



18th Annual Labor and Employment Law Conference

November 13-16, 2024
New York City

ABA[®]
AMERICAN BAR ASSOCIATION
Labor and Employment
Law Section

ABA 18th Annual Section of Labor and Employment Law Conference

Dear Colleague:

We are pleased to share with you the program for the 18th Annual Labor and Employment Law Conference <https://tinyurl.com/LELConference> will be held on November 13–16, 2024 at the Marriott Marquis in New York City.

At this year's Conference, you can expect:

- **Prominent speakers and exciting and balanced panels**
- **A full year's worth of CLE credit for most jurisdictions at a price that can't be beat**
- **A curriculum covering all aspects of labor and employment law practice**
- **A multi-level program that will be of value regardless of your degree of experience**
- **Opportunities for you to meet with colleagues representing all perspectives in the labor and employment field**

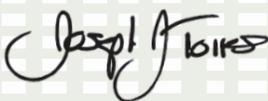
The Conference Planning Committee, comprised of extraordinary Section members representing all affiliations, has collaborated during the past year to make this the preeminent labor and employment law conference. We are excited to hear panel speakers from private practice and government agencies engage in robust dialogues addressing timely labor and employment law topics. During the Conference, you will have the opportunity to confer with top practitioners representing employees, employers, unions and government agencies, as well as neutrals, in-house counsel and academics in formal and informal settings.

Program details and registration information are available on the Conference webpage <https://events.americanbar.org/LVA1yk>.

Reserve your room at the New York Marriott Marquis online <https://book.passkey.com/event/50771378/owner/1322/home>.

We look forward to welcoming you at the 18th Annual Labor and Employment Law Conference.

Sincerely,



Joseph J. Torres
Section Chair



Denise M. Clark
Immediate Past Section Chair

18th Annual Labor and Employment Law Conference Planning Committee

Conference Co-Chairs

Nicole Groves Bridgeforth,
In-House Corporate

Amanda R. Clark, Union & Employee

Lori L. Deem, Employee

Hon. John A. Henderson, Public

Toni Michelle Jackson, Employer

Conference Vice Chairs

Jeremy Glenn, Employer

Justin Mulaire, Public

Stephanie Padilla, In-House Corporate

Jason Veny, Union & Employee

Christine Webber, Employee

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Jeff Brodin, Employer

Yolanda Montgomery,

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Hon. Stephanie M. Jones, Public

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Jason Marsili, Union/Employee

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Douglas E. Dexter, Employer

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Program information is available
on the Section website at
<https://tinyurl.com/LELConference>.

Conference Sponsors

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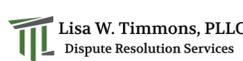
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*If you are interested in sponsoring the Conference, visit <https://tinyurl.com/LELConference> or contact Brad Hoffman at brad.hoffman@americanbar.org.

Program At-A-Glance

Wednesday, November 13

4:00 pm – 8:30 pm

Conference Registration

4:30 pm – 6:30 pm

International LEL Committee
Business Meeting and Reception

5:00 pm – 6:30 pm

Reception for First-Time
Attendees, New Section
Members and Law Students
Hosted by Outreach to New
and Young Lawyers Committee

6:30 pm – 8:30 pm

Welcome Reception
and Committee Expo at
New York Marriott Marquis

8:30 pm – 10:30 pm

Reception for Leadership
Development Program
Graduates
(invitation only)

Thursday, November 14

7:00 am – 8:00 am

Breakfast

8:00 am – 9:15 am

CONCURRENT SESSIONS:

- An Analysis of Adverse Actions in Light of *Muldrow v. City of St. Louis*
- Litigating Wage and Hour Collective Actions, Part 1: Intake through Discovery
- Local and Global Implications of DEI Strategies and Initiatives of Multi-Jurisdictional Employers
- Paths to Union Representation (FUNDAMENTALS)
- Practical and Legal Considerations When Key Witnesses are Former Employees, Executives or Union Officers (FUNDAMENTALS)
- Trial Objections (FUNDAMENTALS)
- Using Artificial Intelligence in Litigation (ETHICS)

9:15 am – 9:45 am

Refreshment Break

9:45 am – 10:15 am

Welcome, Introductions and
Presentation of Section Awards,
Part 1

10:15 am – 11:15 am

PLENARY SESSION:
Supreme Court Review

11:15 am – 11:30 am

Break

11:30 am – 12:45 pm

CONCURRENT SESSIONS:

- Attorney Working in a Non-Attorney Role and the Unauthorized Practice of Law (ETHICS)
- The Care and Feeding of Experts: A Practical Perspective
- Meet the National Labor Relations Board
- Litigating Wage and Hour Collective Actions, Part 2: Trial Strategies
- Recent Trends Challenging Mandatory Arbitration and Class Action Waivers
- A Review of Recent Legal Changes to Gender and LGBTQ+ Laws Across the Country
- Whistleblower Protections and Employee Activism in Latin America, the EU and Beyond: Complementary Forces at Work

12:45 pm – 2:15 pm

Diversity, Equity and Inclusion
Luncheon and Program:
Understanding Intersectionality
and the Role of Implicit Bias in
Workplace Discrimination
(pre-registration required)

2:15 pm – 2:30 pm

Break

2:30 pm – 3:45 pm

CONCURRENT SESSIONS:

- Avoiding a Collision Course: Balancing Competing Interests in Workplace Anti-Discrimination Policy and Practice
- Developments in Pay Equity and Gender Discrimination Litigation
- How to Settle Individual, Class and Collective Action Lawsuits So Everyone is Satisfied
- Limitations on Employee Speech in the Workplace: A Cross-Border Review
- Update from the NLRB General Counsel

• USERRA Fundamentals
(FUNDAMENTALS)

• What Anti-Woke Laws Have Meant for Public Employees and Their Representatives

3:45 pm – 4:15 pm

Refreshment Break

4:15 pm – 5:30 pm

PLENARY SESSION:

The Impact of *Loper Bright Enterprises v. Raimondo* on Labor and Employment Regulations in 2024 and Beyond: The End of Chevron

5:30 pm – 7:00 pm

Diversity, Equity and Inclusion/
Affinity Group Reception

7:30 pm – 10:00 pm

Standing Committee Dinners
(optional ticketed events)

Friday, November 15

7:00 am – 8:00 am

Breakfast

8:00 am – 9:15 am

CONCURRENT PROGRAMS:

- The Classification (or Misclassification) of Employees
- Ethics of Mediation: Fact or Fiction? (ETHICS)
- A Global Survey of Key Pay Equity Developments
- Practical Considerations in Managing Unique and Challenging Workplace Scenarios
- Trial Plans: How to Manage a Class Action Lawsuit
- Union and Employee Participation in the Work and Missions of OSHA and State Departments of Labor: Walkarounds and Beyond

9:15 am – 9:45 am

Refreshment Break

9:45 am – 10:00 am

Presentation of Section Awards,
Part 2

18th Annual Labor and Employment Law Conference Track Co-Chairs

Sally Abrahamson	Wesley Kennedy
Jennie Arnold	Troy Kessler
Amit Bindra	Judith Droz Keyes
Lewis Brewer	SaNni M-K Lemonidis
Paul Callaghan	Marcia Longdon
Crystal Carey	Megan Mechak
Marie Casciari	Jason Mills
Eve Cervantez	Ingrid Nava
James Céspedes	Jennifer Ortiz
Pamela Devi Chandran	Bruce Perlin
Lloyd Chinn	Todd Photopoulos
Cristiano Cominotto	Michaela Posner
Michelle Crockett	David Ricksecker
Claire Dawson	Alexis Ronickher
Julie Gutman	Roxanne Rothschild
Dickinson	Alfredo Sergio
Caryl Flannery	Rita Sethi
Naomi Frisch	Kathryn Siegel
Allison Gambill	Tobias Spruill
Sandro Garofalo	Harini Srinivasan
Angela Robledo Gart	Rebecca Stephens
Rachel Geman	Marisa Sternstein
Erika Diehl-Gibbons	Brenda Suttonwills
Matt Greer	LaTasha Thomas
Carrie Grundmann	Clement Tsao
Megan Guenther	Juno Turner
Kimkea Harris	Roxana Underwood
Angela Heverling	Rae Vann
John Ho	Marley Weiss
T. Warren Jackson	Lindsey White
Aparna Joshi	Terrill Wilkins
Luther Wright, Jr.	R. Nelson Williams
Clarissa Kang	Mary Yanik

