



# Employment and Labor Law



Learn the latest developments affecting employers and the employment and labor defense bar

Special presentations from a senior US EEOC commissioner, federal district and circuit court judges, and in-house counsel from major national corporations like FedEx, LP Building Products, United Airlines, and American Airlines

Network with management attorneys and in-house counsel from across the country

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May 17-19, 2017  
Hilton Nashville Downtown  
Nashville, TN

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**D**RI's 40th annual **Employment and Labor Law Seminar** is the preeminent educational and networking event for management-side labor and employment attorneys, in-house counsel, human resources professionals, and EPLI representatives. Always intensely practical, and accompanied by superior written materials, this seminar is a must-attend for experienced practitioners, as well as for those who are just getting started in labor and employment law. Don't miss this opportunity to learn from some of the best practitioners and professionals in the labor and employment arena.



**S. Gordon Hill**  
Program Chair



**Sidney R. Steinberg**  
Committee Chair



**Helen R. Holden**  
Program Vice Chair



**Stanley (Stan)  
E. Graham**  
Committee Vice Chair



**Jaime Walker Luse**  
Law Institute



See what  
others have to  
say about DRI  
seminars

PRESENTED BY **DRI's Employment and Labor Law Committee**








## What You Will Learn

- Practical advanced defense strategies to give you the winning edge in employment litigation
- Implications of the latest developments on matters critical to employers
- In-depth practical presentations from US EEOC Commissioner Victoria A. Lipnic, experienced trial lawyers, in-house counsel from a broad range of industries, a former senior-level member of the FBI, and two federal judges
- Two ethics/professionalism sessions: (a) tips for conducting internal investigations and maintaining attorney-client privilege and work product; and (b) a practical segment on attorney addiction issues and the ethical/legal implications of substance abuse




## Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 Download the DRI App  and  and make use of its features to get the most out of this program
- 5 Share on social media   

## Maximize Your DRI Seminar Experience

*No one gets you connected like DRI.*

- Use the DRI App to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Employment and Labor Law Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house and claims professional registrants and speakers.

## PROGRAM SCHEDULE

### WEDNESDAY, MAY 17

10:00 a.m. **Community Service Project** (see page 4 for more details)

2:00 p.m. **Registration**


3:00 p.m. **Workplace Violence: Practical Tips for Mitigating Workplace Violence**

Join our panel of attorneys, in-house counsel, and a former FBI assistant director as they discuss the increased incidence of workplace violence; how to identify signs of a potential issue; preventive strategies, including use of cutting-edge technology; and how to address potential threats and episodes.

MODERATOR | **Duncan J. Forsyth**, *Halloran & Sage LLP*, Hartford, CT

PANEL

**William (Bill) A. Gavin**, *The Gavin Group Inc.*, Winthrop, MA

 **Terrence O. Reed**, *FedEx Express*, Memphis, TN

**Michelle R. Stewart**, *Hinkle Law Firm LLC*, Overland Park, KS

4:00 p.m. **Ethics: Privileges and Internal Investigations**

Our panel will discuss the ins and outs of internal investigations, with a special emphasis on the attorney-client privilege and ethical issues from the perspective of both internal legal departments and outside counsel.

PANEL

**E. Todd Presnell**, *Bradley Arant Boult Cummings LLP*, Nashville, TN

 **Laura E. Proctor**, *LP Building Products*, Nashville, TN

5:00 p.m. **Adjourn**

6:00 p.m. **Networking Reception**

SPONSORED BY **Bradley Arant Boult Cummings LLP**

### THURSDAY, MAY 18

**Device Charging Station**

SPONSORED BY **Sacks Tierney PA Sandberg Phoenix & von Gontard PC**

*Click on any speaker name to view bio.*

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

7:00 a.m. **First-Time Attendees Breakfast**

**Sidney R. Steinberg**, *Post & Schell PC*, Philadelphia, PA

8:00 a.m. **Welcome and Introduction**

**Jaime Walker Luse**, *Tydings & Rosenberg LLP*, Baltimore, MD

**S. Gordon Hill**, *Hill Ward Henderson*, Tampa, FL

8:15 a.m. **The Year in Review: Annual Employment Law Update**

Always entertaining and immensely informative, Al Latham returns to deliver his exhaustive update on the latest and greatest court opinions affecting the defense practitioner. A long-time tradition at the DRI Employment and Labor Law Seminar, this is a must-see presentation and invaluable resource for employment litigators.

**J. Al Latham, Jr.**, *Paul Hastings LLP*, Los Angeles, CA

9:25 a.m. **EEOC Update**

Gain valuable insight on the latest guidance, trends, and enforcement initiatives directly from US EEOC Commissioner and former U.S. Assistant Secretary of Labor for Employment Standards Victoria A. Lipnic.

