



TUESDAY MARCH 27, 2007

8:30 a.m. – 4:00 p.m.

The Basics: Employment Litigation Skills Training

Designed to benefit both new and experienced employment law counsel, the ABA Section of Labor and Employment Law will present a one-day institute to teach practitioners the skills necessary to successfully try employment law cases. The Basics Program requires separate registration from the ERR Committee Midwinter Meeting. Basics Program details are available online at www.abanet.org/labor or from the ABA Section of Labor & Employment Law office (312/988-5523 or laborempllaw@abanet.org).

6:30 p.m. – 8:00 p.m.

Welcome Reception Honoring Special Guests, Government Representatives and Speakers

ALL meeting registrants are invited to join Section Chair Patricia Costello Slovak and Chair-Elect James R. LaVaute in welcoming our honorees!

Special Guests Include:

The Honorable Denise Page Hood, Judge, U.S. District Court for the Eastern District of Michigan, Detroit, Michigan

The Honorable Andrew J. Peck, Magistrate Judge, U.S. District Court for the Southern District of New York, New York, New York

We would like to thank the following for their generous contributions in support of this evening's reception:

- Asher, Gittler, Greenfield & D'Alba
- Mitchell Silberberg & Knupp LLP
- Beranbaum Menken Ben-Asher & Bierman LLP
- Saul Ewing LLP
- Clausen Miller PC
- Spilman Thomas & Battle, PLLC
- Heenan Blaikie LLP
- Thompson Coburn LLP

10:00 p.m. – 1:00 a.m.

Bourbon Street Hospitality Suite

"Vay-yay" with your friends and enjoy a nightcap in the Royal Sonesta's Bourbon Balcony Suite, which features dramatic views of the Vieux Carre (French Quarter). This evening's cocktails and snacks are sponsored by McGlinchey Stafford, PLLC.

WEDNESDAY MARCH 28, 2007

7:30 a.m. – 8:30 a.m.

Breakfast and Breads:

Continental Breakfast and Registration

8:30 a.m. – 9:30 a.m.

Subcommittee Co-Chair Meeting

8:30 a.m. – 10:00 a.m.

Strong Foundations Build Strong Cases

This program provides an introduction to fundamental legal issues of interest to the ERR Committee, including employment agreements, workplace privacy, employer investigations, wrongful discharge and employment torts, as well as practical tips on advocacy.

Panelists:

Alisa Arnoff, Scalabrino & Arnoff LLP, Chicago, Illinois

Stephanie Fidler, U.S. Attorney's Office, Miami, Florida

Henry Julien Jr., The Kullman Firm, New Orleans, Louisiana

Alan M. Koral, Vedder, Price, Kaufman & Kammholz, P.C., New York, New York

Jennifer F. Swain, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Birmingham, Alabama

8:30 a.m. – 12:15 p.m.

Corporate Counsel Symposium

Corporate counsel are invited to attend special programming structured to meet the needs of those working "in-house." This off-the-record program, designed in conjunction with ERR's Corporate Counsel Subcommittee, will be facilitated by experienced in-house practitioners. Sessions include: (1) Does Inspector Clouseau work here? Strategic and tactical concerns for the in-house professional in dealing with workplace investigations, knowing the issues and minimizing the risks; (2) Is this truly confidential? Privilege and work product issues for in-house counsel; and (3) I don't know, do you? A roundtable discussion of emergent issues impacting in-house counsel. Participants will be asked to share their experience, questions and concerns regarding the employment law challenges they face every day. Attendance at this program is limited to in-house counsel.

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 12:15 p.m.

Strong Foundations continued: Covenants Not To Compete and Trade Secrets

- Presented by Proprietary Information/Trade Secrets/ Survey on Individual Responsibilities, Covenants Not to Compete, Trade Secrets, Loyalty and Conflicts of Interest Subcommittee

This introductory program will provide an overview of the fundamentals of covenants not to compete, contracts and laws protecting trade secrets, the employee's duty of loyalty and litigation regarding these matters, including strategies and tactics.