10:00 am – 11:15 am

PLENARY SESSION:
Implementing DEI and Accessibility Programs in the Wake of the UNC and Harvard

11:15 am – 11:30 am

Break

11:30 am – 12:45 pm

CONCURRENT PROGRAMS:

- Board Elections, Voluntary Recognition and Bargaining Orders One Year after *Cemex*
- Broadening the Umbrella: Extending Collective Bargaining Rights to Historically Excluded Groups of Workers Using the Public Sector Model
- FLSA by the Numbers
- Mock Jury Exercises to Prepare for Employment Trials
- Neurodiversity Considerations in Workplace Investigations
- Women’s Health and Well-Being in the Workplace

12:45 pm – 2:00 pm

Pro Bono Luncheon
 (pre-registration required)

12:45 pm – 2:00 pm

In-House Corporate Counsel Luncheon
 (In-House Corporate Counsel only – pre-registration required)

12:45 pm – 2:00 pm

In-House Union Counsel Luncheon
 (In-House Union Counsel only – pre-registration required)

2:00 pm – 2:30 pm

Break

2:30 pm – 3:45 pm

CONCURRENT PROGRAMS:

- Advanced Discovery Issues in Employment Litigation
- Collective Bargaining for the Common Good: Spotlight on Immigration Issues in the Workplace
- A Discussion of the Realities and Implications of AI Use, Policies and Restrictions around the Globe
- Labor Law in Popular Culture: A Historical Perspective
- Lawyer Wellness: Why Are We All So Cranky? (**WELLNESS**)
- The Railway Labor Act and Airline and Railroad Labor Action

4:00 pm – 6:00 pm

New York City Walking Tour
 (ticketed event)

6:00 pm – 7:30 pm

Conference Reception at New York Marriott Marquis

7:30 pm – 11:00 pm

A Night on Broadway
 (ticketed event)

Saturday, November 16

7:00 am – 8:00 am

Breakfast

8:00 am – 9:15 am

CONCURRENT PROGRAMS:

- AI and ADR: How Will AI Impact the Future of Mediation and Arbitration?
- Are We *Thryving*? One Year Later, Have the Remedies Been Remedied?
- Common FLSA Issues with a Work from Home Workforce
- Developments in the Federal Workplace
- A Review and Discussion of the EEOC’s “Enforcement Guidance on Harassment in the Workplace”
- Whistleblower Retaliation 101 (**FUNDAMENTALS**)

9:15 am – 9:30 am

Refreshment Break

9:30 am – 10:45 pm

CONCURRENT PROGRAMS:

- Advertising, Solicitation and Public Statements in the Digital Age (**ETHICS**)
- Discovery Issues in Arbitration
- Hidden Human Trafficking? Identifying Indicia of Forced Labor in Workplaces
- Is National Origin Discrimination on the Rise?
- Lessons from the Front: How New York City Passed the World’s First AI Auditing Regulation and How the World is Following Suit
- Update on the New Financial Whistleblower Retaliation Statutes

10:45 am – 11:00 am

Refreshment Break

11:00 am – 12:15 pm

CONCURRENT PROGRAMS:

- ERISA Issues Arising for Labor and Employment Lawyers
- “Intelligent” Uses of Artificial Intelligence in Employment Law
- Key Issues and Takeaways in Enforcement and Rulemaking: DOJ Coordination, Large Cases and Beyond
- The Legal Boundaries of Work Stoppages
- Mass Layoffs in 2024: The Intersection of State and Federal Discrimination Laws, the WARN Act and Post-Employment Covenants
- The Next Generation of DEI: Cultivating Successful Multigenerational Legal Teams (**ELIMINATION OF BIAS IN THE LEGAL PROFESSION**)

12:30 pm – 2:00 pm

College of Labor and Employment Lawyers Program

Program Index

ADR Track

- Discovery Issues in Arbitration
- Ethics of Mediation: Fact or Fiction?

Discrimination, Harassment and Retaliation Track

- A Review and Discussion of the EEOC's Guidance on Workplace Harassment
- A Review of Recent Legal Changes to Gender and LGBTQ+ Laws Across the Country
- Is National Origin Discrimination on the Rise?
- An Analysis of Adverse Actions in Light of *Muldrow v. City of St. Louis*
- Mass Layoffs in 2024: The Intersection of State and Federal Discrimination Laws, the WARN Act and Post-Employment Covenants
- USERRA Fundamentals

Diversity, Equity and Inclusion Track

- Developments in Pay Equity and Gender Discrimination Litigation
- Local and Global Implications of DEI Strategies and Initiatives of Multi-Jurisdictional Employers
- The Next Generation of DEI: Cultivating Successful Multigenerational Legal Teams
- Understanding Intersectionality and the Role of Implicit Bias in Workplace Discrimination

Employee Benefits Track

- ERISA Issues Arising for Labor and Employment Lawyers

Federal Sector Track

- Developments in the Federal Workplace

Immigration and Human Trafficking Track

- Hidden Human Trafficking? Identifying Indicia of Forced Labor in Workplaces
- Collective Bargaining for the Common Good: Spotlight on Immigration Issues in the Workplace

International Track

- A Global Survey of Key Pay Equity Developments
- Limitations on Employee Speech in the Workplace: A Cross-Border Review
- Whistleblower Protections and Employee Activism in Latin America, the EU and Beyond: Complementary Forces at Work
- Women's Health and Well-Being in the Workplace

Labor-Management Relations Track

- Are We *Thryvng*? One Year Later, Have the Remedies Been Remedied?
- Board Elections, Voluntary Recognition and Bargaining Orders One Year after *Cemex*
- The Classification (or Misclassification) of Employees
- Labor Law in Popular Culture: A Historical Perspective
- The Legal Boundaries of Work Stoppages
- Meet the National Labor Relations Board
- Paths to Union Representation (**FUNDAMENTALS**)
- Update from the National Labor Relations Board General Counsel

Litigation and Class Action Track

- Advanced Discovery Issues in Employment Litigation
- The Care and Feeding of Experts: A Practical Perspective
- How to Settle Individual, Class and Collective Action Lawsuits So Everyone is Satisfied
- Mock Jury Exercises to Prepare for Employment Trials
- Trial Objections (**FUNDAMENTALS**)
- Trial Plans: How to Manage a Class Action Lawsuit

Practice and Professionalism Track

- Advertising, Solicitation and Public Statements in the Digital Age
- Attorney Working in a Non-Attorney Role and the Unauthorized Practice of Law
- Lawyer Wellness: Why Are We All So Cranky?

Public Sector Track

- Broadening the Umbrella: Extending Collective Bargaining Rights to Historically Excluded Groups of Workers Using the Public Sector Model
- What Have Anti-Woke Laws Meant for Public Employees and Their Representatives?

