

Celebrating the
ADA at 25 Years
Featuring
EEOC Chair
Jenny Yang

*American Bar Association
Section of Labor and Employment Law*



National Conference on Equal Employment Opportunity Law

*Presented by the
Equal Employment
Opportunity Committee*

*With programming presented with
the Immigration Law Committee*



Section of
Labor and Employment Law

April 15–18, 2015
Fontainebleau Miami Beach
Miami Beach, Florida

MIAMI BEACH



Join Us!

Dear Colleague:

We are pleased to provide you with this invitation to register for the 2015 ABA National Conference on Equal Employment Opportunity Law. This Conference is presented by the ABA Section of Labor and Employment Law's Committee on Equal Employment Opportunity Law. We are confident this will be the most outstanding program on EEO law offered in the coming year.

This brochure outlines the excellent program that has been developed. It provides an unparalleled opportunity to focus on both trial practice issues and current legal and policy developments relating to equal employment opportunity and related workplace claims. The program will address issues and concerns from the perspective of plaintiff, management, union, the judiciary and government counsel. We are particularly enthusiastic that the program will include sessions focusing on the 25th anniversary of the Americans with Disabilities Act.

The Conference also affords the opportunity to meet and network with top level practitioners from all areas of the practice, including government leaders.

We are hopeful that you will join us in Miami Beach for this exceptional Conference!

Sincerely,

Donald R. Livingston
Employer Co-Chair

Justin M. Swartz
Employee Co-Chair

Melissa S. Woods
Union & Employee Co-Chair



Program Agenda

Wednesday, April 15

The Americans with Disabilities Act At 25 Years

On July 26, 1990, President Bush's July 25th nomination of Judge David Souter to the U.S. Supreme Court was the top news story, but on the South Lawn of the White House the President was conducting more lasting business. Before a large crowd of onlookers, on an unusually gorgeous Washington, D.C. day, the President signed "the world's first comprehensive declaration of equality for people with disabilities." He closed his remarks by invoking the Declaration of Independence: "Today's legislation brings us closer to that day when no Americans will ever again be deprived of their basic guarantees of life, liberty, and the pursuit of happiness." Few played a larger role in constructing the ADA than future EEOC Commissioner, Chai Feldblum, who in 1990 served as one of the lead legal advisors to the disability and civil rights communities in the drafting and negotiating of that legislation. Join Commissioner Feldblum and our other distinguished panelists who will remind us how far we have come and how far we must travel to achieve the original vision of those who enacted the Americans with Disabilities Act.

Moderator: Hon. Gilbert F. Casellas, OMNITRU, Arlington, VA
(Former EEOC Chair, 1994 – 1998)

3:00 – 3:20 p.m.

Part 1: The View from the Top: The EEOC's Commitment to ADA

Speaker: Hon. Jenny Yang, Chair, Equal Employment Opportunity Commission, Washington, DC

3:20 – 4:15 p.m.

Part 2: A Look Back: The Passage of the ADA

Opening Remarks and Discussion Leader:

Hon. Chai R. Feldblum, Commissioner, Equal Employment Opportunity Commission, Washington, DC

Panelists: Christopher G. Bell, Retired Associate Legal Counsel, Equal Employment Opportunity Commission, Roseville, MN

Randel K. Johnson, Senior Vice-President, Labor, Immigration and Employee Benefits, U.S. Chamber of Commerce, Washington, DC

John L. Wodatch, Former Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, Washington, DC

Program Agenda

4:15 – 4:30 p.m.

Break

4:30 – 5:30 p.m.

Part 3: EEOC ADA Litigation and Enforcement Today

Panelists: Hon. P. David Lopez, *General Counsel, Equal Employment Opportunity Commission, Washington, DC*
Mark S. Dichter, *Morgan Lewis & Bockius LLP, Philadelphia, PA*
Elizabeth Grossman, *Disability Rights New York, New York, NY*

6:00 – 6:45 p.m.

“Newer” Attendee Reception: *All Welcome!*

6:45 – 8:00 p.m.

Networking Welcome Reception— Featuring a Commemoration of the 25th Anniversary of the Americans with Disabilities Act



Thursday, April 16

7:00 – 8:55 a.m.

Constituency Breakfasts

Enjoy the opportunity to have open and private discussions with similarly situated practitioners concerning employment law subjects. You will also have the opportunity to network with colleagues nationwide who share your focus on equal employment opportunity matters.

7:00 – 8:55 a.m. **Management and Defense Lawyers**

7:00 – 7:20 a.m.

Both Internal and External Defense Counsel are welcome for a little business and some announcements

7:20 – 8:55 a.m.

All Conference Attendees are welcome for an annual update of significant EEO cases by Paul Grossman—not to be missed!