Moderator:

Charles Poplstein, Thompson Coburn LLP, St. Louis, Missouri

Panelists:

Victoria A. Cundiff, Paul Hastings Janofsky & Walker LLP, New York, New York

Vanessa Kelley, Schwartz Kelly, LLC, Annandale, New Jersey

William Lurye, Robein, Urann & Lurye P.L.C., New Orleans, Louisiana

Debra Morway, Morgan Lewis & Bockius LLP, New York, New York

Oscar E. Romero, Senior Counsel, Bridgestone/Firestone Retail & Commercial Operations, LLC, Bloomington, Illinois

Robert J. Wood, Jr., Hughes & Luce, LLP, Dallas, Texas

12:15 p.m. – 1:00 p.m.

New Kids on the Block: First Timer Luncheon/Orientation

- Sponsored by Morrison & Foerster LLP

Enjoy an informal lunch with Section and Committee leaders who will discuss what ERR does and how to get involved.

1:15 p.m. – 1:45 p.m.

Introduction and Welcome

Patricia Costello Slovak, Section Chair, Schiff Hardin LLP, Chicago, Illinois

James R. LaVaute, Section Chair-Elect, Blitman & King LLP, Syracuse, New York

ERR Committee Co-Chairs

Margaret Angelucci, Union & Employee, Asher, Gittler, Greenfield & D'Alba, Chicago, Illinois

Maureen Binetti, Employee, Wilentz, Goldman & Spitzer P.A., Woodbridge, New Jersey

Mark N. Mallery, Employer, McGlinchey Stafford PLLC, New Orleans, Louisiana

Administrative Chair

Jonathan Ben-Asher, Employee, Beranbaum Menken Ben-Asher & Bierman LLP, New York, New York

Program Co-Chairs

Paula Graves Ardelean, *Employer, Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Jackson, Mississippi*

John F. Beasley, Jr., *Employee, Hill & Beasley LLP, Athens, Georgia*

1:45 p.m. – 2:30 p.m.

Supreme Court Update

Panelists debate the 2006-2007 Supreme Court decisions impacting employment lawyers.

Moderator:

Stacey A. Campbell, *Baker & Hostetler LLP, Denver, Colorado*

Panelists:

Christine Godsil Cooper, *Loyola University Chicago School of Law, Chicago, Illinois*

Rachel Esposito, *Cranfill, Sumner & Hartzog, L.L.P., Raleigh, North Carolina*

Piper Hoffman, *Outten & Golden LLP, New York, New York*

Stewart S. Manela, *Arent Fox PLLC, Washington, D.C.*

2:30 p.m. – 3:15 p.m.

Shredding Documents and Keeping Secrets? It's Not Always a Bad Thing! Identity Theft Issues All Employers and Employees Should Know

• *Presented by Employee Privacy Subcommittee*

Seven to ten million individuals fall victim to identity theft each year. For employers, this is yet another area where inadequate policies, practices, and training may result in employer liability to the identity theft victim. Panelists will address the nuts and bolts of identity theft occurring in the workplace, actions employers must take to protect employee information, avenues employees may take when an employer mishandles their information, and new legislation addressing these issues.

Moderator:

Cary Schwimmer, *Law Offices of Cary Schwimmer, Memphis, Tennessee*

Panelists:

Margaret ("Peggy") Daly, *Navagant Consulting, Inc., Chicago, Illinois*

Denise K. Drake, *Spencer Fane Britt & Browne, Kansas City, Missouri*

Lori Ecker, *The Law Offices of Lori Ecker, Chicago, Illinois*

Brooks Pierce, *NovaStar Financial, Inc., Kansas City, Missouri*

3:15 p.m. – 3:30 p.m.

Break

3:30 p.m. – 4:15 p.m.

How Much Will "Free" Speech Cost? Evolving Free Speech Rights of Employees in the Private Sector

• *Presented by Statutory Rights Subcommittee*

Panelists examine the impact of Sarbanes-Oxley (and the fallout of the U.S. Supreme Court ruling in *Garcetti v. Ceballos*) and state whistleblower laws on private speech, as well as concerted/protected activity under the NLRA.

Moderator:

Louis Lopez, *Federal Bureau of Investigation, Washington, D.C.*

Panelists:

Nathan B. Atkinson, *Spilman Thomas & Battle, PLLC, Winston Salem, North Carolina*

Christopher T. Hexter, *Schuchat, Cook & Werner, St. Louis, Missouri*

Ty Hyderally, *Law Offices of Ty Hyderally, P.C., Montclair, New Jersey*

4:15 p.m. – 5:15 p.m.

