcy

• 9:30 am–3:30 pm • International Track

9:30–11:00 am

Women at Work: Gender Equality and Harassment Issues in International Workplaces

11:15 am–12:45 pm

Key International Labor Law Issues for Unions and Employers: Trade Agreements, Labor Standards, Corporate Responsibility, and Global Initiatives of the Obama Administration

2:00–3:30 pm

Circling the Globe: Hot Topics in Labor & Employment Law Around the World

• 9:30 am–5:15 pm • Litigation Track

9:30–11:00 am

The Electronic Courtroom:
Effective Use of All the Bells and Whistles

11:15 am–12:45 pm

Ethics in Discovery: Abuses and Sanctions

2:00–3:30 pm

Mock Summary Jury Trial – Part I

3:45–5:15 pm

Mock Summary Jury Trial – Part II

• 9:30 am–5:15 pm Traditional Labor Track

9:30–11:00 am

An Oral Argument Before the National Labor Relations Board – Part I

11:15 am–12:45 pm

An Oral Argument Before the National Labor Relations Board – Part II

2:00–3:30 pm

As the Pendulum Swings:
The Role of Precedent in NLRB Decisions

3:45–5:15 pm

Seventy-Five Years of the National Labor Relations Act: A Critical View of the History and Future of the Act

• 9:30 am–5:15 pm Wage & Hour Track

9:30–11:00 am

Frequently Encountered Wage & Hour Issues
Arising under the Fair Labor Standards Act and State Wage & Hour Laws

11:15 am–12:45 pm

Meet the Obama Department of Labor

2:00–3:30 pm

Determining Compensable Work Issues

3:45–5:15 pm

Litigating Wage & Hour Class Cases

• 2:00–3:30 pm • Federal Sector Track

2:00–3:30 pm

Obama Administration Initiatives in Federal Sector Labor & Employment Law

• 3:45–5:15 pm • Law and Policy Track

3:45–5:15 pm

Federal Legislative Developments:
Rewriting Federal Labor & Employment Laws

6:00–9:00 pm

Conference Reception at the National Portrait Gallery

7:30–9:00 pm

**National Labor Relations Board
75th Anniversary Celebration Dinner
at National Portrait Gallery (ticketed event)**

Saturday, November 7

7:00–8:00 am

Continental Breakfast

7:00–8:00 am

Roundtable Discussions

8:00–9:15 am

Plenary Session: Ethics at the Movies

• 8:00 am–2:15 pm • Law Student Track

8:00 am–12:45 pm

Welcome to the World of Labor & Employment Law

1:00–2:15 pm

Careers in Labor & Employment Law Lunch:
A “How To” Exploration of Options and Advice for Law Students on Finding the Right Job

• 9:30 am–12:45 pm • ADR Track

9:30–11:00 am

Mandatory Employment Arbitration:
Has Experience Proven Them a Panacea for Employers and a Curse for Employees?

11:15 am–12:45 pm

Preparing for and Presenting Your First—
or Your Hundredth—Labor Arbitration

• 9:30 am–12:45 pm • Consulting Track

9:30–11:00 am *Concurrent Programs*

A. Difficulties and Disasters:
Workplace Investigations Gone Wrong

B. Unraveling Statutory Protections
for Workplace Leaves and Absences

11:15 am–12:45 pm

A Balancing Act: The Latest in Family Responsibility Discrimination Law

• 9:30 am–12:45 pm Fundamentals Track

Cosponsored by the ABA Young Lawyers Division

9:30–11:00 am

Unraveling Statutory Protections
for Workplace Leaves and Absences

11:15 am–12:45 pm

Addressing Substance Abuse in the Legal Profession and in the Workplace

• 9:30 am–12:45 pm • Litigation Track

9:30–11:00 am

The Jury's in: Results of Mock Summary Jury Trial and Discussion with Jury

11:15 am–12:45 pm

Summary Jury Trials:
ADR, Shadow Juries, Focus Groups, etc.

• 9:30 am–12:45 pm Traditional Labor Track

9:30–11:00 am

The Other Labor Law: Labor Union Law and Regulation under the LMRDA

11:15 am–12:45 pm

Bankruptcy and Collective Bargaining Issues

• 9:30 am–12:45 pm Wage & Hour Track

9:30–11:00 am

Covered or Exempt?

11:15 am–12:45 pm

Employee or Independent Contractor:
Single or Joint Employer?

Conference Highlights

- **Layoffs and Corporate Restructuring in a Troubled Economy**

This up-to-the-minute panel unravels the legal and practical impact of layoffs, restructuring, downsizing, compliance with WARN and OWBPA, givebacks in collective bargaining, and bankruptcy. Panelists cover issues related to modifying collective bargaining agreements and retiree health benefits, terminating underfunded defined benefit plans, and other cost-cutting initiatives.

- **The Obama Administration Labor and Employment Initiatives**

High-level officials from the Obama administration will bring attendees up-to-date on significant labor and employment initiatives that have already been implemented and those that are on the horizon.

- **Recent Labor and Employment Legislative Developments**

Within days of taking office, the Obama administration endorsed legislation that will have a significant impact on employment litigation. An insider panel provides in-depth analysis of those statutes and their impact on the workplace.

- **Conversations with National Labor Relations Board Members and the NLRB General Counsel Plus a Live NLRB Oral Argument**

An address by the NLRB General Counsel and Board members, oral argument in a case pending before the Board, the views of experienced practitioners on hot topics facing unions and employers, and a celebration of the 75th anniversary of the Act will highlight this dynamic program.

- **Ethics at the Movies**

Back by popular demand and with new movie clips, this one-of-a-kind program entertains and educates lawyers about the ethical challenges faced by labor and employment lawyers.

The College of Employee Benefits Counsel will meet in conjunction with the Annual CLE Conference. The College will be producing a CLE program entitled **"The Market Meltdown and its Effect on Employees, Employers and Unions,"** on Saturday, November 7 from 1:00 – 3:00 pm at the Grand Hyatt Washington.

- **Mock Summary Jury Trial**

In this trial advocacy program, a U.S. district court judge will preside over a mock summary jury trial. Watch prominent litigators demonstrate opening statements, witness examination and cross-examination, and closing arguments before a mock jury. Learn from the judge, the litigators, a live jury, and a jury consultant how the use of mock summary jury trials can promote effective settlement and winning trial strategies.

- **International Programs**

Experienced practitioners highlight the hot topics and key trends in labor and employment law around the globe, with a particular emphasis this year on Canada and Europe, and on gender equity issues.

- **Wage & Hour**

In a six-program track dedicated to this growing practice area, national experts address the unique practical and strategic issues that arise in litigating large wage and hour cases under the FLSA and state laws.

- **Claims Relating to Cyberspace Issues: Blogging, Texts, Twitter, and GPS**

Come hear panelists debate how far employers can go when monitoring employee activity and delve into the scope of employee rights regarding expectations of privacy when using company-issued technology.

- **In-house Corporate Counsel**

In-house corporate counsel can participate in lively dialogue and hear experienced analysis addressing the most pressing issues facing their clients in the current business environment. A special networking lunch for corporate in-house counsel provides even more opportunity to share experiences and knowledge.



2009 CLE Conference Planning Committee

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