Hosts: Elaine Drodge Koch, *Bryan Cave LLP, Kansas City, MO*
Andrew Rosenman, *Mayer Brown LLP, Chicago, IL*

Speaker: Paul Grossman, *Paul Hastings, LLP, Los Angeles, CA*

8:00 – 8:55 a.m. **Employee/Plaintiff Counsel**

(Union Counsel Also Welcome)

9:00 – 10:30 a.m.

Spouse/Partner/Guest Breakfast (Optional Ticketed Event)

9:00 – 10:45 a.m.

Government Plenary

Join top officials from the Equal Employment Opportunity Commission, U.S. Department of Labor and U.S. Department of Justice as they answer questions from seasoned plaintiff and defense lawyers on topical issues about government litigation, recent court decisions involving their agencies, intervention in private actions, strategic plans and recent EEOC guidance and Executive Orders.

Facilitators: Kelly M. Dermody, *Lieff Cabraser Heimann & Bernstein, LLP, San Francisco, CA*
Eric D. Reicin, *MorganFranklin Consulting, LLC, McLean, VA*

Program Agenda

Speakers: **Hon. P. David Lopez**, *General Counsel, Equal Employment Opportunity Commission, Washington, DC*
Hon. M. Patricia Smith, *Solicitor of Labor, U.S. Department of Labor, Washington, DC*
Hon. Jenny Yang, *Chair, Equal Employment Opportunity Commission, Washington, DC*
Pamela Karlan, *Deputy Assistant Attorney General for the Civil Rights Division, U.S. Department of Justice, Washington, DC*

10:45 – 11:00 a.m.

Welcome From the Committee Co-Chairs and Announcements from the Section of Labor and Employment Law Leadership

Donald R. Livingston, *Akin Gump Strauss Hauer & Feld LLP, Washington, DC*
Justin M. Swartz, *Outten & Golden, LLP, New York, NY*
Melissa S. Woods, *Meyer, Suozzi, English & Klein, P.C., New York, NY*

11:00 – 11:15 a.m.

Break

11:15 am – 12:30 p.m.

Track 1: Sexual Harassment by Senior Executives: Banishing Mad Men Behaviors from the 21st Century Workplace

In 1998, the Supreme Court, in *Burlington Industries v. Ellerth*, set forth the elements for an affirmative defense to hostile environment liability when no tangible employment action is taken. Sixteen years later, many companies and government agencies have spent countless hours and money preventing sexual harassment by promulgating effective sexual harassment policies and complaint procedures. However, recent history suggests that plenty of companies and government agencies fall short on ensuring that their top level executives understand exactly what behaviors constitute sexual harassment and the prohibitions against it. In this advanced program, hear experienced practitioners discuss the legal and practical issues that arise when the alleged harasser is the company's CEO or other high level executive, including how to ensure an impartial internal investigation, take prompt and effective remedial action when required, and the role of the Board of Directors, Chief Human Resources office and the General Counsel.

Thursday, April 16, 2015

Moderator: Grace E. Speights, *Morgan Lewis & Bockius LLP, Washington, DC*

Speakers: Hon. Victoria Lipnic, *Commissioner, Equal Employment Opportunity Commission, Washington, DC*

Richard N. Appel, *Caesars Entertainment Corp., Las Vegas, NV*

Darci E. Burrell, *Levy Vinick Burrell Hyams LLP, Oakland, CA*

Marianne Robbins, *The Previant Law Firm, Milwaukee, WI*

11:15 am – 12:30 p.m.

Track 2: Title VII Class Certification— Issues Certification and Targeting Specific Employment Practices Post *Dukes* and *Comcast*

In the wake of *Dukes* and *Comcast*, the employment class action bar is adapting by altering traditional strategies for certifying and defeating certification of EEO class actions. Plaintiffs are seeking to demonstrate “common proof” by taking advantage of Rule 23(c)(4) issues classes, bifurcating liability from damages, and targeting specific employment practices tied to hiring, compensation and promotion decisions. Defendants are responding with early motions to dismiss, to strike class allegations, or to limit class discovery, as well as prioritizing early discovery of the named plaintiffs’ claims. This panel of experienced class action litigators will discuss these and other strategies for litigating post-*Dukes/Comcast* class action EEO cases.

Moderator: Barry Goldstein, *Of Counsel, Goldstein, Borgan, Dardarian & Ho, Oakland, CA*

Speakers: Barbara Brown, *Paul Hastings LLP, Washington DC*

Adam T. Klein, *Outton & Golden LLP, New York, NY*

12:30 – 1:45 p.m.

Diversity Luncheon— Mental Health Issues in the Legal Profession

Lawyers are 3.6 times more likely to suffer from depression than non-lawyers, and, as a profession rank fourth in suicides. The effects of mental illness and suicide have been taboo subjects for lawyers. Today we break the taboo and join with the Dave Nee Foundation and Anupa Iyer, assistant to EEOC Commissioner Feldblum to learn the ADA ramification of mental disabilities, including possible ADA violations by state bar associations.

