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Employment and Labor Law

- Learn about the latest developments in labor and employment law
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- Hear in-depth presentations on growing trends that are often overlooked
- Attend exceptional networking events and meet other management-side labor and employment attorneys from around the United States



May 16–18, 2018

Loews Hotel

Chicago, IL

DRI's 41st annual **Employment and Labor Law Seminar** is the preeminent educational and networking event for management-side labor and employment attorneys, in-house counsel, human resources professionals, and EPLI representatives. Always intensely practical, and accompanied by superior written materials, this seminar is a must-attend 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.



Helen R. Holden
Program Chair



Sidney R. Steinberg
Committee Chair



Robert A. Luskin
Program Vice Chair



Stanley E. (Stan) Graham
Committee Vice Chair



Jaime Walker Luse
Law Institute

PRESENTED BY **DRI's Employment and Labor Law Committee**

Register online now at dri.org or complete the form in the back.

What You Will Learn



- The latest developments in discrimination law from preeminent practitioners and a representative of the EEOC.
- Through in-depth panel discussions with representatives of legal departments in a broad range of industries, including McDonald's Corporation, Coca-Cola Bottling Company, and Honeywell, how to manage various current issues.
- Practical techniques for use in discovery and trial, including a mock trial-style demonstration of an effective expert witness examination by an experienced trial attorney.
- About issues unique to employment law, including dealing with unrepresented litigants and a discussion of the tripartite relationship among appointed counsel, insured client, and insurance carrier, while earning two full hours of ethics credit.

Members Get More

- Access to **LegalPoint**™ at **dri.org**: Committee newsletters, seminar course materials, and other publications.
- Access to the **DRI Employment and Labor Law Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



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PROGRAM SCHEDULE

WEDNESDAY, MAY 16

Community Service Project 9:30 a.m.–1:00 p.m.

On Wednesday morning, all attendees are invited to volunteer together at the Ronald McDonald House Chicago (211 East Grand Avenue). We will be assisting with preparing the day's lunch to be delivered to house residents, as well as completing housekeeping and organizational tasks. To reserve a spot, please go to <https://tinyurl.com/yad7p844>. Please also feel free to contact Sarah Sloan Batson at sbatson@nexsenpruet.com or Kimberly Ross at kross@fordharrison.com with questions. Lunch to follow at a location TBD.

2:00 p.m. Registration

3:00 p.m. Ethics and the Tripartite Relationship

This panel discussion will feature views from an experienced in-house attorney, a senior-level carrier representative, and accomplished trial counsel addressing the tripartite relationship and how to navigate the ethical conundrums that often appear during representation in insured matters.

MODERATOR | **Joseph A. Starr**, *Starr Butler Alexopoulos & Stoner PLLC*, Southfield, MI

- **Connie I. Armstrong**, *McGough Construction*, Saint Paul, MN
- **Erin M. Ringbloom**, *Allied World Assurance Company*, Farmington, CT

Paul M. Finamore, *Niles Barton & Wilmer*, Baltimore, MD

4:00 p.m. Breakouts (see below)

Click on any speaker name to view bio.

5:00 p.m. Adjourn

6:00 p.m. Networking Reception
SPONSORED BY **The MacMain Law Group LLC**

8:00 p.m. Young Lawyers Dine-Arounds
(more details on-site)

THURSDAY, MAY 17

7:00 a.m. Registration

7:00 a.m. Continental Breakfast
SPONSORED BY **Ericksen Arbutnot
Spilman Thomas & Battle PLLC**

7:00 a.m. First-Time Attendees Breakfast
Sidney R. Steinberg, *Post & Schell PC*, Philadelphia, PA

8:00 a.m. Welcome and Introduction
Jaime Walker Luse, *Tydings and Rosenberg LLP*, Baltimore, MD
Helen R. Holden, *Spencer Fane LLP*, Phoenix, AZ

8:15 a.m. The Year in Review: Annual Employment Law Update
Always entertaining and immensely informative, Al Latham returns to deliver his comprehensive update on the latest and greatest court opinions affecting the defense practitioner. A longtime tradition at the DRI Employment and Labor Law Seminar, this is a must-see presen-

BREAKOUTS Wednesday, 4:00 p.m.–5:00 p.m.

4:00 p.m.

Litigation Skills: Working with Experts to Win Your Case
Join an accomplished trial attorney and a well-regarded expert witness and fraud examiner as they provide a demonstration of how to examine an expert under oath skillfully. This experience is not to be missed. It will help even the most battle-tested practitioner learn how to utilize an expert and prepare for examinations more effectively.
Erik R. Matheney, *Shutts & Bowen LLP*, Tampa, FL
Scott A. Stringer, *CPA/ABV/CFF, CGMA, CFE*, *Baker Tilly Virchow Krause LLP*, Chicago, IL

Corporate Counsel Roundtable: Managing Multijurisdictional Issues (open to in-house counsel and claims professionals only)
Join other in-house practitioners and explore how to best advise clients with geographically diverse workforces, including navigating challenges posed by a patchwork of state and local laws. Discussion will include issues such as paid sick leave requirements, salary history inquiries, and state and local “ban the box” legislation.
➤ **Lynn G. Levy**, *Penn Mutual Life Insurance Company*, Horsham, PA
➤ **Sonya Richburg**, *Coca-Cola Bottling Company Consolidated*, Charlotte, NC

tation and invaluable resource for employment litigators.