Railway Labor Act Track

- The Railway Labor Act and Airline and Railroad Labor Action

Technology/Artificial Intelligence Track

- AI and ADR: How Will AI Impact the Future of Mediation and Arbitration?
- A Discussion of the Realities and Implications of AI Use, Policies and Restrictions around the Globe

- "Intelligent" Uses of Artificial Intelligence in Employment Law
- Lessons from the Front: How New York City Passed the World's First AI Auditing Regulation and How the World is Following Suit
- Using Artificial Intelligence in Litigation

Wage and Hour Track

- Common FLSA Issues with a Work from Home Workforce
- FLSA by the Numbers
- Litigating Wage and Hour Collective Actions, Part 1: Intake through Discovery
- Litigating Wage and Hour Collective Actions, Part 2: Trial Strategies

Whistleblower Track

- Update on the New Financial Whistleblower Retaliation Statutes
- Whistleblower Retaliation 101 (**FUNDAMENTALS**)

Workplace and Occupational Safety and Health Law Track

- Key Issues and Takeaways in Enforcement and Rulemaking: DOJ Coordination, Large Cases and Beyond
- Union and Employee Participation in the Work and Missions of OSHA and State Departments of Labor: Walkarounds and Beyond

Workplace Problems and Solutions Track

- Avoiding a Collision Course: Balancing Competing Interests in Workplace Anti-Discrimination Policy and Practice
- Neurodiversity Considerations in Workplace Investigations
- Practical Considerations in Managing Unique and Challenging Workplace Scenarios
- Practical and Legal Considerations When Key Witnesses are Former Employees, Executives or Union Officers (**FUNDAMENTALS**)
- Recent Trends Challenging Mandatory Arbitration and Class Action Waivers

Plenary Sessions

- The Impact of *Loper Bright Enterprises v. Raimondo* on Labor and Employment Regulations in 2024 and Beyond: The End of Chevron
- Implementing Diversity, Equity, Inclusion and Accessibility Programs Post *UNC* and *Harvard*
- Supreme Court Review

18th Annual Labor and Employment Law Conference Program Schedule

Wednesday, November 13

- 4:00 pm – 8:30 pm
Conference Registration
- 4:30 pm – 6:30 pm
International LEL Committee Meeting and Reception
Conference attendees with international practices are invited to join the International Labor and Employment Law Committee for a meeting and networking reception.
- 5:00 pm – 6:30 pm
Reception for First-Time Attendees, New Section Members and Law Students
Hosted by Outreach to New and Young Lawyers Committee
If you are a new member of the Section of Labor and Employment Law, law student, or if this is your first Section Conference, join your peers for an informal reception.
- 6:30 pm – 8:30 pm
Welcome Reception and Committee Expo at New York Marriott Marquis
Conference attendees are invited to meet, greet and network during this opening reception at the New York Marriott Marquis. Section Committees will offer information about publications, services and programs they provide to labor and employment lawyers.
- 8:30 pm – 10:30 pm
Reception for Leadership Development Program Graduates (invitation only)

Thursday, November 14

- 7:00 am – 8:00 am
Breakfast
- 8:00 am – 9:15 am
CONCURRENT SESSIONS:
An Analysis of Adverse Actions in Light of *Muldrow v. City of St. Louis*
Analysis of adverse impact claims has long centered around key employment decisions, namely hiring, promotion, demotion and termination. Panelists will consider the impact of the Supreme Court's decision in *Muldrow v. City of St. Louis*, on that analysis, including whether there is exposure to adverse impact claims outside of hiring, promotion, demotion and termination.
PANELISTS:
Hon. Karla Gilbride, U.S. Equal Employment Opportunity Commission, Washington, DC
Gavi Bogin-Farber, Segal Roitman, LLP, Boston, MA
Carrie H. Grundmann, Spilman Thomas & Battle, PLLC, Winston-Salem, NC
John C. Luke, Jr., Slater Slater & Schulman, Washington, DC
Marisa Sternstein, Dentsu International, New York, NY
- **Litigating Wage and Hour Collective Actions, Part 1: Intake through Discovery**
In Part 1 of this dynamic program, the panel will take attendees through a wage and hour collective action simulation from initial client intake through discovery, examining closely, from each perspective: initial client intake and filing of the complaint, answering the complaint, and discovery. At each step, this program will examine the key strategic considerations, most effective techniques, dealing with the press, and client and stakeholder management.
PANELISTS:
Hannah Cole-Chu, Outten & Golden LLP, Washington, DC
Marjorie A. George, HCA Healthcare, Nashville, TN
Diana Nobile, McGillivray Steele Elkin LLP, Washington, DC
Martine Wells, Greenberg Traurig LLP, Denver, CO
James Wong, U.S. Department of Labor, New York, NY

18th Annual Labor and Employment Law Conference

Local and Global Implications of DEI Strategies and Initiatives of Multi-Jurisdictional Employers

The panel will examine the issues arising from DEI data-monitoring and data collection across different jurisdictions. The panel will also explore the local and global implications of handling sensitive cross-border DEI data collection and DEI-related investigations. They will provide best practices for advising clients when designing global DEI policies and standards that minimize client risk but still align with their DEI goals and strategies.

PANELISTS:

Anjanette “Anjie” Cabrera, *Constangy, Brooks, Smith & Prophete, LLP, Brooklyn, NY*

Sarah Chilton, *CM Murray, London, United Kingdom*

Ellen Eardley, *Mehri & Skalet, PLLC, Washington, DC*

Jo Linda Johnson, *JEI Solutions LLC, Washington, DC*

Paths to Union Representation (FUNDAMENTALS)

The numerous paths that lead to the recognition of a union are myriad and varied and can be smoothly paved or populated with trip hazards. The panelists will dissect the many ways by which workers can try to unionize, including the traditional RC petition, the demand for voluntary recognition, and the RM petition.

PANELISTS:

Antonia Domingo, *United Steelworkers, Pittsburgh, PA (invited)*

Bayley F. Johnson, *Jones Day, Minneapolis, MN*

Michaela Posner, *Weinberg Roger & Rosenfeld, APC, Los Angeles, CA*

Elizabeth Ramirez-Washka, *Duke University, Durham, NC (invited)*

Brenna Schertz, *National Labor Relations Board, Greenville, NC (invited)*

Practical and Legal Considerations When Key Witnesses are Former Employees, Executives or Union Officers (FUNDAMENTALS)

When a key witness in an employment litigation matter is a former employee, it opens up a host of potential issues. For example, can the company still claim privilege over its communications with that employee? What if the employee no longer lives in the jurisdiction where the case is pending? How can discovery be obtained from the former employee, and who is responsible for any spoliation issues? This panel will address practical considerations when dealing with the above issues, along with issues relating to privilege, discovery matters, contractual obligations, the pros and cons of forcing a non-cooperative witness to participate, and when counsel can and cannot jointly represent that witness.

PANELISTS:

Hon. Heather Lindsay, *Mayor, City of Milton, Milton, FL*

Allyson Belovin, *Levy Ratner, PC, New York, NY*

Angela Crawford, *Crawford & Acharya PLLC, North Miami, FL*

Cathleen Scott, *Scott Law Team, LLC, Jupiter, FL*

Jennifer Taylor, *Chewy, Miami, FL*

Trial Objections (FUNDAMENTALS)

This panel will cover the basis of commonly used evidentiary objections used at trial. This interactive session will also give attendees a chance to test their skills.