Moderator: Angie C. Davis, *Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Memphis, TN*

Speakers: Wynne Kelly, *The Dave Nee Foundation, Washington, DC*

Anupa Iyer, *Equal Employment Opportunity Commissioner, Washington, DC*

Program Agenda

2:00 – 3:15 p.m.

Track 1: New Americans & The Changing Face of Discrimination

Immigrant workers participate in the labor force at a level higher than U.S. citizens. When our immigration laws are reformed, millions more will have access to English language education and job training. Demographic shifts in the U.S. make national origin discrimination an important topic for workers and business. This workshop will address questions like: What does this demographic shift mean for workplaces? What are the current legal issues around “English only” rules, recruitment and occupational segregation towards national origin minority employees? How does the EEOC view its role in guarding against discrimination on the basis of national origin?

Moderator: Rebecca Smith, *National Employment Law Project, Seattle, WA*

Speaker: Hon. Constance Barker, *Commissioner, Equal Employment Opportunity Commission, Washington, DC*

Laboni Hoq, *Asian-Americans Advancing Justice, Los Angeles, CA*

Danny J. Kaufer, *Borden Ladner Gervais LLP, Montreal, QC*

2:00 – 3:15 p.m.

Track 2: Advanced OFCCP: VEVRAA, Section 503 of the Rehabilitation Act, OFCCP's Compensation Tool, and Recent Executive Orders

In 2015, revised affirmative action and recordkeeping regulations implementing Section 503 of the Rehabilitation Act and the Vietnam Era Veterans' Readjustment Assistance Act, as amended (VEVRAA) will be in full swing. Human resources systems and processes are being restructured and outreach efforts are increasing substantially. Our panel of experts will discuss these issues, how federal contractors are attempting to comply with these initiatives, what the OFCCP is looking for during audits and/or outreach discussions, and best practices for compliance in anticipation of an invigorated audit process. Panelists will also discuss the status of the Compensation Tool that has been submitted by OFCCP to OMB for its review and a regulatory and practical update on recent Executive Orders.

Moderator: Robert O'Hara, *United Technologies, Hartford, CT*

Speakers: David S. Fortney, *Fortney & Scott, LLC, Washington, DC*

Christopher Wilkinson, *Associate Solicitor, Civil Rights and Management Division, Department of Labor, Washington, DC*

Thursday, April 16, 2015

3:30 – 4:45 p.m.

Developing Law on LGBT Rights in the Workplace

With the Supreme Court's decision in *United States v. Windsor*, combined with recent lower court decisions recognizing the right of same-sex couples to marry, it is easy to overlook that members of the LGBT community remain largely unprotected in the workplace. In the majority of states, employees can still be fired for being gay. How do the marriage equality cases affect the legal arguments made for equality in the workplace? Join a panel of experienced practitioners to discuss this cutting edge issue, including constitutional considerations, the EEOC's interpretation of Title VII and LGBT protection, the efforts of Congress to pass the Employment Non-Discrimination Act (ENDA) and the LGBT communities' withdrawal of support of ENDA in the wake of *Burwell v. Hobby Lobby*.

Moderator: Eric S. Drieband, *Jones Day, Washington, DC*

Speakers: Lisa J. Banks, *Katz, Marshall & Banks, Washington, DC*

Déborah David, *JeantetAssociés, Paris, France*

Samantha Dulaney, *The International Alliance of Theatrical Stage Employees, New York, NY*

Christopher Wilkinson, *Associate Solicitor, Civil Rights and Management Division, U.S. Department of Labor, Washington, DC*

4:45 – 6:00 p.m.

Suds and Substance: Fun with Employment Statistics

Grab a beer or soft drink and enjoy a light-hearted primer to the statistics of employment discrimination.

Featuring: Bernie Siskin, *BLDS, LLC, Philadelphia, PA*

Bartenders: Donald R. Livingston, *Akin Gump Strauss Hauer & Feld LLP, Washington, DC*

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

Melissa S. Woods, *Meyer, Suozzi, English & Klein, P.C., New York, NY*

Hosts: Brett Rawitz, *McDonald's Corporation, Oak Brook, IL*

Roberta L. Steele, *National Employment Lawyers Association, San Francisco, CA*

6:00 – 7:00 p.m.

Diversity Reception with a Special Presentation Entitled "Celebrating Hispanic Lawyers"

(All attendees are encouraged to attend)

Program Agenda

7:00 – 9:00 pm

A Taste of Miami:

Dinner, Awards and Beach Party for All Registrants

Before you enjoy the allure of South Beach, join your friends for a taste of Miami at the beautiful Fontainebleau Resort.

