Employment and Labor Law

Learn from some of the best in the labor and employment arena

- Essential information on the latest developments in critical employment matters
- LGBTQ+ inclusion in the legal profession and cutting-edge immigration issues
- Exceptional networking events with management-side labor and employment attorneys, in-house counsel, and human resources professionals from across the country

May 20–22, 2020
Hilton City Center
Denver, CO
Join us in the Mile High City as DRI brings together leading management-side employment and labor attorneys, in-house counsel, human resources professionals, and EPLI representatives in its 43rd annual Employment and Labor Law Seminar.

- Attend informative and practical presentations providing essential information on the latest developments in matters critical to employers and those who advise them.

- Gain new perspectives from presentations on LGBTQ+ inclusion in the legal profession and cutting-edge immigration issues, as well as insights offered by federal judges and a Washington D.C. insider.

- Benefit personally and professionally from exceptional networking events with other management-side labor and employment attorneys, in-house counsel, and human resources professionals from across the country.

- Always intensely practical, and accompanied by helpful written materials, this seminar is indispensable for experienced practitioners, as well as for those who are just getting started in labor and employment law. Don’t miss this opportunity to learn from some of the best practitioners and professionals in the labor and employment arena.

Register online now at dri.org or complete the form in the back.
What You Will Learn

- How to identify and reduce barriers to LGBTQ+ inclusion in the legal profession
- The underappreciated risks posed by appearance discrimination
- Techniques for taking control of your next trial in a practical litigation workshop
- How to conduct an internal investigation from Facebook’s director of company investigations
- Plus a dramatic one-of-a-kind ethics presentation: the continuing relevance of Clarence Darrow

DRI Members Get More

- Access to LegalPoint™ at dri.org: Committee newsletters, seminar course materials, and other publications.
- Access to dri circles, where lawyer-to-lawyer connections happen. Search dri circles in your app store:
- 29 Substantive Law Committees (no additional charge)
- Aetna Healthcare
- Client Connections
- DRI Career Center
- Laurel Road Student Loan Refinancing Discount Program
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Use dri™ Dividends Points to reduce your registration fee:

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Visit dri.org, go to My DRI and click on DRI Dividends to see your balance.

Get engaged, get recognized, and get rewarded.
WEDNESDAY, MAY 20

Community Service Project: Food Bank of the Rockies 8:45 a.m.–11:30 a.m.

MAKE AN IMPACT! Join us as we lend a hand at the Food Bank of the Rockies. Look for more information in spring 2020 about the project, including transportation options, registration, and ways to donate. Committee members will be able to find the information via DRI’s online community. If you have questions, please contact Gillian Dale (daleg@hallevans.com), Sandy Morris (smorris@vablawfirm.com), or David Renner (drenner@postschell.com).

2:00 p.m. Registration

3:00 p.m. Wednesday Sessions: Introduction
Jill Pedigo Hall, von Briesen & Roper sc, Madison, WI

3:10 p.m. Ethics Close to Home, Session #1: Strategies for Building LGBTQ+ Inclusion in the Legal Workplace
A dynamic leader in building LGBTQ+ inclusion will discuss how to overcome existing hurdles in the legal profession and will provide tools, including the HRC Corporate Equality Index, to move diversity forward. Hear about best practices to create LGBTQ+ inclusive policies and translate them into an inclusive culture.
John R. Richards, Greenberg Traurig LLP, Atlanta, GA

4:10 p.m. I-9 Is Not a Highway: Navigating the Rapidly Changing Roadmap of Immigration Law
This dynamic presentation is a road trip into today’s hot topics in U.S. immigration affecting businesses. Spoiler alert: there are many! Attend this session for a discussion on trends in business/employment immigration. In addition, the presenters will share tips to help you and your clients prepare for random USCIS site visits and I-9 audits, respond to Social Security “no-match” letters, and draft a corporate immigration policy. In this ever-changing immigration landscape, it is more important than ever to stay up-to-date on new trends and policies.
MODERATOR | Cory J. Person, Hill Ward Henderson, Tampa, FL
Fiona McEntee, McEntee Law Group, Chicago, IL
Theresa A. Vogel, Hall & Evans LLC, Denver, CO