PANELISTS:

Hon. Bernice B. Donald, *U.S. Court of Appeals for the Sixth Circuit (ret.), Memphis, TN*

Darcie Brault, *McKnight, Canzano, Smith, Radtke & Brault, P.C., Detroit, MI*

Kena Cador, *U.S. Equal Employment Opportunity Commission, San Francisco, CA*

Rachel S. Lesser, *Crowell & Moring, Washington, DC*

Using Artificial Intelligence in Litigation (ETHICS)

Artificial intelligence has the potential to improve attorneys' efficiency and accuracy and reduce the overall costs of litigation. However, if not used carefully and thoughtfully, it also has the potential to lead to significant errors and ethical breaches. This panel will discuss the use of artificial intelligence in litigation, including a primer on the differences between “extractive” and “generative” AI, what technology is currently available, examples of effective uses of AI in litigation, limitations on the use of AI in litigation, and ethics issues that may arise such as attorney-client privilege concerns, billing issues, and the potential impact the proliferation of AI in litigation may have on the technical competency obligations under the ethics rules.

PANELISTS:

Hon. Yvette Roland, *State Bar Court of California, Los Angeles, CA*

Golriz Chrostowski, *Bloomberg Law, Washington, DC (invited)*

Zoë DeGeer, *Rudy Exelrod Zieff & Lowe, LLP, Oakland, CA*

Lindsey A. White, *Jackson Lewis P.C., Baltimore, MD*

• 9:15 am – 9:45 am

Refreshment Break

• 9:45 am – 10:15 am

Welcome, Introductions and Presentation of Section Awards, Part 1

• 10:15 am – 11:15 am

PLENARY SESSION: Supreme Court Review

The Section Secretary will review recent decisions from the Supreme Court.

SPEAKER:

Nicole Buonocore Porter, *Rita Anne Rollins Professor of Law at William & Mary Law School, Williamsburg, VA*

• 11:15 am – 11:30 am

Break

- 11:30 am – 12:45 pm

CONCURRENT SESSIONS:

Attorney Working in a Non-Attorney Role and the Unauthorized Practice of Law (ETHICS)

In-house, outside counsel and organizational lawyers are frequently asked to perform roles or duties that do not require their legal skills. This presentation addresses the ethical considerations when attorneys are acting in non-attorney roles such as consultants, workplace investigator, consultant, business advisor, board member, fact witness or even a plaintiff in a lawsuit. The panelist will explore concerns about privilege, work-product, conflict of interest and the unauthorized practice of law, and offer best practices for complying with the ethical rules and the best tips to avoid ethical and conflict situations from arising.

PANELISTS:

Melinda Burrows, Cornerstone Building Brands, Cary, NC
Paula J. Frederick, State Bar of Georgia, Atlanta, GA
Jenny Goltz, Goltz Employment Law & Investigations, Chicago, IL
Yolanda Montgomery, IAM National Benefit Funds, Washington, DC
Jeffrey D. Patton, Spilman Thomas & Battle, PLLC, Winston-Salem, NC

The Care and Feeding of Experts: A Practical Perspective

This panel will provide practical tips on how to select and work with experts (including considerations of privilege, document production, timing, feedback on drafts) to develop solid expert reports that will withstand *Daubert* challenges. The panel will also look at current trends on the use of experts in employment lawsuits, including not only statisticians, labor economists, HR consultants, I/O and clinical psychologists, and OSHA/OT experts.

PANELISTS:

Eve Cervantez, Altshuler Berzon LLP, San Francisco, CA
Kimberly A. Cruz, U.S. Equal Employment Opportunity Commission, New York, NY
Kathleen K. Lundquist, Ph.D., APT Metrics, Norwalk, CT
Kathryn G. Mantoan, Orrick, Herrington & Sutcliffe LLP, Portland, OR
Harini Srinivasan, Cohen Milstein Sellers & Toll, Washington, DC

Meet the National Labor Relations Board

Hear from the NLRB Chairman and Members of the Biden Board as they discuss insights on decisions from the past year, as well as agency initiatives and developments since their panel last year.

PANELISTS:

Hon. Lauren M. McFerran, National Labor Relations Board, Washington, DC (invited)
Hon. Marvin E. Kaplan, National Labor Relations Board, Washington, DC (invited)
Hon. David M. Prouty, National Labor Relations Board, Washington, DC (invited)
Hon. Gwynne A. Wilcox, National Labor Relations Board, Washington, DC (invited)

MODERATORS:

Crystal S. Carey, Morgan, Lewis & Bockius LLP, New York, NY
Roxanne Rothschild, National Labor Relations Board, Washington, DC (invited)
Jason Wojciechowski, Bush Gottlieb ALC, Glendale, CA

Litigating Wage and Hour Collective Actions, Part 2: Trial Strategies

In part 2 of this dynamic program, panelists will take attendees through a wage and hour collective action trial simulation, from plaintiff, defendant and judge perspectives: pretrial motions, expert testimony, evidentiary proof (and corresponding objections) and opening and closing statements. At each step, this program will examine the key strategic considerations, most effective techniques, dealing with the press, and client and stakeholder management.

PANELISTS:

Hon. Steven I. Locke, U.S. District Court for the Eastern District of New York, Brooklyn, NY
Allison Balus, Baird Holm, Omaha, NE
Sarah Block, McGillivray Steele Elkin LLP, Washington, DC
Elena Dietrich, Albertsons Companies, Pleasanton, CA
Rachhana Srey, Nichols Kaster, Washington, DC

Recent Trends Challenging Mandatory Arbitration and Class Action Waivers

After the Supreme Court's decision in *Epic Systems v. Lewis*, workers have taken action to push back against the prevalence of mandatory arbitration agreements and class action waivers. This panel will explore research regarding the outcomes of mandatory arbitration when compared to litigating the same claims in court, worker discontent with mandatory arbitration, and employer benefits of mandatory arbitration.

PANELISTS:

Sally Abrahamson, Werman Salas, New York, NY
Caryl L. Flannery, St. Louis, MO
Jason Veny, Murphy Anderson PLLC, New York, NY

A Review of Recent Legal Changes to Gender and LGBTQ+ Laws Across the Country

Panelists will review recent legal changes to gender and LGBTQ+ laws across the country. The panel also will provide practical guidance for multi-state employers on how to navigate and ensure compliance, and address related workplace issues.

PANELISTS:

Angie Davis, Baker Donelson, Memphis, TN
Ryan Leach, Massachusetts Teachers Association, Boston, MA
Sandra Pullman, New York Office of the Attorney General, Los Angeles, CA
Brett Rawitz, Dentsu International, New York, NY

Whistleblower Protections and Employee Activism in Latin America, the EU and Beyond: Complementary Forces at Work

This program will assess significant developments in whistleblower protections across the globe, with a focus on recent and emerging trends in Latin America and the European Union. Panelists will examine how whistleblowers and employee activists differ and how they are alike as it pertains to their available complaint channels, objectives and the legal protections they enjoy. The panel will also review current topics such as whether the growing focus on ESG considerations spurred whistleblower reports and worker activism and how traditional company response protocols must evolve to remain effective in this rapidly evolving area.

PANELISTS:

Alyssa Allen, Uber, San Francisco, CA

Mercedes Balado Bevilacqua, MBB Abogados, Buenos Aires, Argentina

Mike Delikat, Orrick, Herrington & Sutcliffe LLP, New York, NY

Tom Devine, University of the District of Columbia School of Law, Washington, DC

Alexis Ronickher, Katz Banks Kumin LLP, Washington, DC

- 12:45 pm – 2:15 pm

Diversity, Equity and Inclusion Luncheon and Program: Understanding Intersectionality and the Role of Implicit Bias in Workplace Discrimination

Panelists will discuss the unique challenges employees with multiple identities face in the workplace and how employers should adapt to ensure that all workers are protected. Through an in-depth discussion about what “intersectionality” really means, attendees will discover how the concept of intersectionality acts to further marginalize workers and create pitfalls for employers in a rapidly changing world.

