

American Bar Association
Section of Labor & Employment Law

**Technology in the Practice & Workplace Committee
Midyear Meeting**

April 29 – May 1, 2009
Seattle University School of Law
Sullivan Hall, Room C6
1110 E. Columbia Street
Seattle, Washington

Wednesday, April 29

6:00 – 7:30 pm **Reception at Perkins Coie LLP**
1201 Third Avenue, Suite 4800

Thursday, April 30
Room C6, Court Level

8:00 – 9:00 am **Registration and Continental Breakfast/Business Meeting**

9:00 – 9:15 am **Welcome and Introductions**
Wayne Gold, Public Co-Chair, Region 5, National Labor Relations Board
Darnley Stewart, Employee Co-Chair, Giskan Solotaroff Anderson & Stewart LLP
Julie A. Totten, Employer Co-Chair, Orrick Herrington & Sutcliffe, LLP
Steven Ury, Union & Employee Co-Chair, SEIU

Melinda J. Branscomb, Seattle University School of Law

9:15 – 10:45 am **The Recent ADA Amendments and Use of New Technologies in Providing a Reasonable Accommodation**
This panel will examine the recent amendments to the American with Disabilities Act and explore how computer software can be utilized to provide a reasonable accommodation.

Moderator: Adam Forman, Miller, Canfield, Paddock & Stone, PLC

Panelists: Kathleen Phair Barnard, Schwerin Campbell Barnard Iglitzin & Lavitt LLP
Jillian Cutler, Frank Freed Subit & Thomas, LLP
Edward S. Rosenthal, Next Generation Technologies, Inc.
Suzanne J. Thomas, K&L Gates

10:45 – 11:00 am **Break**

11:00 – 12:30 pm **Everything You Need to Know to Be Ready for the Genetic Information Non-Discrimination Act (GINA)**
This panel will examine the provisions and implications of the Genetic Information Non-Discrimination Act (GINA) as it applies to employment policies and practices.

Moderator: Darnley Stewart, Giskan Solotaroff Anderson & Stewart LLP

Panelists: Paul Callaghan, Taylor Wessing
Brian Easley, Jones Day
Jeffrey James, Sebris, Busto & James
Patricia C. Kuszler, University of Washington School of Law

**12:30 – 1:30 pm Luncheon Presentation:
The Use of Electronic Devices in the Federal Courts:
Struggling to Keep Up with Society**

Speaker: The Honorable James L. Robart, U.S. District Court for the Western District of Washington

1:30 – 3:00 pm E-Discovery: In-House Counsel Responsibilities, Liabilities and Insurance

This panel will discuss the respective approaches of in-house legal departments with respect to complying with e-discovery rules including the division of labor between their in-house attorneys and attorneys from the law firms retained to represent their company.

Moderator: Heather Morgan, Paul Hastings Janofsky & Walker LLP

Panelists: The Honorable Mary Alice Theiler, United States Magistrate Judge
John C. Curry, Counsel, Boeing Law Department
Rosemary Lumpkins, Senior Counsel, Microsoft
Kathryn M. Sheehan, Associate General Counsel, Amazon.com

3:00 – 3:15 pm Break

3:15 – 4:45 pm Technology in Fair Labor Standards Act Litigation

With the growing proliferation of personal equipment capable of establishing a digital trail for each employee, this panel will examine the way that new technologies are impacting FLSA litigation.

Moderator: Julie A. Totten, Orrick Herrington & Sutcliffe, LLP

Panelists: Char Eberhardt, Perkins Coie
Robert Gilmore, Kohrman, Jackson & Krantz
Janet Herold, SEIU
Roberta Steele, Goldstein, Demchak, Baller, Borgen & Dardarian

6:00 – 9:00 pm Reception & Buffet Dinner at Steelhead Diner
95 Pine Street ~ Pike Place Market

Friday, May 1
Room C6, Court Level

7:45 – 8:15 am Continental Breakfast

8:15 – 8:30 am Message from Section Leadership and Liaisons

Barbara Berish Brown, Section Chair, Paul Hastings Janofsky & Walker LLP
Richard S. Cleary, Employer Council Liaison, Greenebaum Doll & McDonald PLLC
Kathryn Burkett Dickson, Employee Council Liaison, Dickson Ross

8:30 – 9:30 am

Ethical Issues Resulting from Globalization of Legal Services

First, manufacturing was outsourced; then call center jobs and computer services were outsourced. Now, it is legal services. This panel will address a number of ethical issues resulting from the globalization of legal services.

Moderator: Natasha Martin, Seattle University School of Law

Panelists: Thomas Andrews, University of Washington School of Law
Mauricio Paez, Jones Day
John A. Strait, Seattle University School of Law

9:30 – 9:45 am

Break

9:45 – 11:15 am

Chips Ahoy? The Legal Issues Associated with Radio Frequency Identification Technology (RFID) in the Workplace

Moderator: William A. Herbert, Deputy Chair, New York State Public Employment Relations Board

Panelists: Robert A. Blackstone, Davis Wright Tremaine, LLP
William Covington, University of Washington Director of the
Technology Law and Public Policy Clinic
Robert Lavitt, Schwerin Campbell Barnard Iglitzin & Lavitt LLP
Jennifer Shaw, Deputy Director, ACLU Washington
Evan Welbourne, University of Washington, CSE

11:15 – 11:30 am

Break

11:30 – 1:00 pm

Computer Fraud & Abuse and Intellectual Property Issues

This panel will discuss relevant issues under the Computer Fraud and Abuse Act as well as intellectual property issues in the employment context.

Moderator: Douglas E. Dexter, Farella Braun & Martel LLP

Panelists: Gary Glaser, Seyfarth Shaw, LLP
Gregory Johnson, Paine Hamblen, LLP
Mauricio Paez, Jones Day

1:00 – 2:00 pm

Lunch Presentation: The New Restatement of the Law

A presentation on changes in the Restatement of the Law resulting from the introduction of new technologies into the workplace.

Speaker: Matthew Bodie, St. Louis University School of Law, Reporter of privacy/autonomy chapter for ALI Restatement Third of Employment Law

2:00 – 3:30 pm

Developments under the National Labor Relations Act

Are there technological alternatives to current NLRB procedures?

Moderator: Wayne R. Gold, Region 5, National Labor Relations Board

Panelists: Richard Ahearn, Region 19, National Labor Relations Board
Nicholas Clark, UCFW
Otto Klein, Summit Law Group
Lea Vaughn, University of Washington School of Law