ESI New Orleans:

Hot on the Trail of Electronically Stored Information

• *Jointly Presented by Technology Subcommittee & Corporate Counsel Subcommittee*

Corporate in-house counsel, a computer consultant and management and employee counsel give us a peek behind the curtain to help identify and excavate electronically stored information in the brave new world of ESI. Panelists provide best practices and practical solutions in electronic discovery, as well as litigation hold letters and check lists, sample deposition questions and discovery requests.

Moderator:

J. Lindsay Johnston, *Vice President Human Resources, PJM Interconnection, L.L.C., Norristown, Pennsylvania*

Panelists:

James Barber, *Clausen Miller PC, Chicago, Illinois*

Melinda Burrows, *Progress Energy, Raleigh, North Carolina*

Bruce Cosgrove, *Enercon Services, Raleigh, North Carolina*

The Honorable Andrew J. Peck, *Magistrate Judge for the Southern District of New York, New York, New York*

Mark Risk, *Mark Risk, P.C., New York, New York*

John Rubiner, *Bird, Marella, Boxer, Wolpert, Nessim, Dooks & Lincenberg, P.C., Los Angeles, California*

7:00 p.m. – 9:00 p.m.

Welcome Reception at The Van Benthuyzen-Elms Mansion

The Van Benthuyzen-Elms Mansion is a beautiful example of Italianate style architecture, providing exquisite grandeur to St. Charles Avenue and the Garden District of New Orleans. A jazz trio will provide the perfect backdrop for uniting with friends, both old and new. First-Time Attendees and New Committee Members are encouraged to arrive early for the welcome reception to mix and mingle with ERR Committee and Section leadership—and to get first dibs on the delicious Creole hors d'oeuvres!

We would like to thank the following for their generous contributions in support of this evening's reception:

• *Constangy Brooks & Smith, LLC*

• *Outten & Golden LLP*

• *Ulmer & Berne LLP*

10:00p.m. – 1:00 a.m.

Bourbon Street Hospitality Suite

Let your cares drift away as you enjoy the Crescent City night life above the fray. This evening's cocktails and snacks in the Royal Sonesta's Bourbon Balcony Suite are sponsored by Butler, Snow, O'Mara, Stevens & Cannada, PLLC.

THURSDAY MARCH 29, 2007

7:30 a.m. – 8:30 a.m.

Breakfast Buffet

• *Sponsored by Blake, Cassels & Graydon LLP*

7:30 a.m. – 8:30 a.m.

Beignets and Banter—Breakfast Roundtables*

"I Want to Hire You: Tell Me All About Yourself—Am I Invading Your Privacy?"

• *Presented by the International Law Subcommittee*

This roundtable will feature a discussion of selection and hiring criteria for the perfect employees from several countries. Facilitators include Paul Callaghan, Taylor Wessing, London, United Kingdom; Thierry Gillot, De Gaulle Fleurance & Associés, Paris, France; Marisa Pagnattaro, University of Georgia, Athens, Georgia; Gerlind Wisskirchen, CMS Hasche Sigle, Cologne, Germany; and Andrea Zwack, Heenan Blaikie, Vancouver, British Columbia.

Are Law Firms and Corporations Committed to Diversity in the Legal Profession or Are They Just Paying Lip Service?

• *Presented by Diversity Outreach Initiative Taskforce (DOIT)*

This roundtable will include a discussion on the advantages and disadvantages of diversity initiatives, whether they make a difference to clients, whether they affect the day-to-day practices of the attorneys, and the elements of an effective diversity initiative. How to measure whether an organization has a successful diversity program and

* *The Breakfast Roundtables at 7:30 a.m. on Thursday, Friday and Saturday mornings are informal gatherings of interested lawyers, and they are designed to encourage group discussions about various topics that have been identified as issues of importance to ERR Committee members. These will not include any formal lecture or presentation, and no written materials will be distributed about the topic. Instead, the issues raised by the attendees and the facilitators will drive the group discussion. These breakfast discussions will last forty-five to sixty minutes and, because of their informal nature, are not approved for CLE credit.*



whether one can even measure that also will be discussed. Stacey A. Campbell, Baker & Hostetler LLP, Denver, Colorado; Samantha C. Grant, Mitchell Silberberg & Knupp LLP, Los Angeles, California; and T. Warren Jackson, The DIRECTV Group, Inc., El Segundo, California will serve as discussion facilitators.

Get the Union's View!