PANELISTS:

Kimberlé W. Crenshaw, Columbia Law School, New York, NY

Hon. Stephanie M. Jones, Federal Agency, Knoxville, TN



- 2:15 pm – 2:30 pm

Break

- 2:30 pm – 3:45 pm

CONCURRENT SESSIONS:

Avoiding a Collision Course: Balancing Competing Interests in Workplace Anti-Discrimination Policy and Practice

This panel will analyze the evolving legal landscape around workplace discrimination laws and how some changes have seemingly pitted legitimate employer obligations against one another, such as respecting religious beliefs/providing workplace accommodations under the *Groff* standard versus having zero-tolerance policy against LGBTQ+ bias. The panelists will offer tips, strategies, and best practices for successfully navigating those competing interests in workplace programs and activities, compliance training and DEI.

PANELISTS:

Bryan T. Arnault, Blitman & King LLP, Syracuse, NY

Justin Mulaire, U.S. Equal Employment Opportunity Commission, Chicago, IL

Travis Sumter, NextRoll, Charlotte, NC

Holly Sutton, Farella Braun + Martel LLP, San Francisco, CA

Developments in Pay Equity and Gender Discrimination Litigation

The panel will examine recent cases and class settlements regarding pay equity and gender discrimination claims. The panel will also evaluate how recent pay transparency laws impact pay equity claims.

PANELISTS:

Janice Agresti, Cozen O'Connor, New York, NY

Andreta Armstrong, Washington State Civil Rights Commission, Olympia, WA

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

Erin Drake, Women's National Basketball Players Association, Washington, DC

How to Settle Individual, Class and Collective Action Lawsuits So Everyone is Satisfied

This panel will consider the ins and outs of settlements, including objections brought by attorneys with competing goals to reach a mutually satisfactory outcome. Issues to be discussed include mediator selection, how Rule 23 standards are being applied, damages models, division among co-counsel, impact of EPLI coverage, and affirmative relief when resolution involves change in policy/work rules or when plaintiff is a union member.

PANELISTS:

Gary B. Eidelman, *Saul Ewing LLP, Baltimore, MD*
Michael Freedman, *Rosen Bien Galvan & Grunfeld, San Francisco, CA*
Michael Licker, *Wayfair, Washington, DC*
Jason Marsili, *Marsili Mediation Inc., Los Angeles, CA*
Megan K. Mechak, *McGillivray Steele Elkin LLP, Washington, DC*

Limitations on Employee Speech in the Workplace: A Cross-Border Review

In an era where employees are encouraged to “bring your whole self to work,” the line between the personal and professional can quickly become blurred. Politically and socially charged events, such as international armed conflicts and human rights struggles, are just a few topics that may cause employees to voice their viewpoints and frustrations at work. This panel will review the political and social expression at work and consider global and local policy approaches for regulating workplace speech.

PANELISTS:

Kelly Dobbs Bunting, *Greenberg Traurig LLP, Philadelphia, PA*
Claire Dawson, *BDBF LLP, London, United Kingdom*
Cesar Rosado Marzan, *University of Iowa College of Law, Iowa City, IA*
Ingrid Nava, *Service Employees International Union, Washington, DC*
George L. Washington, Jr., *Orange Business Services, Alexandria, VA*

Update from the National Labor Relations Board General Counsel

The National Labor Relations Board’s General Counsel will offer comments concerning issues faced by the Office of the General Counsel in the past year and unique issues that will be addressed by the General Counsel’s office in the coming year.

SPEAKER:

Hon. Jennifer A. Abruzzo, *National Labor Relations Board, Washington, DC (invited)*

MODERATORS:

Julie Gutman Dickinson, *Bush Gottlieb ALC, Glendale, CA*
Kathryn Siegel, *Littler Mendelson, P.C., Chicago, IL*

USERRA Fundamentals (FUNDAMENTALS)

Amid ongoing geopolitical uncertainty and the increasing potential for military activation, attorneys should reorient themselves on the fundamentals of USERRA. This panel will review USERRA eligibility, leave entitlement, job loss protection and reinstatement rights, as well as possible penalties for non-compliance.

PANELISTS:

Maria de las Nieves (Nieves) Bolaños, *Hawks Quindel, S.C., Chicago, IL*
Andrew Braniff, *U.S. Department of Justice, Washington, DC*
Kimkea Harris, *Illinois Fraternal Order of Police Labor Council, Western Springs, IL*
Allen A. Shoikhetbrod, *Tully Rinckey PLLC, Albany, NY*

What Anti-Woke Laws Have Meant for Public Employees and Their Representatives

Several states have adopted so-called “Anti-Woke” legislation restricting topics that can be addressed in schools, public libraries, and other workplaces. How are employees and their representatives faring when implementation of these new laws generates conflict in the workplace that results in employee discipline? The panel will provide an update on the latest decisions which explore this controversial topic.

PANELISTS:

Michael Fallings, *Tully Rinckey PLLC, Austin, TX*
Emily Martin, *Washington Public Employment Relations Board, Kirkland, WA*
Dan McNeil, *American Federation of Teachers, Boston, MA*
Joseph J. Perkoski, *Robbins Schwartz, Chicago, IL*
Lisa W. Timmons, *Lisa W. Timmons, PLLC, West Bloomfield, MI*

- 3:45 pm – 4:15 pm

Refreshment Break

- 4:15 pm – 5:30 pm

PLENARY SESSION:

The Impact of *Loper Bright Enterprises v. Raimondo* on Labor and Employment Regulations in 2024 and Beyond: The End of Chevron

This panel will explore the impact of *Loper Bright Enterprises v. Raimondo* on labor and employment agency regulation and guidance. Panelists will also discuss the importance of—and potential changes to—labor and employment regulation and guidance moving forward.

PANELISTS:

Hon. Charlotte A. Burrows, *U.S. Equal Employment Opportunity Commission, Washington, DC*
Lisa J. Banks, *Katz Banks Kumin LLP, Washington, DC*
Eric Dreiband, *Jones Day, Washington, DC*
Michael Z. Green, *Texas A&M University School of Law, Fort Worth, TX*
Micah Wissinger, *Levy Ratner, PC, New York, NY*

- 5:30 pm – 7:00 pm

Diversity, Equity and Inclusion/ Affinity Group Reception

- 7:30 pm – 10:00 pm

Standing Committee Dinners (optional ticketed events)

Friday, November 15

- 7:00 am – 8:00 am

Breakfast

- 8:00 am – 9:15 am

CONCURRENT PROGRAM

The Classification (or Misclassification) of Employees

The DOL recently issued a notice of proposed rulemaking to revise guidance on how to determine who is an employee or independent contractor under the FLSA. The NLRB decided the same issue in *The Atlanta Opera, Inc.*, and multiple states are wrestling with the issue as well including New York and California in particular. Panelists will discuss the implications of different standards for employers and employees alike, and how parties can effectively navigate the independent contractor waters without running afoul of one standard, while complying with another.

PANELISTS:

Hector De Haro, *Bush Gottlieb ALC, Washington, DC*

Cameron W. Fox, *Paul Hastings, Los Angeles, CA*

Peter Sung Ohr, *National Labor Relations Board, Washington, DC (invited)*

Ethics of Mediation: Fact or Fiction? (ETHICS)

Are there generally accepted mediation principles that govern issues such as disclosing conflicts or prior engagements, or maintaining party confidences. And what other ethical issues do neutrals face? Panelists will discuss these issues along with mediator proposals (can or should you override a party's preference; can/should they really be "double-blind"), handling or embracing emotion (yours and theirs), and what can happen if the mediator fails in their duty.