Friday, April 17

7:00 – 8:00 a.m.

Constituency Breakfasts

International (All Attendees Welcome)

Host: Danny J. Kaufer, *Borden Ladner Gervais LLP, Montreal, QC*

Union

Hosts: Melissa S. Woods, *Meyer, Suozzi, English & Klein, P.C., New York, NY*
Rebecca Yee, *Service Employees International Union, Local 721, Los Angeles, CA*

7:00 – 9:00 a.m.

Constituency Breakfast

In-House Counsel

Roundtable

Hosts: Michael Canaras, *Home Depot, U.S.A., Inc., Atlanta, GA*
Claudia M. Williams, *Hershey, Inc., Hershey, PA*
Adrienne Rapp, *NCR Corp, Atlanta, GA*

8:30 – 9:45 a.m.

“Because Of:” A View from the Bench On Trying Retaliation Cases After *Nassar*

Following the 1991 amendments to Title VII, the causation standard for status-based discrimination (race, color, religion, sex and national origin) was statutorily defined as “a motivating factor.” In 2009, the Supreme Court in *Gross v. FBL Financial Services* concluded that the ADEA’s language “because of such individual’s age” requires proof of “but for” causation. Last year, in *University of Texas SW Medical Center v Nassar*, the Court determined that Title VII’s anti-retaliation provisions—which were *not* amended in 1991—also require proof that the protected activity was the “but for” cause of an

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alleged adverse action. How does this impact trying a case, particularly where both discrimination and retaliation are asserted? How do you handle jury instructions, motions in limine, proving damages? Join our distinguished panel of judges and lawyers as they explore the practical issues of proving and defending retaliation claims post-*Nassar*.

Moderators: **Richard Rosenblatt**, *Richard Rosenblatt & Associates, Greenwood Village, CO*
Michael Reiss, *Davis Wright Tremaine LLP, Seattle, WA*

Speakers: **Hon. Gerald E. Rosen**, *Chief Judge, Eastern District of Michigan, Detroit, MI*
Hon. Mary S. Scriven, *Middle District of Florida, Tampa, FL*

9:50 – 10:40 a.m.

Track 1: The Role of The EEOC and NLRB As Change Agents in Employment Litigation

Recent litigation by the EEOC has moved in new directions. The EEOC states that this signals a trend to ensure that the employment nondiscrimination laws are being adhered to in all areas of the workplace. For example, the EEOC has recently filed lawsuits challenging hiring barriers such as criminal background checks (*Dollar General* and *BMW*) and challenged severance (*CVS*) and arbitration agreements (*Doherty Enterprises*) it believes restrict the ability to raise claims of discrimination, clauses regarding cooperation, confidentiality, notice of subpoena and non-disparagement. The NLRB General Counsel in recent years has articulated the advancement of new labor theories, such as joint employer determinations (*Fresh and Easy*), employee rights in the digital world, and class action waivers. These agencies actively participate in developing the law in emerging areas, and EEOC emphasizes systemic discrimination litigation. This panel of leading EEOC Attorneys and practitioners will reflect on these matters, and the EEOC's and NLRB's other past and current efforts to transform the law

Moderator: **Donald R. Livingston**, *Akin Gump Strauss Hauer & Feld LLP, Washington, DC*

Speakers: **John Hendrickson**, *Regional Attorney, Equal Employment Opportunity Commission, Chicago, IL*
Peter Ohr, *Regional Director, National Labor Relations Board, Chicago, IL*
Leslie E. Silverman, *Fortney & Scott LLC, Washington, DC*
Robert Weisberg, *Regional Attorney, Equal Employment Opportunity Commission, Miami, FL*

Program Agenda

9:50 – 10:40 a.m.

Track 2: Vulnerable Workers Under the Microscope: Developments and Prospects

In its 2013-2016 Strategic Enforcement Plan, the EEOC promised to target disparate pay, job segregation, harassment, trafficking and discriminatory policies affecting vulnerable workers who may be unaware of their rights under equal employment laws, or reluctant or unable to exercise them. Low wage earners, single caregivers and immigrant workers may be especially at risk. This panel will identify and discuss the challenges faced and presented by these workers, recent cases, the EEOC's efforts to address trafficking, and possible future legislation impacting these workers.

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

Speakers: Katherine E. Bissell, *Deputy Solicitor for Regional Enforcement, U.S. Department of Labor, Washington, DC*
Karen M. Buesing, *Akerman LLP, Tampa, FL*

10:45 a.m. – 12:15 p.m.

Supreme Court Review

A Conference favorite returns this year! Don't miss this great opportunity to hear top U.S. Supreme Court practitioners provide a true insider's perspective and a lively review of the Court's employment-related decisions from the 2013-2014 term along with a discussion of the significant cases on the Court's current docket.

