

# 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?**