American Bar Association
Section of Labor and Employment Law
Ethics & Professional Responsibility Committee

Midwinter Meeting

Co-Sponsored by the ABA Center for Professional Responsibility

Westin La Paloma Resort
Tucson, Arizona
March 27-29, 2008

PROGRAM AGENDA

Thursday, March 27

5:30 - 7:00 p.m. **Welcome Reception at Westin La Paloma Resort**

Friday, March 28

7:00 – 8:00 a.m. **Registration & Continental Breakfast**

8:00 – 8:10 a.m. **Co-Chairs' Introductory Remarks**

Margaret Luke, Public Co-Chair, National Labor Relations Board, Washington, DC

Cynthia E. Nance, Union & Employee Co-Chair, University of Arkansas Law School, Fayetteville, AR

Stephanie S. Padilla, Employer Co-Chair, Johns Manville, Denver, CO

Justin M. Swartz, Employee Co-Chair, Outten & Golden LLP, New York, NY

8:10 – 9:00 a.m. **Ethical Issues in Handling Metadata**

Moderator:
Eve Stocker, United States Department of Labor, Washington, DC

Speakers:

Hon. Paul W. Grimm, Chief Magistrate Judge, U.S. District Court, District of Maryland, Baltimore, MD

Carolyn Witherspoon, Cross, Gunter, Witherspoon & Galchus, P.C., Little Rock, Arkansas

9:00 – 9:50 a.m. **Multiple Representation Issues in Traditional Labor Law**

Moderator:

Cynthia E. Nance, Dean, University of Arkansas Law School, Fayetteville, AR

Speakers:

Lori W. Ketcham, Special Ethics Counsel, National Labor Relations Board, Washington, DC

Michael P. Posner, Posner & Rosen, LLP, Los Angeles, CA

Charles A. Powell IV, Baker Donelson Bearman Caldwell & Berkowitz PC, Birmingham, AL [invited]

9:50 – 10:05 a.m. **Break**

10:05 – 10:55 a.m. **Professionalism and Incivility Issues in Labor and Employment Law**

Moderator:

A. McArthur Irvin, Irvin, Stanford & Kessler, LLP, Atlanta, GA

Speakers:

Xavier S.L. DuRán, Director of Litigation, Denver City Attorney's Office, Denver, CO

Margaret Luke, National Labor Relations Board, Washington, DC

10:55 – 11:25 p.m. **Mid-Case Requests for Recusal:**
What Are the Obligations of Counsel and Arbitrators?

Speaker:

Jacquelin F. Drucker, Arbitration Offices of Jacquelin F. Drucker, New York, NY

11:30 – 12:30 p.m. **Preparing Witnesses Ethically and Effectively**
(Joint Program with Equal Employment Opportunity Committee)

Moderator:

Deborah P. Kelly, Dickstein Shapiro LLP, Washington, DC

Speakers:

Professor Michael Z. Green, Texas Wesleyan School of Law, Fort Worth, TX

Gregory V. Murray, Vercruysse, Murray & Calzone PC, Bingham Farms, MI

Richard Rosenblatt, Richard Rosenblatt & Assoc. LLC, Greenwood Village, CO

Jahan Sagafi, Lieff, Cabraser, Heimann & Bernstein LLP, San Francisco, CA

6:30 – 9:00 p.m. **Reception and Dinner**
Hacienda Del Sol
5601 N. Hacienda del Sol Road

Saturday, March 29

7:30 – 8:30 a.m. **Continental Breakfast**

8:30 – 9:20 a.m. **Ethical Traps Involving In-house Counsel**

Moderator:

Cara E. Greene, Outten & Golden LLP, New York, NY

Speakers:

Dennis Duffy, Baker Botts, LLP, Houston, TX

Professor Michael Z. Green, Texas Wesleyan School of Law, Fort Worth, TX

Jocyce Margulies, International Paper, Memphis, TN

Myra L. McKenzie, Wal-Mart Stores, Inc., Bentonville, AR

9:20 – 10:10 a.m. **Dissembling in Investigations**

Moderator:

Evangelina P. Hernandez, Senior Trial Attorney, U.S. Equal Employment Opportunity Commission, San Francisco, CA

Speakers:

Michael L. Foreman, Lawyers' Committee for Civil Rights Under Law, Washington, DC

Patricia Chavarria Perez, President and Chief Executive Officer, Puente International Consulting, Inc., La Mesa, CA

10:10 – 10:30 a.m. **Committee Business Meeting**

10:30 – 10:45 a.m. **Break**

10:45 – 12:00 p.m. **Ethics for the Employment Lawyer**
(Joint Program with Equal Employment Opportunity Committee)

Moderator:

Stephanie S. Padilla, Johns Manville, Denver, CO

Speakers:

Hon. Paul W. Grimm, Chief Magistrate Judge, U.S. District Court, District of Maryland, Baltimore, MD

Dennis Duffy, Baker Botts, LLP, Houston, TX

Justin M. Swartz, Outten & Golden LLP, New York, NY

12:00 – 12:50 p.m. **Internet Advertising–Websites, Google Ads, Email Solicitations, and More**

Moderator:

Steven W. Moore, Baker & Hostetler LLP, Denver, CO

Speakers:

Scott Drexel, Chief Trial Counsel, State Bar of California, Los Angeles, CA

David D. Powell, Brownstein Hyatt Farber Schreck, P.C., Denver, CO

Lynda C. Shely, The Shely Firm, PC, Scottsdale, AZ