

**American Bar Association
Section of Labor & Employment Law**

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

*Co-sponsored by
Center for Labor and Employment Law at New York University School of Law
and New York State Bar Association's Labor and Employment Law Section*

**April 25-27, 2007
New York University School of Law
245 Sullivan Street
Furman Hall, Pollack Colloquium, 9th Floor
New York, New York**

Wednesday, April 25

6:30 – 8:00 pm **Welcome Reception – Snow Dining Room
New York University School of Law
40 Washington Square
Vanderbilt Hall, 4th Floor**

Thursday, April 26

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

9:00 – 9:15 am **Welcome and Introductions**

Douglas E. Dexter, Employer Co-Chair, Farella Braun + Martel LLP
Rhona Lyons, Union & Employee Co-Chair, Schuchat, Cook & Werner
Wayne Gold, Public Co-Chair, National Labor Relations Board
Darnley Stewart, Employee Co-Chair, Bernstein Litowitz Berger &
Grossmann LLP
Samuel Estreicher, Opperman Professor of Law & Director, Center for Labor
and Employment Law, New York University

MODULE ONE – USE OF TECHNOLOGY IN THE PRACTICE OF LAW

9:15 – 10:45 am "Blawging" in the Legal World

Attorneys have been using Internet websites to market their firms and practices for years. Now, legal “blawgs” are becoming a popular method of communication and a venue for attorneys to exchange information and ideas and to market themselves. This session will explore issues regarding legal “blawgs,” such as:

- What are some of the best and most reliable legal blogs?
- What are the advantages and disadvantages of having a legal blog?
- Are there any risks associated with having a legal blog?

This session will also cover free Internet resources relating to labor and employment, including government websites, free commercial websites and more.

Moderator: Douglas E. Dexter, Farella Braun + Martel LLP, San Francisco, California

Panelists: Lance Koonce, Davis, Wright & Tremaine, New York, New York

Nicole Black, Sui Generis (<http://nylawblog.typepad.com>), Rochester, New York

Annmarie Zell, Law Librarian, NYU School of Law, New York, New York

Thomas C. Goldstein, Akin Gump Strauss Hauer & Feld LLP, (<http://www.scotusblog.com>) Washington, D.C.

10:45 – 11:00 am Break

11:00 – 1:00 pm Using Technology in Your Practice

What are you missing out on? Learn about new and innovative products and practices designed to assist you in your practice. The first portion of this session will explore use of technology in litigation, focusing on technology in the courtroom and issues related to electronic filings. The second portion of the session will address use of technology in the practice, focusing on use of list serves and other technology for use in the practice of law.

Moderator: Rhona Lyons, Schuchat, Cook & Werner

Panelists:

Addressing Use of Technology in Litigation

Betsy Plevan, Proskauer Rose LLP, New York, New York

Darnley Stewart, Bernstein Litowitz Berger & Grossmann
LLP, New York, New York

Addressing Use of Technology in the Practice

Joshua Friedman, Law Offices of Joshua Friedman, New
York, New York

Susan Lowenstam, BAE Systems, Chief Counsel NSS,
San Diego, California

Monica Bay, Editor-in-Chief, Law Technology News, New
York, New York

1:00 – 2:30 pm Lunch Presentation: Lessons from *Zubulake*

Join Laura Zubulake's counsel, James Batson, from Liddle & Robinson LLP, who will discuss valuable lessons to be learned from his experiences in litigating the landmark *Zubulake* matter. Zachary Fasman, from Paul Hastings, will be providing commentary from the defense perspective.

MODULE TWO: ELECTRONIC DISCOVERY

This module will provide an overview of the new Federal Rules of Civil Procedure, and a discussion regarding the practical application of those rules in employment litigation, followed by a mock law and motion presentation.

2:45 – 3:45 pm The New Federal Rules of Civil Procedure

This session will address the new rules and provide practical information from experienced employment law practitioners, including tips and best practices relating to employer preservation obligations; topics to discuss with opposing counsel regarding electronic discovery at the outset of the case; and obligations to provide electronic data in initial disclosures. The panelists will also address client obligations, best practices, and solutions for the management, retention and destruction of electronic data.

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

Panelists: Mark Risk, Mark Risk, P.C., New York, New York
Heather Morgan, Paul Hastings, Los Angeles, California
Charles Fournier, Senior Vice President, Employment Law,
NBC Universal, Inc.