PANELISTS:

Gary L. Bailey, *Illinois Fraternal Order of Police Labor Council, Carol Stream, IL*

Eric L. Barnum, *Baker Hostetler, Atlanta, GA*

Rachel Geman, *Lieff Cabraser Heimann & Bernstein LLP, New York, NY*

Brenda D. Pryor, *Federal Mediation and Conciliation Service, Chicago, IL*

Nicole Walthour, *International Paper, Memphis, TN*

A Global Survey of Key Pay Equity Developments

The rapidly changing pay transparency landscape features a growing assortment of compliance requirements, ranging from recordkeeping, to pay scale disclosures and public reporting of pay data. There has been a proliferation of pay equity legislation, with new laws recently enacted in the U.S., Canada, the European Union, Brazil, Japan, Australia and elsewhere. Panelists will examine these developments and whether the pay equity movement has led to tangible progress in worker compensation, and they will offer strategies for staying ahead of the regulatory curve.

PANELISTS:

Nneka Maceo, *Communications Workers of America, Washington, DC*

Emily Martin, *National Women's Law Center, Washington, DC*

Wonu Sanda, *CM Murray, London, United Kingdom*

Practical Considerations in Managing Unique and Challenging Workplace Scenarios

Sometimes the reality of the workplace can be stranger than any fiction we would read or write. This session will highlight some of the more unusual and unexpected workplace situations that experienced practitioners have encountered. The panel will offer practical tips for addressing a range of circumstances, including those that rival the best in contemporary entertainment news. Panelists will also explore best practices and policies to proactively manage workplace behavior.

PANELISTS:

Hon. Darryl Edwards, *U.S. Equal Employment Opportunity Commission, Charlotte, NC*

Mia Belk, *Philadelphia, PA*

Stephen E. Fox, *Sheppard Mullin, Dallas, TX*

Jerry Marzullo, *Asher, Gittler & D'Alba, Ltd., Chicago, IL*

Kate Sedey, *Case + Sedey, LLC, Chicago, IL*

Trial Plans: How to Manage a Class Action Lawsuit

Managing a class action trial can be difficult. What are the different procedural tools that can be used to make class trials manageable? This panel will describe the various tools at counsel and the court's disposal, from bellwether trials or other forms of sampling to bifurcation (or trifurcation), multiple juries or special masters, etc. The panel will also address recent court decisions regarding the use or need for trial plans at the class certification stage, and with respect to California PAGA claims.

PANELISTS:

Hon. Waverly D. Crenshaw, Jr., *U.S. District Court for the Middle District of Tennessee, Nashville, TN*

James Finberg, *Altshuler Berzon LLP, San Francisco, CA*

Laura Ho, *Goldstein, Borgen, Dardarian & Ho, Oakland, CA*

Michael J. Mueller, *Hunton Andrews Kurth LLP, Washington, DC*

Mary Jo O'Neill, *U.S. Equal Employment Opportunity Commission, Phoenix, AZ*

Union and Employee Participation in the Work and Missions of OSHA and State Departments of Labor: Walkarounds and Beyond

This panel will discuss employees' involvement in OSHA and state department of labors' missions to enforce workplace safety. Panelists will address effective employee involvement throughout the OSHA enforcement process, including worker complaints, participation in inspections (independent of the walkaround rule), third-party status in OSHRC proceedings, involvement in settlement negotiations and common interest agreements, and the availability of non-OSHA mechanisms, such as Rule 23 class actions and state statutes like PAGA.

PANELISTS:

Shawn Demerse, Toyota, Dallas, TX
Lindsay A. DiSalvo, Conn Maciel, Washington, DC
LaTasha Thomas, U.S. Department of Labor, Washington, DC
Jora Trang, Worksafe, Oakland, CA

• 9:15 am – 9:45 am

Refreshment Break

• 9:45 am – 10:00 am

Presentation of Section Awards, Part 2

• 10:00 am – 11:15 am

PLENARY SESSION: Implementing Diversity, Equity, Inclusion and Accessibility Programs Post *UNC/Harvard* Decision

Practical approaches to creating an effective diversity, equity, inclusion and accessibility (DEIA) practice have evolved under the law and in society. This panel will provide a road map on creating and implementing DEIA programs that align with the organization's values and comply with the Supreme Court's decision in *Students for Fair Admissions v. President and Fellows of Harvard* and *Students for Fair Admissions v. University of North Carolina*.

PANELISTS:

David Fujimoto, Weinberg, Roger & Rosenfeld, Los Angeles, CA
Molly Huie, Bloomberg Law, Washington, DC
David Lopez, Rutgers University School of Law, Newark, NJ
Amy Piccola, Saul Ewing LLP, Philadelphia, PA
Jessica Thomas, Dollar Tree Stores, Atlanta, GA

• 11:15 am – 11:30 am

Break

• 11:30 am – 12:45 pm

CONCURRENT PROGRAMS

Board Elections, Voluntary Recognition and Bargaining Orders One Year after *Cemex*

In August 2023, the NLRB's *Cemex* decision announced a new framework for determining when employers are required to bargain with unions without a representation election. *Cemex* also changed the standard for the egregiousness of unfair labor practices that would merit a bargaining order, rather than rerunning an election. This panel will look at how, one year later, the *Cemex* decision has, or has not, affected the landscape of union elections, voluntary recognition and employer-filed petitions, and bargaining orders.

PANELISTS:

Alba V. Aviles, Fisher & Phillips LLP, Murray Hill, NJ
John Doyle, National Labor Relations Board, New York, NY (invited)
Holly Georgell, Volvo, Summerfield, NC
Caren Sencer, Weinberg Roger & Rosenfeld, APC, Los Angeles, CA
Maneesh Sharma, AFL-CIO, Washington, DC

Broadening the Umbrella: Extending Collective Bargaining Rights to Historically Excluded Groups of Workers Using the Public Sector Model

Some states have recently passed laws filling in some of the gaps in collective bargaining coverage left by both the National Labor Relations Act and state public sector collective bargaining laws. Those laws exempt some workers from coverage, including agricultural and domestic workers, contractors such as rideshare drivers, supervisors, managers, legislative staff, and "quasi-public" employees who provide services on behalf of state governments through a third party. This panel will discuss trends in this area and explore the opportunities and challenges of extending collective bargaining to historically excluded groups.

PANELISTS:

Jonah H. Feitelson, New York State United Teachers, New York, NY
Mariam Manichaikul, New York Public Employment Relations Board, Albany, NY
Melissa Sobota, Franczek, Chicago, IL
Alan A. Symonette, Symonette ADR Services, Inc., Media, PA

FLSA by the Numbers

This panel will discuss different aspects and issues related to FLSA calculations, such as the Regular Rate Calculations, 7(i) retail employee exemption, Tipped Employee 20% of the week and 30 continuous minutes on not-tip related activities, and—everyone's favorite—the Fluctuating Workweek method of paying overtime.

PANELISTS:

Arielle Eisenberg, Cozen O'Connor, Miami, FL
Brian Kriegler, Econ One Research, Studio City, CA
Andrew Lee, Goldstein, Borgen, Dardarian & Ho, Oakland, CA
Riva Parker, Airlines for America, Washington, DC
Hope Pordy, Spivak Lipton LLP, New York, NY



18th Annual Labor and Employment Law Conference

Mock Jury Exercises to Prepare for Employment Trials

Many employment trials are decided based on witness likeability and credibility assessments that are challenging for attorneys and advocates to assess in advance. Given this unpredictability, employment attorneys often engage in mock jury exercises to gain critical insight into how a jury might evaluate their claims, defenses and evidence. This panel will dive into the world of the mock jury exercise, including the pros and cons, the types of cases that are best suited for a mock jury, the insights that may be gleaned, practical implications, and provide real world examples of past mock juries gone wrong and right.