Michael Cooperman, National Labor Relations Board, Denver, Colorado, and union lawyers Margaret Angelucci, Asher, Gittler, Greenfield & D'Alba, Chicago, Illinois, and Christopher T. Hexter, Schuchat, Cook & Werner, St. Louis, Missouri, will facilitate a discussion of the impact of traditional labor laws on a non-union workplace.

Yesterday's News

Speakers from the previous day's program will gather for breakfast and a continued discussion of unfinished business from the day before.

8:30 a.m. – 9:15 a.m.

The Revenge of the Web: The Workplace Impact of Blogging, Instant Messaging, Home Pages and Other Cool Stuff

• Presented by Employment at Will Subcommittee

Thirty-two million Americans now read blogs and almost eight million have created their own, but only one in five companies have policies to address blogging and related issues. Panelists provide sample policies and use real-life blogs to discuss how far can/should employers go to check employees' internet activities.

Moderator:

Gary Eidelman, *Saul Ewing LLP, Baltimore, Maryland*

Panelists:

Craig Cornish, *Cornish & Dell'Olio, Colorado Springs, Colorado*
Kim Lee, *Director of Operations for Galaxie Financial Group, Inc., Chicago, Illinois*

Katie Plush, *HR Director of Marshall Associates, Inc., Chicago, Illinois*
Paul Starkman, *Arnstein & Lehr LLP, Chicago, Illinois*

9:15 a.m. – 10:45 a.m.

Does Age Matter? Attitudes of Generation X and Generation Y Jurors

• Presented by Trial Advocacy Subcommittee

Juries today will include people who have come of age in the electronic era, who will work for between 15 and 20 employers in their careers, and who believe they are more likely to encounter UFO's than to collect social security. How will this affect lawyers who try employment cases? A panel of experts, including a prominent plaintiff's trial lawyer who has studied Generation X and Generation Y jurors, a jury consultant who is presently conducting empirical research on attitudes of younger jurors, and two judges will discuss the impact of these issues on voir dire and case presentation.

Moderator:

Robert M. Goldich, *Greenberg Traurig LLP, Philadelphia, Pennsylvania*

Panelists:

The Honorable Denise Page Hood, *United States District Judge, Eastern District of Michigan, Detroit, Michigan*

Howard L. Nations, *Law Offices of Howard L. Nations, P.C., Houston, Texas*

The Honorable Andrew J. Peck, *Magistrate Judge for the Southern District of New York, New York, New York*

Jill Huntley Taylor, Ph.D., *Dispute Dynamics, Inc., Philadelphia, Pennsylvania*

10:45 a.m. – 11:00 a.m.

Break

11:00 a.m. – 11:45 a.m.

Mission Impossible: Terminating a "Troublemaker" and Avoiding Liability

• Presented by Worker Dislocation Subcommittee

Panelists address issues unique to terminating the "squeaky wheel," including Sarbanes-Oxley concerns, retaliation claims, and the EEOC's recent controversial stand on release agreements.

Moderator:

Julie Gottshall, *Katten Muchin Zavis Rosenman, Chicago, Illinois*

Panelists:

Susan Hartmus Hiser, *Vercruyse Murray & Calzone, Detroit, Michigan*

Adele Rapport, *Law Office of Richard T. Seymour PLLC, Washington, D.C.*

Laurie Vasichek, *U.S. Equal Employment Opportunity Commission, Minneapolis, Minnesota*

11:45 a.m. – 12:30 p.m.

Welcome to America— The Complex and Contradictory Application of Employment Laws to Immigrant Workers

• Presented by State Labor and Employment Law Subcommittee

This program provides an introduction to the complexities of state laws affecting employment of immigrant workers.

Moderator:

Richard G. Moon, *Moon, Moss & Shapiro, P.A., Portland, Maine*

Panelists:

Ana Avendaño, *Associate General Counsel and Director, Immigrant Worker Program, AFL-CIO, Washington, D.C.*

Richard Carrigan, *Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Birmingham, Alabama*

Timothy A. Gudas, *Sulloway & Hollis, P.L.L.C. Concord, New Hampshire*

12:30 p.m. – 1:30 p.m.

Subcommittee Meetings

2:00 p.m. – 5:00 p.m.