**Victoria A. Lipnic**, *US Equal Employment Opportunity Commission*, Washington, DC

10:15 a.m. **Refreshment Break**

SPONSORED BY **Hill Ward Henderson**

10:30 a.m. **Ten Wage and Hour Traps Your Clients Don't Know About, but Should**

Litigation under the Fair Labor Standards Act has exploded in recent years, and the law contains many non-obvious traps for unwitting employers. This session will discuss in detail many of the lesser-known (but high-exposure) pitfalls that frequently arise for employers, and will provide practical advice and solutions for understanding and avoiding them.

**Neil H. Dishman**, *Jackson Lewis PC*, Chicago, IL

 Denotes **THE DRI CLIENT CONNECTION**: In-house and claims professional speakers


11:20 a.m. **Mediating Employment Litigation Cases**  
 A seasoned mediator, an insurance carrier representative, and in-house counsel will discuss the ins and outs of mediating employment cases, including practical tips for getting to the best resolution for your corporate clients.

MODERATOR | **Sidney R. Steinberg**, *Post & Schell PC*, Philadelphia, PA

PANEL

 **Sarah H. Braughler**, *United Educators*, Bethesda, MD

**Michael L. Russell**, *Gilbert Russell McWherter Scott & Bobbitt PLC*, Franklin, TN

 **Vania Montero Wit**, *United Airlines Inc.*, Chicago, IL

12:10 p.m. **Lunch** (*on your own*)

12:10 p.m. **Women in the Law Luncheon** (for information see page 4)

12:10 p.m. **Young Lawyers Luncheon** (for information see page 4)

1:35 p.m. **Judicial Panel: Views from the Federal Bench**  
 Hear from two federal judges about what they know now that they wish they had known in private practice. The panelists will bring their dynamic and entertaining styles to share tips and suggestions on how to improve your odds of success and avoid drawing the court's ire when defending your client's position.

MODERATOR | **Stanley (Stan) E. Graham**, *Waller Lansden Dortch & Davis LLP*, Nashville, TN

PANEL

**The Honorable Waverly D. Crenshaw, Jr.**, *US District Court for the Middle District of Tennessee*, Nashville, TN

**The Honorable Luis Felipe Restrepo**, *US Court of Appeals for the Third Circuit*, Philadelphia, PA

2:25 p.m. **Practical Litigation Tips from the Pros**  
 Join accomplished litigators in a TED-type talk as they address three critical aspects of employment litigation and how best to position your case for summary judgment and trial.

- Depositions 101: Setting up the Win at the Plaintiff's Deposition
- Depositions 201: Preparing the Corporate Client for a Representative Deposition

- Addressing "Me, Too" Evidence

**Jean E. Faure**, *Faure Holden Attorneys at Law PC*, Great Falls, MT

**Sharon S. Moyer**, *Sacks Tierney PA*, Scottsdale, AZ

**Spencer H. Silverglate**, *Clarke Silverglate PA*, Miami, FL

3:25 p.m. **Refreshment Break**

SPONSORED BY **The MacMain Law Group LLC**

3:40 p.m. **Music City Insiders**

Hear what it's like to represent clients in all aspects of the music industry, including contract negotiations, protecting intellectual property, and working with talent and venues.

MODERATOR | **Diane Krebs**, *Gordon Rees Scully Mansukhani LLP*, New York, NY

PANEL

**Jeff Colvin**, *Marcus & Colvin LLP*, Nashville, TN

 **Scott J. Lynn**, *Ryman Hospitality Properties Inc.*, Nashville, TN

**Chris L. Vlahos**, *Riley Warnock & Jacobson PLC*, Nashville, TN

4:40 p.m. **Adjourn**

4:45 p.m. **Employment and Labor Law Committee Meeting** (*open to all*)

6:00 p.m. **Networking Reception**

SPONSORED BY **Waller Lansden Dortch & Davis LLP**

7:00 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

9:00 p.m. **Young Lawyers Offsite Get Together** (more details on-site)