PANELISTS:

Stacey A. Campbell, *Campbell Litigation, P.C., Denver, CO*

Sonia Chopra, Ph.D., *Chopra Koonan Litigation Consulting, Oakland, CA*

Shauna Fulbright-Paxton, *Abbott Laboratories, Chicago, IL*

James Kaster, *Nichols Kaster, PLLP, Minneapolis, MN*

Neurodiversity Considerations in Workplace Investigations

This panel will explore the intricacies of neurodiversity and how it may impact workplace investigations. Panelists will explore a wide range of considerations that can be applied universally to conduct more effective and inclusive investigations.

PANELISTS:

Jeff Brodin, *Brodin HR Law, Phoenix, AZ*

Lindsay Gold, *Meta, San Francisco, CA*

Victoria Lipnic, *Resolution Economics, Washington, DC*

Christina Hynes Mesco, *The Prinz Law Firm, P.C., Chicago, IL*

Melissa Woods, *Cohen, Weiss & Simon LLP, Chicago, IL*

Women's Health and Well-Being in the Workplace

There are increasing calls for employers to provide workplace support for a range of health issues primarily affecting women. In the UK, existing laws preventing discrimination have been utilized to advance claims on behalf of workers who are experiencing symptoms of the menopause/perimenopause. In the US, there are calls for menopause to be considered a standalone protected status. Spain introduced paid menstrual leave in 2023. Leave for workers undergoing fertility treatment and reproductive loss leave are also in the mix. This panel will take a comparative look at what legislators, employers and courts in different jurisdictions are doing to address these issues, as well as considering best practices for addressing these requirements.

PANELISTS:

Judith Droz Keyes, *Davis Wright Tremaine LLP, San Francisco, CA*

Diane I. Smason, *U.S. Equal Employment Opportunity Commission, Chicago, IL*

Amanda Steadman, *BDBF LLP, London, United Kingdom*

Rebecca Yee, *Massachusetts Teachers Association, Boston, MA*

• 12:45 pm – 2:00 pm

Pro Bono Luncheon (pre-registration required)

• 12:45 pm – 2:00 pm

In-House Corporate Counsel Luncheon (In-House Corporate Counsel only – pre-registration required)

• 12:45 pm – 2:00 pm

In-House Union Counsel Luncheon (In-House Union Counsel only – pre-registration required)

• 2:00 pm – 2:30 pm

Break

• 2:30 pm – 3:45 pm

CONCURRENT PROGRAMS

Advanced Discovery Issues in Employment Litigation

Cutting-edge discovery topics that are currently emerging in employment litigation. For example, companies are now utilizing a broad array of technology that does not have the primary goal of generating employment-related records but may generate data that is relevant to employment lawsuits (such as productivity monitoring software, security badge scans, and other similar tools). Similarly, many employees now utilize communication tools like Slack and other chat software with automatic deletion functions. This panel will explore whether such information is discoverable, and employers' and employees' obligations to retain records of these communications. Panelists will also discuss avenues for discovery beyond the standard written requests and deposition notices, such as site inspections and other tools. Lastly, the panel will delve into the privilege issues that arise when in-house counsel advises on employment decisions that later result in litigation.

PANELISTS:

Nakkisa Akhavan, *U.S. Equal Employment Opportunity Commission, Los Angeles, CA*

Evan Hudson-Plush, *Cohen, Weiss & Simon LLP, New York, NY*

Ty Hyderally, *Hyderally & Associates, PC, Montclair, NJ*

Tamika Lynch, *Siemens Mobility, Chicago, IL*

Devjani Mishra, *Littler Mendelson, P.C., New York, NY*

Collective Bargaining for the Common Good: Spotlight on Immigration Issues in the Workplace

The question of when immigration issues relate to terms and conditions of employment goes back at least to the Supreme Court's 1978 decision in *Eastex, Inc. v. NLRB*. Today, among Gen Z, collective bargaining for the common good, including immigration issues, has gained favor. Yet, in addition, unions

and employers negotiate issues of E-Verify, reauthorization, notice regarding social security mismatch, I-9 audits and workplace enforcement, leaves of absence for employees who lose work authorization and Taft-Hartley legal funds or training funds that can be of particular use to immigrant workers. This panel will discuss the potential for and limits of bargaining over these issues, mandatory and permissive subject implications, and will address the benefits and potential pitfalls in adopting or rejecting topics.

PANELISTS:

Robert P. Joy, *Morgan, Brown & Joy, LLP, Boston, MA*

Brian Petruska, *LIUNA Mid-Atlantic Regional Organizing Fund, Reston, VA*

Adam Shah, *Jobs with Justice, New York, NY*

Marley Weiss, *University of Maryland School of Law, Baltimore, MD*

A Discussion of the Realities and Implications of AI Use, Policies and Restrictions around the Globe

In its November 1, 2023, edition, Forbes Magazine observed: "As 2024 beckons, leading nations, including China, the EU, the U.S. and India, are diligently sculpting comprehensive AI policies." Much as it led the way with privacy protection, the European Union is leading the way with laws protecting society and the public from the intrusiveness and misuse of AI. What are the implications for companies that do business in the EU, or have employees there? In the U.S., an increasing number of states have followed the lead of New York and introduced legislation restricting the use of AI in the employment setting. How does this impact employment policies in the remote working environment? This panel will review the current legal landscape and analyze the implications for employment lawyers around the globe.

PANELISTS:

Mary Cavallaro, *SAG-AFTRA, New York, NY*

Emily Chalkley, *Charles Russells Speechlys, London, UK*

Nathaly Tovar Pineda, *Bloomberg Law, Washington, DC*

Milla Vidina, *Equinet, Brussels, Belgium (invited)*

Terrill Wilkins, *Abrahamson Rdzaneck & Wilkins, LLC, Chicago, IL*

Labor Law in Popular Culture: A Historical Perspective

This panel will explore and highlight the portrayal of labor law issues in popular culture over the years, starting with a comic book from the 1940s featuring "Joe Worker" and a UAW cartoon supporting FDR's reelection in 1944, to modern day representations of labor activity in the workplace.

PANELISTS:

Sarah Fowler, *SAG-AFTRA, Los Angeles, CA*

Fred Jacob, *National Labor Relations Board, Washington, DC*

Kevin Kinney, *Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Fox Point, WI*

Mark Gaston Pearce, *Georgetown University Law Center, Washington, DC (invited)*

WELLNESS PROGRAM:

Lawyer Wellness: Why Are We All So Cranky?

Lawyer wellness is a perennial problem. Over 71% of lawyers struggle with anxiety, 37% struggle with depression, and 30% struggle with substance abuse. Lawyer wellness is compromised by the inherent strain of sustained conflict and the demands of litigation; long hours, billable quotas and client expectations of 24/7 availability; vicarious trauma and compassion fatigue from our clients' experiences; and isolation, workplace insecurity and violence in an increasingly polarized country. Some believe that a radical culture shift is needed; however, studies show that there are some simple hacks that might improve mental health including controlling one's time and use of technology, taking regular breaks, and incorporating movement into one's schedule. This presentation will discuss the impact of these concerns on the practice of law and how practitioners can help reverse the current trends and the resources available to do so.

PANELISTS:

Shanda Galloway Botts, *AARP, Washington, DC*

Erin Clifford, *Erin Clifford Wellness, Chicago, IL*

Barbara J. Dawson, *Snell & Wilmer, Phoenix, AZ*

Kara Haden, *U.S. Equal Employment Opportunity Commission, Washington, DC*

Yona Rozen, *AFL-CIO, Washington, DC*

Erika Jacobsen White, *Joseph Greewald Laake, Rockville, MD*

The Railway Labor Act and Airline and Railroad Labor Action

Panelists will discuss legal principles under the Railway Labor Act, with a focus on the impact of the RLA on the state of labor activity across the airline and railroad industries.