Katrina Aid Option

Like the phoenix rising from the ashes, New Orleans continues its recovery from the devastation of Hurricane Katrina. Despite the passage of time, many areas of the city still remain in a state of disrepair. Join ERR Committee members in a voluntary community service event that will give you a hands-on opportunity to contribute to the re-birth of this once-great and soon-to-be-great-again community. Details and a sign-up sheet will be posted at the ABA Registration Desk.

6:00 p.m. – 7:00 p.m.

Here's a Lagniappe for Everyone— Come-As-You-Are Cocktail Reception

Grab a refreshment with friends, both old and new, prior to departing for your New Orleans dining experience.

7:00 p.m. – 10:00 p.m.

Dine-Around in the Vieux Carre

We make reservations for several large groups at top New Orleans restaurants, and you choose your favorite! Sign-up sheets will be posted on Wednesday at the ABA Registration Desk.

10:00 p.m. – 1:00 a.m.

Bourbon Street Hospitality Suite

Right smack dab in the middle of town there's a paradise that's trouble proof—you guessed it—"up on the roof" in the Royal Sonesta's Bourbon Balcony Suite. Join your friends and colleagues for the perfect night cap. This evening's cocktails and snacks are sponsored by Wilentz, Goldman & Spitzer P.A.

FRIDAY MARCH 30, 2007

7:30 a.m. – 8:15 a.m.

Continental Breakfast

7:30 a.m. – 8:15 a.m.

Beignets and Banter—Breakfast Roundtables

Advice and Strategy on Building a Successful Practice

Former ERR co-chairs reveal their secrets about building a successful employment law practice. Facilitators include Wayne N. Outten, Outten & Golden LLP, New York, New York; Marvin Gittler, Asher, Gittler, Greenfield & D'Alba, Chicago, Illinois; Gail Golman Holtzman, Constangy Brooks & Smith, LLC, Tampa, Florida; Stewart S. Manela, Arent Fox PLLC, Washington, D.C.; and Steven Hymowitz, Kiesewetter Wise Kaplan Prather, Memphis, Tennessee.

Gab with the Government

Join Connie Ackerman, DOL, Irving, Texas; Michael Cooperman, NLRB, Denver, Colorado; Stephanie Fidler, U.S. Attorney's Office, Miami, Florida; Christopher J. Kuczynski, EEOC, Washington, D.C.; Dwight A. Lewis, EEOC, Dallas, Texas; and Laurie A. Vasichek, EEOC, Minneapolis, Minnesota, as they meet in this informal setting to answer your questions regarding government initiatives and issues affecting you and your clients.

Yesterday's News

Speakers from the previous day's program will gather for breakfast and a continued discussion of unfinished business from the day before.

8:15 a.m. – 9:00 a.m.

Too Hot to Handle?

Hybrid Class/Collective Wage and Hour Actions

• Presented by Class Actions Subcommittee

Litigation of hybrid class/collective wage and hour actions, alleging claims under both the FLSA and state law, is a hot practice area with new cases being filed regularly across the country. These actions raise unique procedural and case management issues with which the courts and litigants are currently grappling. Panelists discuss the practicalities of litigating these hybrid cases focusing on issues relating to discovery, certification, and the impact of CAFA.

Moderator:

John M. Husband, *Holland & Hart, Denver, Colorado*

Panelists:

Mark P. Grajski, *Seyfarth Shaw LLP, Sacramento, California*

The Honorable Denise Page Hood, *Judge, U.S. District Court for the Eastern District of Michigan, Detroit, Michigan*

Roberta L. Steele, *Goldstein Demchak, Oakland, California*

9:00 a.m. – 9:45 a.m.

Who's the Boss—the Doctor or the Attorney?

A Difficult Diagnosis in ADA/FMLA Cases

• Presented by Health, Disability & Leaves of Absence Issues Subcommittee

Dealing with physicians as consultants and expert witnesses in ADA and FMLA cases can be both unavoidable and frustrating. With the assistance of a physician, panelists will focus on a variety of issues including selecting, hiring, consulting with, and preparing physicians to testify.



Moderator:

Raymond E. Morales, *Morales & Dávila, San Juan, Puerto Rico*

Panelists:

Christopher J. Kuczynski, *U.S. Equal Employment Opportunity Commission, Washington, D.C.*

Michael P. Royal, *Locke Liddell & Sapp LLP, Dallas, Texas*

Glen Savits, *Green Savits & Lenzo, LLC, Morristown, New Jersey*

9:45 a.m. – 10:30 a.m.