3:45 – 4:00 pm Break

4:00 – 5:30 pm Mock E-Discovery Hearing

The session will feature a mock law and motion session regarding common issues and problems faced when addressing e-discovery issues in employment cases.

Moderator: Samuel Estreicher, Opperman Professor of Law &
Director, Center for Labor and Employment Law, New
York University, New York, New York

Judge: Judge P. Kevin Castel, United States District Court,
Southern District of New York

Attorneys: Michael J. Gray, Jones Day, Chicago, Illinois (for the
defense)

Adam T. Klein, Outten & Golden LLP, New York,
New York (for the plaintiff)

6:00 – 7:00 pm **Reception sponsored by Bernstein Litowitz Berger & Grossmann LLP**

7:30 – 10:30 pm **Dine-Around**

No need to dine alone. This is the perfect opportunity to meet your fellow Conference attendees in a small group setting. At the Conference, you will have an opportunity to sign up to have dinner at a particular, pre-arranged New York restaurant with others who desire to dine at the same location.

Friday, April 27

7:30 – 8:00 am **Continental Breakfast**

8:00 – 8:15 am **Message from Section Liaison**

MODULE THREE: IMPACT OF TECHNOLOGY IN THE WORKPLACE

8:15 – 10:00 am **Health and Safety Issues Related to Use of Technology**

Technology is being used increasingly in the workplace. This session will address the health and safety risks and benefits arising out of the use of such technology, employee stress caused by technology in the workplace and potential legal claims related to use of new technologies.

Moderator: William A. Herbert, Senior Counsel, CSEA Local 1000,
Albany, New York

Panelists: Professor Gayle Porter, Rutgers University
Adam Forman, Miller Canfield Paddock & Stone, Detroit,
Michigan

Mike Diederich, Diederich Law Office, Stony Point, New
York

10:00 – 10:15 am **Break**

10:15 – 12:00 pm Employee Privacy Issues

Where should the line be drawn between privacy and the use of technology in the workplace? Technology, such as RFIDs or GPS, can be used by companies to more efficiently monitor and track products and property and biometric technology is often used for security and timekeeping purposes. Does such technology also invade employees' privacy? This panel will provide an in-depth exploration of the wide range of issues regarding the interplay between technology and privacy in the workplace.

Moderator: William A. Herbert, Senior Counsel, CSEA Local 1000,
Albany, New York

Addressing GPS Technology:

Peter Latta, Chairman, A. Duie Pyle, Inc. West Chester,
Pennsylvania

Bradley Raymond, General Counsel, International
Brotherhood of Teamsters (IBT)

Addressing Biometrics:

Rachel Minter, The Law Offices of Rachel J. Minter, New
York, New York

Norma Meacham, Whiteman, Osterman & Hanna, LLP,
Albany, New York

Addressing RFID Technology:

Lewis Maltby, President and Jeremy Gruber, Legal
Director, The National Workrights Institute, Princeton,
New Jersey

David Hoffman, Vice President, Ethics & Compliance,
Brooklyn-Queens Health Care, Inc., Brooklyn, New York

12:00 – 1:30 pm Lunch

MODULE FOUR: THE "REGISTER GUARD" DEBATE

1:30 – 3:00 pm Pending before the National Labor Relations Board is Guard Publishing Co., d/b/a The Register-Guard, in which the Board will determine the scope of NLRA, Section 7 rights to employer policies with respect to the use of email. Regardless of outcome, the decision will have profound implications regarding the NLRA in the technological workplace. This panel will provide an in-depth analysis of the issue.

Moderator: Wayne Gold, Regional Director, National Labor Relations Board, Baltimore, Maryland

Panelists: Laurence Gold, Bredhoff & Kaiser, Washington, D.C.
Andrew M. Kramer, Jones Day, Washington, D.C.

3:00 – 3:15 pm **Break**

MODULE FIVE: TECHNOLOGY AND ETHICAL ISSUES

3:15 – 4:30 pm This panel will explore through a series of hypothetical situations the ethical issues created by the use of technology in today's society, from the perspectives of law practice risk management, defense and counsel of practitioners, and the developing ethics rules.

Moderator: Joan Canny, Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A., Miami, Florida

Panelists: Professor Bruce A. Green, Visiting Professor of Law, New York University School of Law, Louis Stein Professor, Fordham Law School and Director of Louis Stein Center for Law and Ethics

Susan Brotman, Law Offices of Susan Brotman, New York, New York

Sarah Diane McShea, Law Offices of Sarah Diane McShea, New York, New York