Moderator: Elizabeth B. Wydra, *Constitutional Accountability Center, Washington, DC*

Speakers: James M. Finberg, *Altshuler Berzon LLP, San Francisco, CA*
Deepak Gupta, *Gupta Beck PLLC, Washington, DC*
Charles A. Shanor, *Emory University School of Law, Atlanta, GA*

12:15 – 1:15 p.m.

Business/Conference Feedback Lunch Meeting

This is an open meeting at which all Committee members are welcome, to discuss this Committee's upcoming business, including planning for next year's Conference and other Committee activities.

Friday, April 17, 2015

2:00 – 3:15 p.m.

Track 1: Wage & Hour Class and Collective Actions— Best Practices in Prevention and Litigation

Single-plaintiff discrimination claims often spawn class and collective wage and hour lawsuits, and class and collective lawsuits in turn can generate even more litigation. Avoiding and defending wage and hour lawsuits, while onerous, can greatly decrease a company's exposure to additional litigation and large jury verdicts. Our management and in-house lawyers will provide directions for how to resolve employee claims in a way that minimizes companies' future risk of wage and hour litigation, how to conduct effective wage and hour audits, and how to defend against class and collective lawsuits. Our plaintiffs' lawyers will share their methods to find violations, obtain audit information and classification data to uncover additional violations, and attack employers' most common defenses. The panel will conclude by debating the impact of the proposed revisions to the Department of Labor's wage and hour regulations including modernizing and streamlining of the existing overtime regulations, particularly those governing executive, administrative, and professional employees.

Moderator: Michael J. Gray, *Jones Day, Chicago, IL*

Speakers: Carol Rick Gibbons, *Capitol One, Richmond, VA*
Jennifer L. Liu, *Outten & Golden LLP, New York, NY*
Jason C. Marsili, *Posner & Rosen LLP, Los Angeles, CA*
Daniel E. Turner, *Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Atlanta, GA*

2:00 – 3:15 p.m.

Track 2: Recent Developments in Pregnancy Discrimination Law

Pregnancy, childbirth, newborn care, and related conditions have taken center stage in the American workplace. The Pregnancy Discrimination Act, the ADAAA, the FMLA, and state and local laws requiring special leave or accommodation, combined with the job needs of working mothers, pose numerous legal and practical dilemmas for both employees and employers. The EEOC has made pregnancy accommodations one of its enforcement priorities and recently issued updated enforcement guidance. The U.S. Supreme Court is poised to address the issue in *Young v. UPS*, on which *certiorari* has been granted. This panel will discuss the growing body of law in this area, and will debate the scope of employee rights involved and the business needs and obligations of employers.

Program Agenda

Moderator: Margo Pave, *Zwerdling, Paul, Kahn & Wolly, P.C., Washington, DC*

Speakers: Sarah Crawford, *Equal Employment Opportunity Commission, Washington, DC*

Barbara J. D'Aquila, *Norton Rose Fulbright LLP, Minneapolis, MN*

Carmelyn P. Malalis, *Outten & Golden LLP, New York, NY*

Becca Tenbrook, *Wal-Mart Stores, Inc., Bentonville, AR*

3:20 – 4:30 p.m.

Traditional Labor's Approach to Religious Accommodations

After litigating a number of religious discrimination lawsuits, in the last year, the EEOC published guidance, titled “Religious Garb and Grooming in the Workplace: Rights and Responsibilities” to answer questions about how Title VII applies to religious dress and grooming practices and the steps employers can take to meet their legal responsibilities. Since that time, employers and unions have continued to strive to stay within the boundaries drawn by the EEOC without alienating their respective managers and members. Yet still, employers can find themselves in a no-win situation when the religious-based demands of one person might be in conflict with company policy or practice, the collective bargaining agreement governing the employee, and/or the religious beliefs or the basic rights of coworkers, customers or others. This workshop will focus on the nuances involved in arbitrating a discipline or discharge for failure to comply with company policy because of a grievant’s religious beliefs. Our panel of labor experts will offer practical advice as to the scope of employee rights and employer rights and responsibilities in the union environment, strategies for educating and persuading the arbitrator, and solutions for avoiding religious discrimination claims.

Moderator: Zena McClain, *The McClain Law Firm, Savannah, GA*

Speakers: Laurie M. Burgess, *Burgess Law Office, Chicago, IL*

J. Randall Coffey, *Fisher & Phillips LLP, Kansas City, MO*

Kevin Mencke, *International Paper Company, Memphis, TN*

6:30 – 7:30 p.m.

Networking Reception Honoring Conference Speakers, EDL Editors and Chapter Monitors, Followed by Dinner on Your Own

Saturday, April 18

8:30 – 9:45 a.m.