5:00 p.m. Adjourn

5:10 p.m. Speed Networking (on-site) | Go from handshakes to happy hour! Join us for our Speed Networking session and get to know several of your colleagues in quick-paced, informative meetings, where you can share your respective backgrounds and legal capabilities, meet new friends, and acquire potential referrals. Bring business cards! Because space is limited for this event, advance sign-up is vital. When sign-up opens, an announcement will be placed on the DRI Employment and Labor Law Committee Community and seminar registrants will also be notified. If you have questions about the event, please contact Bob Kent (rkent@bowlesrice.com) or Duncan Forsyth (forsyth@halloransage.com).

6:00 p.m. Networking Reception (all welcome) SPONSORED BY Spilman, Thomas and Battle PLLC

7:30 p.m. Dine-Arounds (optional) | Join colleagues and friends for dinner at selected restaurants (on your own). Information regarding restaurant choices and online sign-up will be circulated in advance. For more information, please contact Scott Gibson (sgibson@davismiles.com).

“"The speakers are helpful and share good insights. What is important is that they share specific solutions in how to deal with employee issues. Other employment seminars I attend are too general and basic. This is more advanced and deals with the harder issues."
7:30 p.m.  **Young Lawyers Dine-Around (optional)**  
Join Young Lawyer colleagues and friends for dinner at a selected restaurant (*on your own*). Information regarding restaurant choice and online sign-up will be circulated in advance. For more information, please contact Josh Joel (joelj@gtlaw.com).

**THURSDAY, MAY 21**

7:00 a.m.  **Registration**

7:00 a.m.  **Continental Breakfast**

8:00 a.m.  **Welcome and Introductions**

Jaime Walker Luse, Tydings & Rosenberg LLP, Baltimore, MD
Jill Pedigo Hall, von Briesen & Roper sc, Madison, WI

8:15 a.m.  **The Year in Review: Annual Discrimination and Retaliation Law Update**
Always entertaining and immensely informative, Al Latham returns to deliver his fast-paced and incisive update on the latest and greatest discrimination and retaliation court opinions affecting defense practitioners. This must-see presentation is a tradition at the DRI Employment and Labor Law Seminar and provides an invaluable resource for employment litigators.

J. Al Latham, Jr., Paul Hastings LLP, Los Angeles, CA

9:30 a.m.  **Don’t Judge a Book by Its Cover: Appearance Discrimination**

Body piercings and tattoos; clothing and hairstyle trends; culturally sensitive issues, such as hair texture, skin conditions, and religious attire: Can employers prohibit some, all, or none of these? Can employers make employment decisions based on size, weight, or even subjective attractiveness of employees or prospective employees? This session will explore a variety of appearance-based issues that employers face every day and discuss situations in which business culture and necessity clash with discrimination laws based on race, national origin, religion, gender, sexual orientation, disability, and more.

JB Bettinger, Stonebridge Companies, Denver, CO
Kimberly A. Ross, Ford Harrison LLP, Chicago, IL

10:25 a.m.  **Refreshment Break**

10:40 a.m.  **Inside the Beltway**

Keith Sonderling has most recently served as deputy administrator of the US Department of Labor, Wage and Hour Division, and is nominated to become a commissioner of the Equal Employment Opportunity Commission. As a former private labor and employment practitioner, he will share his unique perspective on agency initiatives, enforcement, and regulatory focus.

Keith Sonderling, US Department of Labor, Wage and Hour Division, Washington, DC

11:40 a.m.  **Lunch (on your own)**

11:40 a.m.  **Women in the Law Luncheon (optional)**

Join your colleagues from across the country to network and celebrate women in the profession at a celebratory luncheon at Guard and Grace, just a short walk from the hotel. Registration details will be provided on community pages and to seminar registrants. For more information, please contact Helen Holden (hholden@spencerfane.com).