Top Tips for Drafting Employment Contracts in Europe and Beyond

• Presented by International Law Subcommittee

Learn the key issues to be considered when entering into an international employment contract and hear practical recommendations on the issues requiring particular attention in France, Germany, Ireland and Canada, including variable and discretionary remuneration, mobility, termination indemnities or golden parachutes, covenants, and statutory and collective bargaining.

Moderator:

Robert Bonhomme, *Heenan Blaikie LLP, Montréal, Québec*

Panelists:

Melanie Crowley, *Mason Hayes & Curran, Dublin, Ireland*

Ming Henderson-Vu Thi, *Kramer Levin Naftalis & Frankel LLP, Paris, France*

Gerlind Wisskirchen, *CMS Hasche Sigle, Cologne, Germany*

10:30 a.m. – 10:45 a.m.

Break

10:45 a.m. – 11:30 a.m.

Note to Self on Employee References: Damned If You Do and Damned If You Don't

• Presented by Legislative Developments Subcommittee

Recent multi-million dollar jury awards signal to employers that references may be necessary, while the EEOC argues that a negative reference may constitute "retaliation." Walking the tight rope in the circus called Employment References can be a costly challenge. This panel provides much needed guidance by addressing recent court decisions, the uniform reference statute, and state employment reference laws. Sample release forms and guidelines for providing references will be included in the program.

Moderator:

Frank Van Dusen, *Miller Nash LLP, Seattle, Washington*

Panelists:

Margaret Angelucci, *Asher, Gittler, Greenfield & D'Alba, Chicago, Illinois*

Timothy J. Downing, *Ulmer & Berne LLP, Cleveland, Ohio*

Delner Franklin Thomas, *U.S. Equal Employment Opportunity Commission, Miami, Florida*

11:30 a.m. – 12:30 p.m.

"Talkin' About My Generation:" Important Developments in Pension and Retiree Health Plans

• Presented by ERISA Subcommittee

In terms non-ERISA lawyers can understand, you will learn the latest developments in pension and retiree health plans and whether automatic enrollment can save the American pension system. Panelists discuss the impact of the Department of Labor's default investment regulation proposal, recently enacted pension legislation, and resolution of the hybrid pension plan/cash balance plan litigation and other recent developments.

Moderator:

James Zalewski, *DeMars Gordon, Lincoln, Nebraska*

Panelists:

Charles S. Mishkind, *Miller, Canfield, Paddock & Stone, Grand Rapids, Michigan*

William T. Payne, *Law Office of William T. Payne, LLP, Pittsburgh, Pennsylvania*

Gregory P. Rogers, *Taft Stettinius & Hollister, LLP, Cincinnati, Ohio*

Erin M. Sweeney, *U.S. Department of Labor, Washington, D.C.*

12:30 p.m. – 6:00 p.m.

Golf Tournament at TPC Louisiana

Situated on 250 acres across the Mississippi River from New Orleans, the TPC of Louisiana was designed by Pete Dye and is host of the PGA Tour event, the Zurich Classic of New Orleans.



1:30 p.m. – 5:00 p.m.

Optional Tours & Activities

Sign-up at the ABA Registration Desk for the activity of your choice, including walking tours, swamp tours, French Quarter “Saints and Sinners” tour, ecotours, and fishing excursions.

7:00 p.m. – 11:00 p.m.

Laissez les Bons Temps Rouler!

Let the Good Times Roll with a Fais Do Do to Practice your Mud Bug Boogie: Dinner and Dancing in the Quarter!

11:00 p.m. – 1:00 a.m.

Bourbon Street Hospitality Suite

One last chance to visit with ERR members at the historic Royal Sonesta’s Balcony Suite where the revelry of Bourbon Street is just a “bead throw” away. This evening’s cocktails and snacks are sponsored by Proskauer Rose LLP.

SATURDAY MARCH 31, 2007

7:30 a.m. – 8:30 a.m.

Continental Breakfast

7:30 a.m. – 8:30 a.m.

Beignets and Banter—Breakfast Roundtables

Juice with the Judiciary

The Honorable Denise Page Hood and The Honorable Andrew J. Peck will be available for an informal discussion of employment law and practice in their courts.

