



Regional CLE Workshop:

ABA
Section of
Litigation

Employment & Labor Relations Law 2017

**Southwest Airlines
2702 Love Field Drive
Dallas, TX 75235**

September 28, 2017, 8:00 am – 5:30 pm

**Special Rate!
\$50.00
for In-House
Counsel**

*Presented by the ABA Section of Litigation Employment & Labor
Relations Law Committee*

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Program Agenda*



September 27, 2017

Networking Dinner (All individuals pay on own) Not a Section Sponsored Dinner

Ocean Prime

2101 Cedar Springs Rd #150,

Dallas, TX 75201

Please RSVP to Kim Seten at kseten@constangy.com if you wish to attend.

September 28, 2017

7:45 am – 8:20 am

Continental Breakfast

Opening Remarks

8:20 am – 8:30 am

Teresa Bult, Constangy, Brooks, Smith & Prophete, L.L.P., **Juan Suarez**, Southwest Airlines Managing Director, Deputy General Counsel

Trumping it Up: Analyzing the New Administration's Impact on Employers

8:30 am – 9:30 am

While we know, at a minimum, a Twitter account has become a necessity in 2017, we also know there are other changes we are seeing as the new administration settles in. September is a good time to assess 2017 and look into the next year to discuss agency action and policy changes that have and could impact employers. Our experienced panel will discuss the practical implications of the activity we have seen so far, and predictions for the future activity relating to immigration, wage and hour laws, Supreme Court nominations, the rights of LGBT workers, the impending millennial takeover of the workforce, and other emerging labor and employment issues.

Moderator: Teresa Bult, Constangy, Brooks, Smith & Prophete, L.L.P., Nashville, TN

Panelists: Ann Marie Painter, Perkins Coie, Dallas, TX, **Sarah Saldana**, Former Director, U.S. Immigration and Customs Enforcement, Dallas, TX, **Sarah Bradbury**, Estes Thorne & Carr PLLC, Dallas, TX

9:30 am – 10:15 am

The not-so-independent contractor & addressing the Challenging Classification Questions Presented by Today's Workforce

In 1944, Supreme Court Justice Wiley Blount Rutledge wrote, "Few problems in the law have given greater variety of application and conflict in results than the cases arising in the borderland between what is clearly an employer-employee relationship and what is clearly one of independent entrepreneurial dealing." Now, in the last two years, several agencies have issued guidance or decisions impacting on the criteria for finding joint employment between employers, including the NLRB and the Department of Labor. We'll discuss the criteria and the issue of control as it influences relationships such as the franchisor/franchisee and raises concerns of shared liability. Learn how today's employment attorneys, agencies and courts are addressing independent contractor classification questions and the practical implications for your company.

Moderator: Kindall James, Liskow & Lewis, Houston, TX

Panelists: Nikki Odom, 3M, Employment Counsel, St. Paul, MN, **Alan Crone**, Crone & McEvoy, P.L.C., Memphis, TN

*Subject to change

Program Agenda*



September 28, 2017

Cities (and States) Going Rogue: Navigating through city and local ordinances impacting employers throughout the U.S.

10:15 am – 11:10 am

It feels like cities (and States) across the country are just going rogue! It is hard to keep up with all the regulations and ordinances out there—many that seem to defy common sense and create an impossible conundrum of compliance. From predictive scheduling to “clopening,” to equal pay, to leave and sick laws, to marijuana use, to salary history bans and equal pay requirements—we all could use a little more practical help navigating through both knowledge and compliance.

Moderator: Matt Clune, Martin, Pringle, Oliver, Wallace & Bauer, L.L.P., Kansas City, MO

Panelists: Sarah Hamilton, Constangy, Brooks, Smith & Prophete, L.L.P., San Francisco, CA, **Roland Juarez**, Hunton & Williams, L.L.P., Los Angeles, CA, **Jayde Ashford Brown**, Andrews Kurth, Dallas, TX

11:10 am – 11:20 am

Coffee Break

Embrace Your Inner Techie: Best Practices for Enhancing Cyber Security and Managing Electronic Evidence

11:20 am – 12:00 pm

Keeping up with data security standards can be a daunting prospect for employers and their law firms, particularly given rapid technological changes and increased use of digital devices for day-to-day business communications. Learn how to help your company or clients implement the best internal policies and digital privacy measures to prevent breaches and effectively manage electronic evidence throughout the litigation process.