FRIDAY, MAY 19


**Device Charging Station**

SPONSORED BY **Sacks Tierney PA Sandberg Phoenix & von Gontard PC**

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

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- 8:00 a.m. **Announcements**  
**Helen R. Holden**, *Sacks Tierney PA*,  
 Scottsdale, AZ
- 8:05 a.m. **The Other ADA: Defending Title III  
 Public Accommodation Litigation**  
 Employment and labor attorneys are often called upon to advise clients and defend litigation under Title III of the ADA. Join our panel as they address this rapidly expanding area, including accessibility requirements for websites, practical strategies for defending litigation, and combating tester cases under Title III.
- MODERATOR | **Anne R. Yuengert**, *Bradley Arant Boulton Cummings LLP*, Birmingham, AL
- PANEL
- Matthew T. Anderson**, *Jaburg & Wilk*,  
 Phoenix, AZ
- Darren M. Creasy**, *Post & Schell PC*,  
 Philadelphia, PA
- 9:00 a.m. **Defining and Defending Retaliation Claims**  
 In-house counsel and an experienced litigator will discuss the specific challenges involved in defining retaliation under multiple employment statutes, avoiding retaliation claims, and defending retaliation claims when (not if) they are made.
-  **Asilia S. Backus**, *American Airlines Inc.*,  
 Fort Worth, TX
- Stacy L. Moon**, *F&B Law Firm PC*, Huntsville, AL
- 9:55 a.m. **Refreshment Break**  
 SPONSORED BY **Jackson Lewis PC**

 Denotes **THE DRI CLIENT CONNECTION**: In-house and claims professional speakers

- 10:10 a.m. **Managing Intermittent Leave and  
 Other Thorny FMLA Issues**  
 An accomplished FMLA advisor, practitioner, and renowned author of the *FMLA Insights* legal blog will address practical strategies for managing FMLA scenarios, including dealing with employees on intermittent leave and defending FMLA litigation.
- Jeffrey S. Nowak**, *Franczek Radelet PC*,  
 Chicago, IL
- 11:10 a.m. **Labor Law for the Non-Union  
 Workplace and Beyond**  
 This discussion will provide valuable insight into the latest court decisions and enforcement initiatives of the National Labor Relations Board, with an emphasis on their effect on non-unionized employees.
- Tanja L. Thompson**, *Littler Mendelson PC*,  
 Memphis, TN
- 12:00 p.m. **Ethics: Substance Abuse and Addiction Issues**  
 Learn the science behind addiction, how to identify the signs of abuse, and ethical considerations involving lawyers who are prone to substance abuse and addiction, including the risks to the affected lawyer and his or her law firm and clients.
- C. Stuart Mauney**, *Gallivan White & Boyd*,  
 Greenville, SC
- John B. Woods, MD**, *Recovery Specialists LLC*,  
 Jackson, TN
- 1:00 p.m. **Adjourn**

## NETWORKING EVENTS

### Wednesday, May 17

**Community Service Project  
 Second Harvest Food Bank**  
 10:00 a.m.-11:30 a.m.

On Wednesday morning, all attendees are invited to volunteer together at the **Second Harvest** Food Bank, Martin Distribution Center, located at 331 Great Circle Rd., Nashville, TN 37228. We will work together to sort food donations and assemble food boxes and bags for school and senior feeding programs from 10:00 to 11:30 a.m. Afterward, volunteers are planning to have lunch at the famous Hattie B's Hot Chicken! This event will provide fun social time while assisting a worthy cause. Space is limited for this event and lunch will be ordered in advance. Please email Sarah Batson at [sbatson@nexsenpruet.com](mailto:sbatson@nexsenpruet.com)

and/or Stan Graham at [Stan.Graham@wallerlaw.com](mailto:Stan.Graham@wallerlaw.com) by **Friday, May 12**, if you would like to participate in this group community service project and lunch.

### Thursday, May 18

**Women in the Law Luncheon**  
 For information please contact Helen R. Holden at [helen.holden@sackstierney.com](mailto:helen.holden@sackstierney.com).

**Young Lawyers Luncheon**  
 For information please contact Coe Heard at [coe.heard@wallerlaw.com](mailto:coe.heard@wallerlaw.com).

**Young Lawyers Get-Together**  
 More details available on-site.

## GENERAL INFORMATION

### In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

### Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

### CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **13** hours, including **2** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters. Application has been made for continuing education for claims adjusters and human resources credit.** Credit availability and requirements vary from state to state; please check the DRI website at [dri.org](http://dri.org) for the latest information for your state.



A limited number of discounted hotel rooms have been made available at the **Hilton Nashville Downtown, 121 4th Avenue South, Nashville, TN 37201** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$289 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](http://dri.org) and go to the **DRI Employment and Labor Law Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 615.620.1000** and mention the **DRI Employment and Labor Law Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 19, 2017**, to be eligible for the group rate. Requests for reservations made after **April 19, 2017** are subject to room and rate availability.