Retaliation—Beyond EEO Laws

Anti-retaliation protection and incentives in the workplace have developed significantly in recent years, with the passage of the Sarbanes-Oxley Act, Dodd-Frank, and various other whistleblower statutes and “bounty” programs. Explore the intersection between traditional retaliation claims under EEO statutes and new whistleblower protection statutes. What are the rights and responsibilities of employees, and how do employers navigate this increasingly complex maze of statutes and programs? Join a panel of experienced practitioners and government officials for a discussion of these whistleblower statutes and their impact on retaliation claims in the workplace.

Moderator: Hope B. Eastman, *Paley Rothman, Chtd., Bethesda, MD*

Speakers: Jordan Thomas, *Labaton Sucharou, New York, NY*
Mark Hanna, *Murphy Anderson, PLLC, Washington, DC*
Katherine E. Bissell, *Deputy Solicitor for Regional Enforcement, U.S. Department of Labor, Washington, DC*
Teresa Hutson, *Microsoft Corporation, Redmond, WA*

9:50 – 11:05 a.m.

Equal Pay Bias: A Matter of Fairness or a False Premise?

The Obama Administration has made equal pay for this country’s workers a priority. The President issued an Executive Order directing the Secretary of Labor to collect more robust pay data by race and gender from all federal contractors and proposed a 2015 enforcement budget allocation for OFCCP with a specific focus on pay bias. Employers contend there is little evidence to support this initiative. Pay bias remains one of the EEOC’s main concerns as well. This panel of government lawyers and private practitioners will explore enforcement efforts over equal pay, their results, and debate what data on pay bias really shows.

Moderator: Anne B. Shaver, *Lieff Cabraser Heimann & Bernstein LLP, San Francisco, CA*

Speakers: Nicole B. Porter, *University of Toledo, Toledo, Ohio*
Gary Siniscalco, *Orrick Harrington & Sutcliffe LLP, San Francisco, CA*
Claudia Williams, *Hershey’s, Inc., Hershey, PA*

Program Agenda

11:20 a.m. – 12:30 p.m.

Navigating the Ethical Minefield of Settlement Agreements and Releases in Multi-Plaintiff Cases

Resolving a multi-plaintiff employment action involves more than agreeing to a settlement amount, drafting a release, and issuing and cashing checks. The issues are complicated when obtaining settlement authority from every plaintiff. It becomes even more complex when the EEOC or DOL are party to the litigation. All counsel must be aware of potential conflicts of interest including those of their opposing counsel that can derail settlements so that they can candidly counsel their clients about the impact of settlement offers and terms. Special attention must be paid to issues such as the allocation of settlement dollars among plaintiffs and the scope of releases.

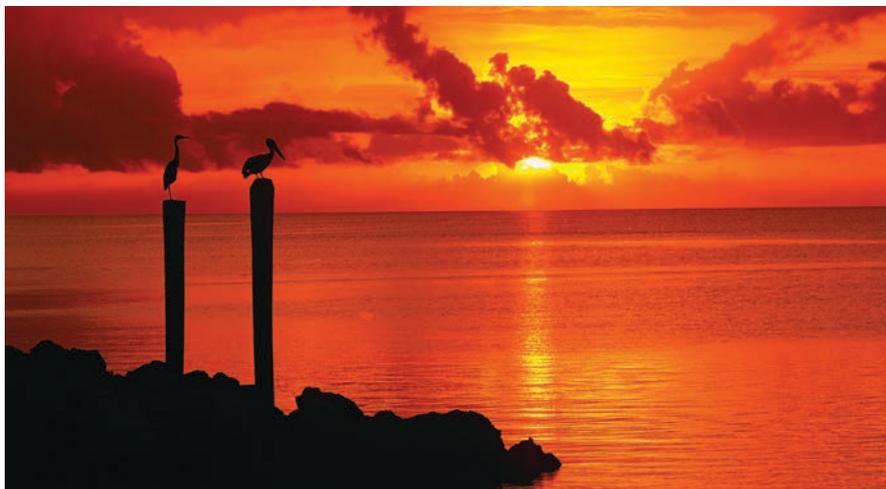
Moderator: Barry A. Hartstein, *Littler Mendelson, P.C., Chicago, IL*

Speakers: Jon W. Green, *Green Savits LLC, Florham Park, NJ*
C. Geoffrey Weirich, *Paul Hastings LLP, Atlanta, GA*

12:30 p.m.

Seminar Wrap-Up and Grand Prize Drawing

The Committee's Co-Chairs will draw a name from among those who have submitted a completed conference evaluation form. The winner will receive complimentary registration to the 2016 National Conference on Equal Employment Law in Austin, Texas.