Moderator: Barbara Antonucci, Constangy, Brooks, Smith & Prophete, San Francisco, CA

Panelists: Ben Siegel, Deloitte, New York, NY, **Jeremy Guinta**, Navigant, Los Angeles, CA, **Billy Hammel**, Constangy, Brooks, Smith & Prophete, L.L.P., Dallas, TX

NETWORKING LUNCH

12:00 pm – 1:00 pm

Panel Discussion: Trends in the Trenches: Millennials, Alternative Billing Agreements, and Corporate purse strings: how the challenges have changed for In House Counsel Through the Years

Moderator: Amy Stewart, Estes Thorne & Carr P.L.L.C., Dallas, TX

Panelists: Aida Wondwessen, Pepsico, Plano, TX, **Julie Gokavi**, Corporate Counsel, iHeartMedia, San Antonio, TX, **Diego J. Peña**, Assistant Vice President Senior Legal Counsel, South West Airlines, **AT&T Services, Inc.**, Dallas TX

*Subject to change

Program Agenda*



September 28, 2017

Gender and Sex and LGBT Discrimination in 2017

How broadly do Title VII's protections extend? And what's all the hoopla about the bathrooms? We'll discuss the latest case law and agency developments on gender bias in the workplace, including potential protection against discrimination based on gender identity and sexual orientation.

1:00 pm – 1:50 pm

Moderator: Kelly Matayoshi, Attorney, Farella Braun + Martel L.L.P., San Francisco, CA

Panelists: Mindy McPheeters, Employment Attorney, Spirit Aerosystem, Wichita, KS, Keitha Wright, G2 Secure Staff, Dallas, TX, Jennifer N. Jones, Managing Counsel, Toyota Legal One, Plano, TX

"The Rest of the Story" - Employment Law Happenings in 2017

2017 is shaping up to be another interesting year in the world of employment law. This session will help "wrap up" the employment law trends and decisions that have most impacted employers and employees in 2017—focusing on the topics not covered in sessions earlier in the day, such as the status of wage and hour exemptions (and salary thresholds) and significant Supreme Court and appellate decisions. We'll talk about lessons learned and best practices for litigators and in house counsel and legal advisors moving forward.

1:50 pm – 2:50 pm

Moderator: Kim Seten, Constangy, Brooks, Smith & Prophete, L.L.P., Kansas City, MO

Panelists: Elizabeth Bohannon, Associate General Counsel, Airbnb, Inc., San Francisco, CA, Kimberly S. King, Legal Services CHRISTUS Health, Irving, TX, Blake Burgan, Taft Stettinius & Hollister, Indianapolis, IN

2:50 pm – 3:00 pm

Networking Break

Ethics: Establishing & Maintaining the Privilege for In-House Communications

Not every conversation with in-house counsel is privileged. This session will discuss when conversations are privileged and when they are not, with best practices for both in-house and outside counsel in how to handle investigations, reductions in workforce, and other workplaces situations, and when, and how, to ensure the right communications are privileged.

3:00 pm – 4:00 pm

Panelist: Elizabeth O'Neill, Womble Carlyle Sandridge & Rice, L.L.P., Winston-Salem, NC, Brian Martin, General Counsel, Juniper Networks, San Francisco, CA

4:00 pm – 5:00 pm

Cocktail Reception

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Program Organizers



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Employment & Labor Relations Law Committee*

Program Organizers

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General Information



Registration:

To register online, visit: <https://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=280870514>

or return the Registration Form on the following page with your payment (checks only) to:

American Bar Association
Attn: Service Center – Meeting/Event Registrations Department
321 N. Clark Street, Floor 16
Chicago, IL 60654
Secure Fax Number: 312-988-5850

Please register by September 12, 2017 to reserve your spot.