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

9:30 a.m. **Implicit Bias and the Changing Landscape of Employment Law**

This discussion includes insights from outside counsel and a veteran in-house attorney and will address implicit bias and the effect of emerging research on employment discrimination law.

Kami M. Hoskins, *Gordon Rees Scully Mansukhani LLP*, Phoenix, AZ

➔ **Raven Moore**, *McDonald's Corporation*,
Oak Brook, IL

10:25 a.m. **Refreshment Break**
SPONSORED BY **Post & Schell PC**

10:40 a.m. **Practical Tips in Representing Clients Before Federal Agencies**

Hear practical suggestions for handling commonly encountered issues that arise with the EEOC and DOL, including conciliation with the EEOC after the Supreme Court's decision in *EEOC v. Mach Mining* in 2015, and effectively representing clients in investigations commenced by the Department of Labor, Wage and Hour Division.

Violet M. Clark, *Laner Muchin Ltd.*, Chicago, IL

Paul D. Satterwhite, *Spencer Fane LLP*,
Springfield, MO

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

11:40 a.m. **Women in the Law Luncheon** | For more information, contact Anne Yuengert (ayuengert@bradley.com) or Peezy Mullins (pmullins@fwpclaw.com).

1:10 p.m. **Online or Over the Line? Social Media Discovery and Evidentiary Issues**

Information gleaned from social media, including the claimant's online posts, can be blockbuster evidence. This session, featuring a skilled attorney and an expert in the retrieval of social media evidence, will provide practical

tips to enhance your discovery and trial preparation tool boxes.

Zach M. Matthews, *McMickle Kurey & Branch LLP*, Alpharetta, GA

Vickram A. Kooball, *Social Media Investigations Inc.*, Garden City, NY

2:05 p.m. **IP or Not IP—Is That the Question? Intellectual Property for the Employment Lawyer**

This TED talk-style, fast-paced presentation will address three features of intellectual property law that all employment lawyers should know.

Litigating Claims of Breach of Fiduciary Duty and Theft of Intellectual Property

Steven Gerber, *Schoeman Updike Kaufman & Gerber LLP*, Wayne, NJ

Safeguarding Clients' IP and Secrets: Drafting Agreements and Other Practical Tips

Scott F. Gibson, *Davis Miles McGuire Gardner PLLC*, Tempe, AZ

The Defend Trade Secrets Act and Other Trade Secret Issues in the Employment Context

R. Mark Halligan, *FisherBroyles LLP*, Chicago, IL

3:05 p.m. **Refreshment Break**
SPONSORED BY **Hill Ward Henderson**

3:20 p.m. **Addressing Claims of Discrimination Involving Members of the LGBT Community**

This session promises a dynamic discussion between a management-side attorney who regularly advises and litigates cases involving LGBT rights, and a representative of the oldest and largest national legal organization dedicated to the civil rights of lesbians, gay men, bisexuals, and transgender people.

➔ **Kara Ingelhart**, *Lambda Legal*, Chicago, IL

Craig R. Thorstenson, *Ford Harrison LLP*,
Chicago, IL

4:00 p.m. **Employment and Labor Law Committee Meeting (open to all)**

6:00 p.m. **Networking Reception**

SPONSORED BY **Waller Lansden Dortch & Davis LLP**




➔ Denotes the **DRI CLIENT CONNECTION**: In-house and claims professional speakers

- 7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.
- 9:30 p.m. **Young Lawyers Off-Site Get Together** (*open to all*) | For more details, contact Matt McCluer (mmccluer@sessions.legal).

FRIDAY, MAY 18

- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**
SPONSORED BY **Laner Muchin
Spencer Fane LLP**
- 8:00 a.m. **Announcements**
Robert A. Luskin, *Goodman McGuffey Lindsey & Johnson LLP*, Atlanta, GA
- 8:05 a.m. **Ethics: Dealing with the Pro Se Litigant and Other Landmines for Employment Lawyers**
Learn how to avoid ethical issues when dealing with the pro se litigant and others who are unrepresented. This session, led by an attorney who has investigated and prosecuted hundreds of charges of lawyer misconduct, will address other sticky situations facing the employment and labor law attorney.
James J. Grogan, *Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois*, Chicago, IL
- 9:05 a.m. **EEOC: A View from Inside the Commission**
Hear about recent developments at the commission from a longtime and experienced attorney advisor to EEOC Commissioner Chai Feldblum.
Christopher J. Kuczynski, *US Equal Employment Opportunity Commission*, Washington, DC
- 9:55 a.m. **Refreshment Break**
SPONSORED BY **Jackson Lewis PC**