Program Co-Chairs – 2015

Jennifer L. Sabourin, *Miller, Canfield, Paddock and Stone, P.L.C., Detroit, MI*

Roberta L. Steele, *National Employment Lawyers Association, Oakland, CA*

Rebecca Yee, *Service Employees International Union Local 721, Los Angeles, CA*

Program Planning Committee

Lisa Banks, *Katz, Marshall and Banks, Washington, DC*

Katherine E. Bissell, *U.S. Department of Labor, Washington, DC*

Karen M. Buesing, *Akerman LLP, Tampa, FL*

J. Randall Coffey, *Fisher & Phillips LLP, Kansas City, MO*

Erin Connell, *Orrick, Herrington & Sutcliffe, LLP, San Francisco, CA*

Barbara D'Aquila, *Norton Rose Fulbright, Minneapolis, MN*

Angie Davis, *Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Memphis, TN*

Jon W. Green, *Green Savitz, Florham Park, NJ*

Barry A. Hartstein, *Little Mendelson, P.C., Chicago, IL*

Danny J. Kaufer, *Borden Ladner Gervais LLP, Montreal, QC*

Jennifer Liu, *Outten & Golden LLP, San Francisco, CA*

Donald R. Livingston, *Akin Gump Strauss Hauer & Feld LLP, Washington, DC*

Zena McClain, *The McClain Law Firm, Savannah, GA*

Robert O'Hara, *United Technologies, Hartford, CT*

Margo Pave, Zwerdling, Paul, Kahn & Wolly, P.C., Washington, DC

Eric D. Reicin, *MorganFranklin Consulting, LLC, McLean, VA*

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Jennifer L. Sabourin, *Miller, Canfield, Paddock and Stone, P.L.C., Detroit, MI*

Anne Shaver, *Lieff Cabraser Heimann & Bernstein LLP, San Francisco, CA*

Gary R. Siniscalco, *Orrick, Herrington & Sutcliffe, LLP, San Francisco, CA*

Grace Speights, *Morgan Lewis & Bockius, LLP, Washington, DC*

Roberta L. Steele, *National Employment Lawyers Association, San Francisco, CA*

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

Cathy Ventrell-Monsees, *Equal Employment Opportunity Commission, Washington, DC*

Anne-Marie Welch, *Clark Hill, Detroit, MI*

Melissa S. Woods, *Meyer, Suozzi, English & Klein, P.C., New York, NY*

Rebecca Yee, *Service Employees International Union, Los Angeles, CA*

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Donald R. Livingston, *Akin Gump Strauss Hauer & Feld LLP, Washington, DC*

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

Melissa S. Woods, *Meyer, Suozzi, English & Klein, P.C., New York, NY*

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Terence G. Connor, *Hunton & Williams, Miami, FL*

Susan Eisenberg, *Akerman LLP, Miami FL*

Grace Mora, *Fontainebleau Miami Beach, Miami Beach, FL*

Jennifer T. Williams, *Akerman LLP, Miami, FL*

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Paula G. Ardelean, *Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Jackson, MS*

Kelly M. Dermody, *Lieff, Cabraser, Heimann & Bernstein, LLP, San Francisco, CA*

Julie Richard-Spencer, *Robein, Urann, Spencer, Picard & Cangemi, APLC, Metairie, LA*

Registration Information

Meeting Registration

The Conference registration fee is **\$550 (\$450 if registered by January 30, 2015)** per person for Section of Labor & Employment Law members and **\$650 (\$550 if registered by January 30, 2015)** for non-Section members who are members of the ABA and **\$750 (\$650 if registered by January 30, 2015)** for non-ABA members. First-Time Attendees may register at the discounted rate of **\$395**. Government Agency and Non-Profit Employees may register for **\$295**. The registration fees cover the Wednesday Welcome Reception, Thursday Cocktail Supper and Friday Networking Reception, as well as all meeting materials, continental breakfasts and refreshment breaks during the meeting. The guest/spouse registration fee of **\$150 (\$50 for children 12-18)** includes the Wednesday, Thursday and Friday evening events.

You are encouraged to register on-line at **www.americanbar.org/laborlaw**. You also may register by filling out the attached registration form and returning it with your payment by April 1, 2015 to the address indicated on the registration form. Registration fees are refundable, less a \$50 administrative fee, for cancellations received in the Section Office by April 1, 2015.

Hotel Accommodations

We have negotiated special group rates at the Fontainebleau Miami Beach of **\$299** (deluxe single or double occupancy). A hotel fee of \$19.95 per room day will apply. Additional rates may be available when making reservations. The reservation deadline for the group rate is **March 24, 2015**. If necessary, cancellations must be made at least 72 hours prior to the scheduled arrival to avoid a one-night cancellation charge. Reservations may be made by calling the Fontainebleau Miami Beach at 305.538.2000 or 800.548.8886. Be sure to mention you are attending the "ABA National Conference on Equal Employment Opportunity Law" to receive the group rate.