Requests for refunds must be made in writing and received no later than September 5, 2017 in the ABA Section of Litigation office. Please email your request to Monica Anchondo at Monica.Anchondo@americanbar.org. There will be a \$10 administrative fee deducted from the refund. Cancellations received after September 5, 2017 will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

MCLE Credit:

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 7.67 CLE credit hours in 60-minute states, and 9.2 credit hours in 50-minute states, including 1.2 of Ethics credit. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit http://www.americanbar.org/cle/mandatory_cle.html or contact Monica Anchondo at Monica.Anchondo@americanbar.org or (312) 988-6245.

Tuition Assistance:

A limited number of scholarships to defray registration fees may be available for government employees, public interest lawyers employed with nonprofits, academics, and law students, as well as unemployed attorneys. For more information, please contact: Monica Anchondo at (312) 988-6245.

Attendance List:

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Registration
Employment & Labor Relations Law 2017
September 28, 2017
Dallas, TX



The information submitted on this registration form will be used only to create an attendance list for Employment & Labor Relations Law 2017.

Full Name:

Member ID:

Affiliation:

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Apt. #:

City:

State:

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A limited amount of scholarships are available for this program. For more information, please contact: Monica Anchondo at (312) 988-6245.

Registration Information

- \$175.00 Section of Litigation members
- \$235.00 Non-Section members
- \$50.00 In-House Counsel

Checks for attendance and course materials should be made payable to the AMERICAN BAR ASSOCIATION (credit cards for online registration only).

☐

I will attend the meeting and my check for \$_____.00 is enclosed.

☐

I would like to bring a young lawyer from my firm for half the price of my registration:

Name: _____

Please send your Registration Form and check to:

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Attn: Service Center – Meeting/Event Registrations Department

321 N. Clark Street, Floor 16

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Secure Fax Number: 312-988-5850

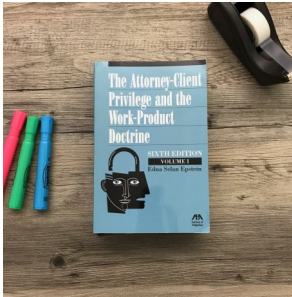
For additional information about the program, please contact Monica Anchondo at (312) 988-6245.

Section Books

New Books / Books Related to Programming



Purchase at ambar.org/litigationbooks or call 800-285-2221



New! The Attorney-Client Privilege and the Work-Product Doctrine 6th Edition

By Edna Selan Epstein

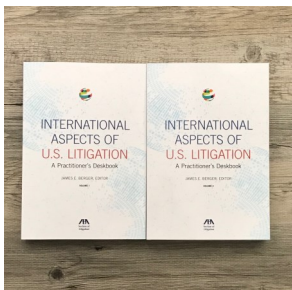
This two-volume treatise, written by Edna Selan Epstein and now in its sixth edition, is the go-to reference by attorneys and judges nationwide on common issues that arise in the attorney-client privilege and work-product protection contexts. This comprehensive new edition incorporates the general coverage from previous editions but has been extensively updated and expanded to include the most recent legal developments.



New! Her Story: Lessons in Success From Lawyers Who Live It

Edited by Theresa Marie Beck, Jacqueline Mecchella Bushwack, and Shayna Michele Steinfeld

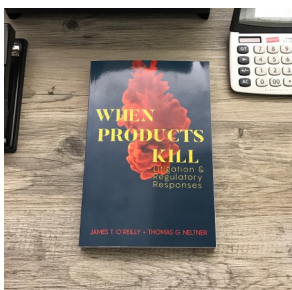
A collection of essays by and about lawyers overcoming obstacles, reaching goals, and leading lives that are full to the brim and rich with challenges, successes, and opportunities. These are stories of hope and lessons learned; stories with advice and unique perspectives.



New! International Aspects of U.S. Litigation

Edited by James E. Berger

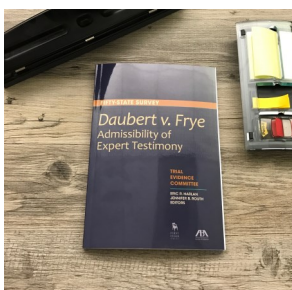
This two-volume set edited by James E. Berger serves as a comprehensive reference guide to practitioners, both in the U.S. and abroad, on the various issues that can arise when cross-border cases are litigated in U.S. courts. Mr. Berger is a litigator with a practice focusing almost exclusively on cross-border litigation in U.S. courts and arbitration-related matters, and he writes and speaks frequently on international litigation and arbitration-related topics.