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- 10:10 a.m. **Look Before You Leap: Background Checks and Fair Credit Reporting Act Issues**
Individual and class action litigation involving credit and criminal background checks, including claims alleging violations of the Fair Credit Reporting Act, has exploded in recent years. This session will discuss several issues that frequently arise for employers and provide practical advice for avoiding common pitfalls
MODERATOR | **Eric E. Kinder**, *Spilman Thomas & Battle PLLC*, Charleston, WV
Brad Federman, *F&H Solutions Group*, Memphis, TN
 **Lisa Morganstern Bickel**, *Honeywell International Inc.*, Phoenix, AZ
- 11:05 a.m. **“Mental Health Days” Are Real: ADA, FMLA, and Employees with Mental Health Conditions and Related Disorders**
Complex analysis is required when dealing with employees who manifest their mental health conditions and related disorders in the workplace. This panel explores the issues and will provide perspective on how to fashion productive solutions, stay on top of the process, and reduce litigation risk.
MODERATOR | **Jill Pedigo Hall**, *von Briesen & Roper sc*, Madison, WI
 **Marti Cardì**, *Matrix Absence Management*, Phoenix, AZ
 **Robin A. Jones**, *Great Lakes ADA Center*, Chicago, IL
- 12:00 p.m. **Deepening Client Relationships: Top Tips on Cross-Marketing, Client Loyalty, and Retention**
An experienced business development coach will discuss proven tips to expand and develop existing relationships and grow your practice.
Steve Fretzin, *Fretzin Inc.*, Chicago, IL
- 1:00 p.m. **Adjourn**

GENERAL INFORMATION

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/Human Resources Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **12.25** 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. **Application has been made for continuing education for human resources credit.** 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 17, 2018. (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 24, 2018** (*please allow 10 days for processing*). Registrations received after **April 24, 2018**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 24, 2018**. Cancellations received after **April 24** and on or before **May 1, 2018**, will receive a refund, less a \$100 processing fee. Cancellations made after **May 1** 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 17, 2018**. After **April 17**, 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.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- 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 **Loews Chicago Hotel, 455 North Park Drive, Chicago, IL 60611** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$289 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 312.840.6600** 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 17, 2018**, to be eligible for the group rate. Requests for reservations made after **April 17** are subject to room and rate availability.

FACULTY *Click on any name to view bio.*

➔ **Connie I. Armstrong**, McGough Construction, Saint Paul, MN

➔ **Lisa Morganstern Bickel**, Honeywell International Inc., Phoenix, AZ

➔ **Marti Cardì**, Matrix Absence Management, Phoenix, AZ

Violet M. Clark, Laner Muchin Ltd., Chicago, IL

Brad Federman, F&H Solutions Group, Memphis, TN

Paul M. Finamore, Niles Barton & Wilmer, Baltimore, MD

Steve Fretzin, Fretzin Inc., Chicago, IL

Steven Gerber, Schoeman Updike Kaufman & Gerber LLP, Wayne, NJ

Scott F. Gibson, Davis Miles McGuire Gardner PLLC, Tempe, AZ

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

James J. Grogan, Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois, Chicago, IL

Jill Pedigo Hall, von Briesen & Roper sc, Madison, WI

R. Mark Halligan, FisherBroyles LLP, Chicago, IL

Helen R. Holden, Spencer Fane LLP, Phoenix, AZ

Kami M. Hoskins, Gordon Rees Scully Mansukhani LLP, Phoenix, AZ

➔ **Kara Ingelhart**, Lambda Legal, Chicago, IL

➔ **Robin A. Jones**, Great Lakes ADA Center, Chicago, IL

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

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Vickram A. Koobllall, Social Media Investigations Inc., Garden City, NY

Christopher J. Kuczynski, US Equal Employment Opportunity Commission, Washington, DC

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

➔ **Lynn G. Levy**, Penn Mutual Life Insurance Company, Horsham, PA

Jaime Walker Luse, Tydings and Rosenberg LLP, Baltimore, MD

Robert A. Luskin, Goodman McGuffey Lindsey & Johnson LLP, Atlanta, GA

Erik R. Matheney, Shutts & Bowen LLP, Tampa, FL

Zach M. Matthews, McMickle Kurey & Branch LLP, Alpharetta, GA

➔ **Raven Moore**, McDonald's Corporation, Oak Brook, IL

➔ **Sonya Richburg**, Coca-Cola Bottling Company Consolidated, Charlotte, NC

➔ **Erin M. Ringbloom**, Allied World Assurance Company, Farmington, CT

Paul D. Satterwhite, Spencer Fane LLP, Springfield, MO

Joseph A. Starr, Starr Butler Alexopoulos & Stoner PLLC, Southfield, MI

Sidney R. Steinberg, Post & Schell PC, Philadelphia, PA

Scott A. Stringer, CPA/ABV/CFE, CGMA, CFE, Baker Tilly Virchow Krause LLP, Chicago, IL

Craig R. Thorstenson, Ford Harrison LLP, Chicago, IL

View faculty bios on the Employment and Labor Law Seminar webpage; click on "View speakers" button.



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.

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May 3–4
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and Claims Management**
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June 14–15
Diversity for Success
*Marriott Downtown
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June 20–22
Young Lawyers
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June 26–27
Marijuana Law
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Signature _____

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