“This seminar always provides great information that I use regularly (particularly Al Latham’s presentation), and the seminar provides great networking opportunities. I have attended all but one in the past 20+ years.”
Thursday, May 21, 2020

1:00 p.m. **The Judicial Anatomy of an Employment Case**
A panel of federal magistrate judges will share their unique perspectives on best practices for discovery, mediation, motion practice, and trial. You will not want to miss this opportunity to view litigation the way that judges do.

**MODERATOR**  |  **Amy L. Miletich**, Miletich PC, Denver, CO

**The Honorable S. Kato Crews**, US District Court for the District of Colorado, Denver, CO

**The Honorable Kristen L. Mix**, US District Court for the District of Colorado, Denver, CO

**The Honorable Nina Y. Wang**, US District Court for the District of Colorado, Denver, CO

2:00 p.m. **Breakouts** (see below)

3:15 p.m. **Refreshment Break**
SPONSORED BY **Jackson Lewis PC**

3:30 p.m. **Ethics Close to Home, Session #2: Ethics and Advocacy—Lessons from Clarence Darrow**
Clarence Darrow is widely recognized as one of the best and most influential trial lawyers of the twentieth century. Drawing on a series of vignettes from *Clarence Darrow: A One-Man Play*, this session reveals Darrow’s innovative and effective advocacy and then evaluates the ethical considerations arising from each tactic or situation. This is truly a not-to-be-missed session.

**MODERATOR**  |  **Brendan D. Benson**, Miletich PC, Denver, CO

**The Honorable Sanford M. (Sandy) Brook**, Judicial Arbiter Group Inc., Denver, CO

4:30 p.m. **DRI Employment and Labor Law Committee Meeting** *(all welcome)*

6:00 p.m. **Networking Reception**
SPONSORED BY **Waller Lansden Dortch & Davis LLP**

7:30 p.m. **Dine-Arounds (optional)**  |  Join colleagues and friends for dinner at a selected restaurant *(on your own)*. Information regarding restaurant choices and online sign-up will be circulated in advance. For more information, please contact **Scott Gibson** (sgibson@davismiles.com).

9:30 p.m. **“Young” Lawyers Get-Together**  |  Always a lively networking event, this on-site gathering is open to all attendees: the young, young at heart, and everyone else. For more details, please contact **Brendan Benson** (bbenson@miletichpc.com) or **Josh Joel** (joelj@gtlaw.com).

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**BREAKOUTS**  Thursday, May 21, 2:00 p.m.–3:15 p.m. *(choose one)*

**LITIGATION WORKSHOP**

**Choosing Your Destiny: Defense Decisions About Decision Makers**
Though it’s often said that the plaintiff is the master of his or her lawsuit, this workshop will turn that concept on its head. Come ready to learn the surprising number of defense tools at your disposal to steer the case to the best decision maker. Should you consent to the magistrate judge? Forgo removal to federal court? Move to change venue? Ignore that arbitration agreement and stay in court? Demand a jury when the plaintiff doesn’t? Strike that potential juror because of his or her social media persona? The answers might surprise you!

**Michele On-ja Choe**, Wheeler Trigg O’Donnell LLP, Denver, CO

**Stanley E. (Stan) Graham**, Waller Lansden Dortch & Davis LLP, Nashville, TN

**CORPORATE COUNSEL** *(invitation only)*

**Legal Trends for In-House Advisors**
Join other in-house counsel and claims advisors from across the country for an informal discussion on current legal topics and trends. Discussion topics will include responses to the #MeToo movement, multigenerational workforce management and retention strategies, wage and hour compliance, diversity and inclusion, data integrity, and arbitration agreements.