### Registration Policy

**Save \$100 when you register by April 19, 2017.** (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **April 26, 2017** (*please allow 10 days for processing*). Registrations received after **April 26, 2017**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 26, 2017**. Cancellations received after **April 26** and on or before **May 3, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **May 3** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email ([seminars@dri.org](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

### Discounts

**Group Discount** The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **April 19, 2017**. After **April 19**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

**Travel Discounts** DRI offers discounted meeting fares on various major air carriers for **DRI Employment and Labor Law Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

## Hotel Accommodations

## FACULTY *Click on any name to view bio.*

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**Diane Krebs**, Gordon Rees Scully Mansukhani LLP, New York, NY

**J. Al Latham, Jr.**, Paul Hastings LLP, Los Angeles, CA

**Victoria A. Lipnic**, US Equal Employment Opportunity Commission, Washington, DC

**Jaime Walker Luse**, Tydings & Rosenberg LLP, Baltimore, MD

➤ **Scott J. Lynn**, Ryman Hospitality Properties Inc., Nashville, TN

**C. Stuart Mauney**, Gallivan White & Boyd, Greenville, SC

**Stacy L. Moon**, F&B Law Firm PC, Huntsville, AL

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**Michael L. Russell**, Gilbert Russell McWherter Scott & Bobbitt PLC, Franklin, TN

**Spencer H. Silverglate**, Clarke Silverglate PA, Miami, FL

**Sidney R. Steinberg**, Post & Schell PC, Philadelphia, PA

**Michelle R. Stewart**, Hinkle Law Firm LLC, Overland Park, KS

**Tanja L. Thompson**, Littler Mendelson PC, Memphis, TN

**Chris L. Vlahos**, Riley Warnock & Jacobson PLC, Nashville, TN

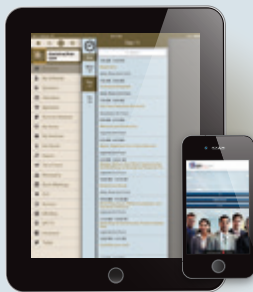
➤ **Vania Montero Wit**, United Airlines Inc., Chicago, IL

**John B. Woods, MD**, Recovery Specialists LLC, Jackson, TN

**Anne R. Yuengert**, Bradley Arant Boulton Cummings LLP, Birmingham, AL

**View faculty bios on the Employment and Labor Law Seminar webpage; click on "View speakers" button.**

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**Construction Law**  
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**Trial Tactics**  
*The Venetian Palazzo Resort,  
Las Vegas, NV*

April 26-28  
**Life, Health, Disability and ERISA**  
*Swissôtel Chicago, Chicago, IL*

May 4-5  
**Retail and Hospitality Litigation**  
*Loews Chicago Hotel, Chicago, IL*

May 11-12  
**Appellate Advocacy**  
*Sheraton New Orleans,  
New Orleans, LA*

June 15-16  
**Diversity for Success**  
*Swissôtel Chicago, Chicago, IL*

June 22-23  
**Young Lawyers**  
*The Westin Austin Downtown,  
Austin, TX*

September 6-8  
**Data Management and Security**  
*Westin Michigan Avenue, Chicago, IL*

## Publications for Your Practice

Members can access committee newsletters and seminar course materials via **DRI Online** at [dri.org](http://dri.org).

**Newsletter** *The Job Description* (4 times a year)

Visit the **Employment and Labor Law Committee page** on [dri.org](http://dri.org) for information about the committee and related resources.

**Employment and Labor Law** focus in *For The Defense*

January 2017

January 2016

January 2015

**Defense Library Series**

*Employment Litigation Notebook* (coming in 2017)



### Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

## SEMINAR SPONSORS

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# Employment and Labor Law Seminar

May 17-19, 2017

Hilton Nashville Downtown | Nashville, TN

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Please list any special needs \_\_\_\_\_

Are you a first-time attendee at this DRI seminar?  Yes  No

How many attorneys are in your firm? \_\_\_\_\_ What is your primary area of practice? \_\_\_\_\_

## REGISTRATION FEE

Registration fee includes seminar attendance, networking events, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Apr. 19, 2017	After Apr. 19, 2017	
<input type="checkbox"/> Member	\$875	\$975	<i>For inclusion on the preregistration list and to receive course materials in advance, <b>register by April 26, 2017.</b></i>
<input type="checkbox"/> Nonmember	\$1,110	\$1,210	
<input type="checkbox"/> Government Member	\$575		
<input type="checkbox"/> Law Student Member	FREE		
<input type="checkbox"/> In-House Counsel Member*	FREE		
<input type="checkbox"/> Claims Executive Member*	FREE		
<input type="checkbox"/> Group Discount*	\$775	\$875 (*as defined on page 5)	

## PAYMENT METHOD

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Emp. Labor Law

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