New! When Products Kill

By James T. O'Reilly and Thomas G. Neltner

Fatal accidents often lead to litigation, and attorneys involved in this type of litigation need to understand what information is available about the product associated with the death and what the product regulatory agency does or could do about the allegations that the product has caused a death.



New! Fifty-State Survey: Daubert v. Frye—Admissibility of Expert Testimony

By the Trial Evidence Committee; Edited by Eric R. Harlan and Jennifer B. Routh

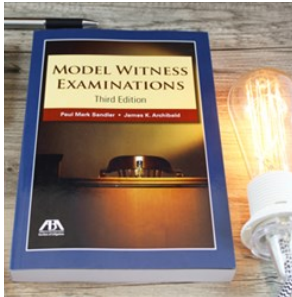
This book surveys the standard for admissibility of expert testimony applicable in all 50 states and the District of Columbia, including legal authority and an appendix of sample pleadings and checklists. These materials provide a starting point for research and drafting motions, and also provide context for the landscape of expert testimony admissibility across jurisdictions.

Section Books

New Books / Books Related to Programming



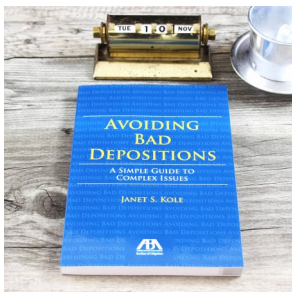
Purchase at ambar.org/litigationbooks or call 800-285-2221



Model Witness Examinations, Third Edition

By James Kenway Archibald and Paul Mark Sandler

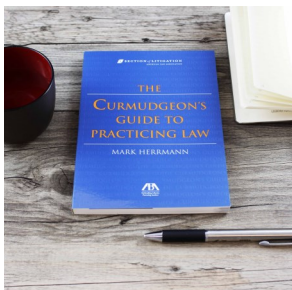
The Rules of Evidence are one thing. The mechanics of correctly eliciting facts—in the heat of trial—can be quite another. In this concise handbook, 70 model examinations show you how to deal effectively with practical evidentiary issues that every trial lawyer faces. The models cover a broad variety of basic issues that must be dealt with in direct, cross, and redirect, and the use of depositions and interrogatories.



Avoiding Bad Depositions: A Simple Guide to Complex Issues

By Janet S. Kole

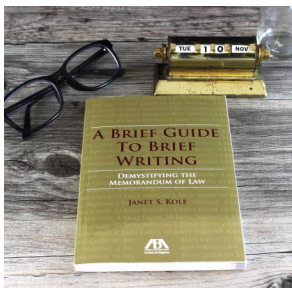
Avoid mistakes—and malpractice claims—when preparing for depositions by following the advice in this short guide. To help navigate the minefield of problems inherent in taking and defending depositions, topics covered include an explanation of a deposition and its purpose, how to defend and take depositions, and how to skillfully deal with difficult opponents, problem witnesses, and experts.



The Curmudgeon's Guide to Practicing Law

By Mark Edward Herrmann

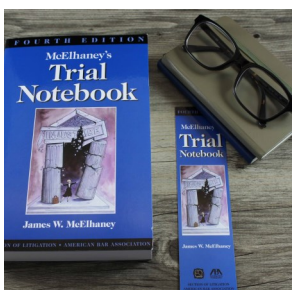
Find out what drives law partners crazy, what will impress them, and the ten mistakes you should avoid. Concise, humorous and full of valuable (but curmudgeonly) insight, this is a must-read for every lawyer and law student.



A Brief Guide to Brief Writing: Demystifying The Memorandum of Law

By Janet S. Kole

Persuasive brief writing—which involves a combination of legal reasoning and good storytelling—is a skill that can be learned by following the principles in this book. Learn how to construct your client's story in a manner that effectively shows the court why your client should win.



McElhaney's Trial Notebook, Fourth Edition

By James McElhaney

One of the all-time bestselling books on trial practice, this edition covers everything from discovery through rebuttal, and provides techniques, tactics, and strategies for every stage of trial. The information is grounded in actual courtroom experience that litigators want to read, can understand, will enjoy, and will use daily in court.