**Coe Heard**, HCA Healthcare, Nashville, TN
FRIDAY, MAY 22

7:00 a.m.  Registration

7:00 a.m.  Continental Breakfast

SPONSORED BY  Erickson Arbuthnot
Spencer Fane LLP

8:00 a.m.  Announcements

Eric E. Kinder, Spilman Thomas and Battle PLLC, Charleston, WV

8:05 a.m.  Nobody Ever Said Life Was Fair: Dealing with Unfair Labor Practices as a Nonunion Employer

What unfair labor practices claims are being filed against union-free employers, and how can these companies best avoid them? During this interactive session set to the theme of Name That Tune, our panelists will answer these questions and discuss why union-free employers must keenly be aware of federal labor law.

Kevin L. Carr, Spilman Thomas and Battle PLLC, Charleston, WV

Cyrus B. Martinez, Banner Health, Phoenix, AZ

9:00 a.m.  If You Smell Smoke, Look for the Fire: Workplace Investigations

Harassment, discrimination, retaliation, and wrongful termination cases can take root—or be rooted out early—depending on the employer’s ability to conduct an efficient and thorough investigation. Facebook’s director of company investigations will walk through best practices for investigating employee complaints, including what needs to be done long before the complaint is made. This session will provide pragmatic tips that can—and should—be used by every employer, large or small.

MODERATOR  |  Dessislava N. (Dessi) Day, Greene & Roberts LLP, San Diego, CA

Sandra (Sandy) Marciari, Facebook Inc., Menlo Park, CA

9:55 a.m.  Refreshment Break

10:10 a.m.  When “Just Say No” Just Won’t Do: Substance Abuse in the Workplace

Employers are struggling to keep up with the growing problem of substance abuse in the workplace. This session will examine workplace issues arising from substance abuse, including excessive absenteeism, the need to provide reasonable accommodations, addressing safety threats, and how employee assistance programs can help. The panel will also offer guidance on addressing these problems, including best-in-class policies and procedures for testing and training of supervisors, taking into account

LegalPoint provides DRI members with content from:

- For The Defense
- In-House Defense Quarterly
- Committee Newsletters
- Defense Library Series (DLS)

Seminar Materials

- DRI Defense Wins Reporter

Go to dri.org and click on Legal Resources.
legal drug use and the need to maintain a safe workforce.

**Untangling an Intricate Web: Designing and Implementing Paid Leave Policies**

The web of statutory, regulatory, and common law surrounding employer paid leave programs (both mandatory and voluntary) has increased exponentially in the past few years. As seen in the media with respect to maternity/paternity leave policies, not all companies are navigating that web cleanly. This session will address how to draft and implement paid leave policies to maximize employer protection without running afoul of the law, including those with multi-jurisdictional application.

**You Can’t Do That in Public: Handling Employment Actions in the Public Sector**

Learn how to navigate the landscape of labor and employment issues unique to public sector clients. This segment examines the protections afforded public sector employees in discipline and discharge and includes a valuable discussion of employees’ constitutional and due process rights, the effect of collective bargaining, freedom of access, and privacy concerns, as well as the legal roadblocks to claims against government entities.

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Whether you are in the office or on the go, DRI’s extensive catalog of on-demand programming will keep you up-to-date. Choose from hundreds of relevant topics for 24/7/365 access to top-notch education for today’s defense practitioner.

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In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee or be sponsored by a DRI member who is both registered and has paid for the seminar. Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership or be sponsored by a DRI member who is both registered and has paid for the seminar. Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.

CLE Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to 12.75 hours, including 2 hours of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.

Registration Policy

Save $100 when you register by April 20, 2020. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by April 27, 2020 (please allow 10 days for processing). Registrations received after April 27 will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before April 27, 2020. Cancellations received after April 27 and on or before May 4, 2020, will receive a refund, less a $100 processing fee. Cancellations made after May 4 will not receive a refund, but a $100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI’s Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is $775, regardless of membership status if received on or before April 20, 2020. After April 20, the group rate is $875. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for DRI Employment and Labor Law Seminar attendees. To receive these discounts, please contact Direct Travel, DRI’s official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

1) The taping or recording of DRI seminars is prohibited without the written permission of DRI.
2) Speakers and times may be subject to last-minute changes.
3) A small portion of your room rate offsets the costs of the seminar.
4) DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at Hilton Denver City Center, 1701 California Street, Denver, CO 80202 (click here to view hotel photos).