Every Rose Has Its Thorns

Members of the Insurance Subcommittee, including Elizabeth Siso Bair of Wilentz, Goldman & Spitzer P.A., Woodbridge, New Jersey; Kimberly W. Geisler of Huckaby Scott & Dukes, P.C., Birmingham, Alabama; Jeffrey A. James, Sebris Busto James, Bellevue, Washington; and Dave Keenan of Chubb Insurance, Tampa, Florida, will discuss the “thorny” issues of multiple representation from both the management and employee counsel perspectives, as well as the perspective of the insurer.

Yesterday’s News

Speakers from the previous day’s program will gather for breakfast and a continued discussion of unfinished business from the day before.

8:30 a.m. – 9:15 a.m.

It’s a Status Thing: The Ground War at Fed Ex

• Presented by the Contingent Workforce Subcommittee

Who is an independent contractor? Some Fed Ex Ground drivers have challenged their status as independent contractors, reigniting an ongoing debate— independent contractor or employee? Learn about recent developments arising from the Fed Ex Ground multidistrict litigation challenging independent contractor status and how it can impact other industries . . . and the advice you give clients.

Moderator:

Samantha C. Grant, *Mitchell Silberberg & Knupp LLP, Los Angeles, California*

Panelists:

C. John Holmquist, Jr., *Nemeth Burwell, P.C., Detroit, Michigan*

Dwight A. Lewis, *U.S. Equal Employment Opportunity Commission, Dallas, Texas*

Nora L. Macey, *Macey Swanson and Allman, Indianapolis, Indiana*

9:15 a.m. – 10:00 a.m.

Choices, Choices: Your Place or Mine?

• Presented by Proprietary Information/Trade Secrets/Survey on Individual Responsibilities, Covenants Not to Compete, Trade Secrets, Loyalty and Conflicts of Interest Subcommittee

Bob Blackstone and Arnie Pedowitz, editors of *Covenants Not to Compete, A State-by-State Survey*, know the trends in non-compete cases and the areas in which lawyers need help. This year, the panel focuses on choice of law and forum selection clauses and the strategies to be considered when drafting and litigating these provisions. The choice can mean the difference between victory and defeat.

Moderators:

Robert Blackstone, *Davis Wright Tremaine, LLP, Seattle, Washington*

Arnold H. Pedowitz, *Pedowitz & Meister, LLP, New York, New York*

Panelists:

Melissa Goodman, *Haynes and Boone, LLP, Dallas, Texas*

Reginald C. Johnson, *Fox Galvin, LLC, St. Louis, Missouri*

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 11:00 a.m.

Labor & Employment Law on the Cutting Edge

Panelists will address one or more topics that are SO cutting edge that we can’t tell you the topic, because if we knew it now, it wouldn’t be cutting edge in March! Come gaze into the crystal ball of employment law. Be one of the first to file a hot new claim or one of the few prepared to defend it.

Moderator:

Richard L. Alfred, *Seyfarth Shaw LLP, Boston, Massachusetts*

Panelists:

Marvin Gittler, *Asher, Gittler, Greenfield & D’Alba, Chicago, Illinois*

Steven Hymowitz, *Kiesewetter Wise Kaplan Prather, Memphis, Tennessee*

Richard T. Seymour, *Law Office of Richard T. Seymour PLLC, Washington, D.C.*

11:00 a.m. – 12:00 p.m.

How Far Can (or Should) You Go?

Pushing the Ethical Envelope

• Jointly Presented by Ethics in Litigation and Alternatives to Litigation Subcommittees

Get credit for one “ethics hour” and hear a timely discussion of two hot issues: (1) If you mediate or arbitrate in states where you are not admitted to practice, are you engaging in the unauthorized practice of law? (2) Where are the lines when it comes to duty of candor and zealous representation of clients?

Moderator:

Eric W. Iskra, *Spilman Thomas & Battle, PLLC, Charleston, West Virginia*

Panelists:

Linda Fienberg, *President, NASD Dispute Resolution, Washington, D.C.*

Robert Kraus, *Kraus & Zuchlewski LLP, New York, New York*

Ralph Morris, *Schiff Hardin LLP, Chicago, Illinois*

Deena G. Ombres, *Associate General Counsel & Privacy Officer, Res-Care, Inc., Louisville, Kentucky*

12:00 p.m. – 12:30 p.m.

Time to Say Au Revoir and À Bientôt:

Feedback and Wrap-up

A participatory forum to discuss your views of this year’s program and your ideas for 2008.