Air Travel Discounts

American Airlines and United Airlines provide two types of airfare discounts to ABA meeting attendees. You can receive these discounts offline by calling, toll free, American Airlines at 800-433-1790 or United Airlines at 800-521-4041 or Orbitz For Business at 877-222-4185. For more information, visit the ABA Travel Website at **www.americanbar.org**.

Ground Transportation

The Fontainebleau Miami Beach is located 12 miles from Miami International Airport. It is approximately a 25 minute ride and \$40 taxi fare.

Group rates have been negotiated with Hertz for our meeting. Call Hertz's toll-free reservation number at 800/654-3001 and mention the ABA CPD# 13000 for more details.

Spouse/Guest Breakfast

On Thursday, April 16 from 9:00–10:30 a.m. there will be a ticketed Spouse/Guest Breakfast at the Fontainebleau Miami Beach. This gathering has become a wonderful tradition and is the perfect time to get together with longtime friends and new acquaintances. The cost to attend is \$50 per person. Advance registration is required.

Golf

Please check the appropriate box on the registration form if you are interested in playing golf on Thursday and/or Friday afternoons. The fee for each day of play will be \$190.

Tennis

The Tennis Round Robin will be held on Thursday and Friday afternoons. Play times are set to begin at 1:30 p.m. each day. To register for tennis, please check the appropriate box on the registration form. Price per person is \$25 (includes court time, tournament coordination and refreshments).

Continuing Legal Education Credit

Required sponsor documentation will be forwarded to and credit requested from MCLE states with general requirements for all lawyers. Each state determines the number of hours to be credited for attendance. Uniform Certificates of Attendance will be available at the meeting. Please visit our website at **www.americanbar.org/laborlaw**, for information on our Fellowship Program opportunities.

Registration Form

ABA Section of Labor and Employment Law National Conference on Equal Employment Opportunity Law

Presented by the Equal Employment Opportunity Committee

April 15–18, 2015 • Fontainebleau • Miami Beach, Florida

Registration Deadline: April 1, 2015 • Hotel Deadline: March 24, 2015

NAME _____ NICKNAME/BADGE NAME _____

FIRM/ORGANIZATION _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

PHONE _____ FAX _____

E-MAIL ADDRESS _____ NAME OF ATTENDING SPOUSE/GUEST(S) _____

Affiliation: (Please choose one)

Employer/Management Union & Employee Employee/Plaintiff Public/Government Neutral Other

First-Time Attendee

Registration Fees:

Quantity

Section Member Early Registration _____ @ \$425
Discount (on or before 1/30/15) _____

ABA # _____

Section Member (after 1/30/15) _____ @ \$525

Non-Section Member Early Registration _____ @ \$525
Discount (on or before 1/30/15) _____

Non-Section Member _____ @ \$625

Non-ABA Member Early Registration _____ @ \$625
Discount (on or before 1/30/15) _____

Non-ABA Member _____ @ \$725

First-Time Attendee _____ @ \$395

Government Agency or Non-Profit _____ @ \$275

Guest(s) _____ @ \$150

Children (12–18) _____ @ \$50

Social Events and Optional Activities: Quantity

Wednesday Welcome Reception _____ (Included in registration fee)

Thursday Diversity Reception _____ (Included in registration fee)

Thursday Conference Dinner _____ (Included in registration fee)

Friday Reception _____ (Included in registration fee)

Spouse/Guest Breakfast _____ @ \$50/person

Thursday Golf Tournament _____ @ \$190/person

Friday Golf Tournament _____ @ \$190/person

Thursday Tennis Round Robin _____ @ \$25/person

Friday Tennis Round Robin _____ @ \$25/person

I would like to make a donation to the EEO Committee Scholarship Fund in the following amount:

\$25 \$50 \$100 \$250 \$500

Total Amount Enclosed: \$ _____

Register by:

Online:

[www.americanbar.org/
groups/labor_law/
events_cle/mw.html](http://www.americanbar.org/groups/labor_law/events_cle/mw.html)

*(Credit card payments
accepted online only)*

Fax:

(312) 988-5850

Mail:

American Bar Association
Attn: Service Center Mtg/
Event Registration
321 North Clark St.
Chicago, IL 60654

Enclosed check
(made payable to
American Bar Association)



American Bar Association
Section of Labor and Employment Law
321 North Clark Street
Chicago, IL 60654

Labor and Employment Law

Non-Profit Organization
U.S. Postage
PAID
American Bar Association

**National Conference on
Equal Employment
Opportunity Law**

MIAMI BEACH



Online Registration

www.americanbar.org/laborlaw

Register Today!

Early Bird Registration Ends January 30!