Take advantage of the group rate of $299 Single/Double in one of two ways:

1) Reserve online: Click here or visit dri.org and go to the DRI Employment and Labor Law Seminar page and click on the “Book hotel” button.

2) Or contact the hotel directly at 303.297.1300 and mention the DRI Employment and Labor Law Seminar.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by April 20, 2020, to be eligible for the group rate. Requests for reservations made after April 20 are subject to room and rate availability.
Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI’s membership and leadership positions. DRI’s members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.
CLE for Your Practice

March 18–20
Litigation Skills
Paris Las Vegas, Las Vegas, NV

April 1–3
Construction Law
Hyatt Regency Chicago, Chicago, IL

April 1–3
Insurance Coverage and Claims Institute
Swissôtel Chicago, Chicago, IL

April 29–May 1
Life, Health, Disability and ERISA
Sheraton New Orleans, New Orleans, LA

April 30–May 1
Trucking Law
JW Marriott Austin, Austin, TX

May 6
Cannabis Law
Boston Marriott Copley, Boston, MA

April 14–15
Business Litigation Super Conference
Minneapolis Marriott City Center, Minneapolis, MN

May 14–15
Intellectual Property Litigation
Minneapolis Marriott City Center, Minneapolis, MN

May 15
Fidelity and Surety Roundtable
Gleacher Center and InterContinental Chicago, Chicago, IL

June 11–12
Diversity for Success
Westin Michigan Avenue, Chicago, IL

June 25–26
Young Lawyers
InterContinental Buckhead, Atlanta, GA

September 10–11
Nursing Home/ALF Litigation
Omni Nashville Hotel, Nashville, TN

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I have recommended this seminar year after year to others within my firm, and others outside my firm. Great information, great networking, great opportunities to be involved, and all around great seminar.”
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Employment and Labor Law Committee Resources and Opportunities

DRI’s Employment and Labor Law Committee is a vibrant, active committee that provides education, shared expertise, professional development and networking opportunities to its members who are involved in the practice of labor and employment law. These members include outside counsel, in-house counsel, and human resource professionals and claims professionals from employment practices liability insurance carriers.

But perhaps the greatest resource of our committee is our Community page, which is by far the most active in all of DRI. Have an urgent employment law issue with a client demanding an immediate answer? Staying late at the office in search of that one reported decision that could make or break your case? Throw it out to our hundreds of members on our message board and you are assured to get useful (and sometimes humorous) information in response.

Opportunities to participate in the committee abound, and our current steering committee is committed to increase our membership and to give members greater networking opportunities and more avenues for becoming involved. A large percentage of steering committee members are new to the leadership of the committee and we are proud of our commitment to involving new committee members in our leadership.

The nearly 1,300 members of the DRI Employment and Labor Law Committee invite you to join us today!

- Learn more about the committee and its leadership: https://www.dri.org/committees/committee-detail/0080
- Access the DRI Employment and Labor Law Committee Community at http://community.dri.org/home: share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Subcommittees
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  - Disability/Family Medical Leave Act
  - Employment Practices Liability Insurance
  - Employee Retirement Income Securities Act
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  - Immigration
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  - Newsletter: The Job Description (2 times a year)
  - For The Defense committee-anchored issues
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Registration fee includes seminar attendance, networking receptions, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. Only members of DRI will have access to the PowerPoint presentations after the seminar.

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Employment and Labor Law Seminar
May 20–22, 2020
Hilton City Center
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The Employment and Labor Law Seminar is a great place to grow your network and earn valuable CLE.

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