MODERATOR:

Deirdre Hamilton, *National Mediation Board, Washington, DC*

PANELISTS:

Antonia Bird, *Air Line Pilots Association, McLean, VA*

Vanessa Houston, *American Airlines, Fort Worth, TX*

Aparna Joshi, *O'Melveny Myers, Washington, DC*

Rachel Rekowski, *Herzfeld Suetholz Gastel Leniski and Wall, Cincinnati, OH*

- 4:00 pm – 6:00 pm

New York City Walking Tour (ticketed event)

- 6:00 pm – 7:30 pm

Conference Reception at New York Marriott Marquis

- 7:30 pm – 11:00 pm

A Night on Broadway (ticketed event)

Saturday, November 16

- 7:00 am – 8:00 am

Breakfast

- 8:00 am – 9:15 am

CONCURRENT PROGRAMS:

AI and ADR: How Will AI Impact the Future of Mediation and Arbitration?

The future of AI is now. As practitioners, we either will be or are already relying on the increased use of Artificial Intelligence in negotiation, mediation and arbitration of employment law and labor contracts and disputes. Can AI enhance employee and worker rights? Increase the quality of advocacy and third-party decision-making? Will AI offer lower cost dispute resolution options? Is it time to develop new union-management grievance processes to leverage AI advantages? Panelists will provide an update on the current state of AI in ADR, present scenarios for the use of AI in negotiation, mediation and arbitration, and discuss the practical and ethical issues raised by the use of AI.

PANELISTS:

Nicole “Nikki” Horberg Decter, *Segal Roitman LLP, Boston, MA*
Alexander J. Franchilli, *Epstein Becker & Green LLP, New York, MI* (invited)
Arthur Pearlstein, *Federal Mediation and Conciliation Service, Washington, DC*
Lindsey Wagner, *Wagner Legal, P.C., Burbank, CA*

Are We *Thryv*ing? One Year Later, Have the Remedies Been Remedied?

A year after the NLRB’s decision in *Thryv, Inc.*, have remedies changed a little, a lot, or not much at all? What elements are getting the most attention during settlement discussions, including ADR, and how has this changed? Panelists will examine remedies and settlements in the post-*Thryv* era, what unions and the GC continue to seek, and how NLRB compliance has worked through new *Thryv*-enhanced remedies. The panel will also touch on 10(j) as a remedy and review recent developments in that area.

PANELISTS:

Harrison C. Kuntz, *Seyfarth Shaw LLP, Chicago, IL*
Teresa Poor, *National Labor Relations Board, New York, NY* (invited)

Common FLSA Issues with a Work from Home Workforce

This panel will discuss work from home issue as related to the FLSA. For example, when break time is “compensable” and when it is not, how to deal with working unauthorized overtime and what counts as employer knowledge, what constitutes a preliminary or postliminary activity when working from home; and the impact on primary duty and exempt status when working remotely.

PANELISTS:

Jennifer Brand, *U.S. Department of Labor, Washington, DC*
Kevin Goyette, *National Treasury Employees Union, Boston, MA* (invited)
Chris Higgins, *Wayfair, Boston, MA*
Sabine Jean, *Outten & Golden LLP, New York, NY*
Courtney J. Peterson, *Bryan Cave Leighton Paisner, New York, NY*



Developments in the Federal Workplace

The panel will address a range of current issues concerning employment law in the federal sector, including: trends in administrative filings, the impact of new laws (e.g. the PUMP Act) and recent decisions, the expansion of MSPB jurisdiction, and the state of the FLRA.

PANELISTS:

Jessica B. Clarke, *American Federation of Government Employees, Washington, DC*

Shomar Searchwell, *Alden Law Group, PLLC, Washington, DC*

Regina N. Stephens, *U.S. Equal Employment Opportunity Commission, Washington, DC*

A Review and Discussion of the EEOC's Guidance on Workplace Harassment

In April 2024, the EEOC updated its guidance on workplace harassment, the first update to the EEOC's harassment guidance in more than 20 years. This panel will review the "Enforcement Guidance on Harassment in the Workplace" regulations and discuss their impact on the workplace and their impact on future claims and defenses in litigation.

PANELISTS:

Hon. Karla Gilbride, *U.S. Equal Employment Opportunity Commission, Washington, DC (invited)*

Michelle Crockett, *Miller Canfield, Detroit, MI*

Jennifer L. Liu, *Katz Banks Kumin LLP, San Francisco, CA*

Tobias Spruill, *LinkedIn Corporation, Seattle, WA*

Teri Guttman Valdes, *Teri Guttman Valdes LLC, Coral Gables, FL*

Whistleblower Retaliation 101 (FUNDAMENTALS)

Panelists will explain the basics of whistleblower retaliation law, such as the different types of whistleblower claims, the elements of whistleblower retaliation including discussion of causation standards and the U.S. Supreme Court decision in *Murray v. UBS Securities, LLC*, the damages available in whistleblower retaliation cases, and the adjudication of a whistleblower retaliation claim.

PANELISTS:

Nicholas Mendoza, *Murphy Anderson PLLC, Washington, DC*

Harris M. Mufson, *Gibson, Dunn & Crutcher LLP, New York, NY*

Kendall N. Onyendu, *Outten & Golden LLP, New York, NY*

- 9:15 am – 9:30 am

Refreshment Break

- 9:30 am – 10:45 pm

CONCURRENT PROGRAMS:

Advertising, Solicitation and Public Statements in the Digital Age (ETHICS)

Many attorneys and law firms are advertising and soliciting new clients on social media, websites, internet fora and via other electronic/digital means. These platforms often use algorithms, advanced marketing techniques and other artificial intelligence techniques to target particular audiences or demographics, which may sometimes result in unintended

messaging and reaching unintended audiences. This panel will explore the ethical and professional issues that arise in advertising ranging from lawyers' responsibility to vet their digital providers, understand the algorithms used by their providers and being aware of the type of content their solicitations/advertisements are paired with to ensure compliance with the ethical rules governing advertisements.

PANELISTS:

Renee Jiang, *Stulberg & Walsh, LLP, New York, NY*

Emily Litzinger, *Fisher & Phillips LLP, Louisville, KY*

Sari Montgomery, *Robinson, Stewart, Montgomery & Doppke, LLC, Chicago, IL*

Mark D. Risk, *Mark Risk, PC, New York, NY*

Elizabeth "Liz" Tippett, *University of Oregon School of Law, Eugene, OR*

Discovery Issues in Arbitration

Panelists will review how parties obtain discovery in arbitration, including the scope of discovery, available forms, impact of different statutory and arbitration tribunal rules, including mandatory disclosures and differences between labor and employment arbitrations. The panel will also consider an arbitrator's authority to issue third-party subpoenas or order depositions where the governing contract or agreement doesn't provide for it and enforcement of subpoenas.

PANELISTS:

Paul E. Garrison, *JAMS, Oakland, CA*

Vanessa Kelly, *Clark Hill, Princeton, NJ*

Wesley Kennedy, *Allison, Slutsky & Kennedy, P.C., Chicago, IL*

Rebecca Ojserkis, *Cohen Milstein Sellers & Toll PLLC, Washington, DC*

Lauren Polk, *Oracle, Denver, CO*

Hidden Human Trafficking? Identifying Indicia of Forced Labor in Workplaces

The International Labor Organization estimates that forced labor generates \$50 billion in illegal profits on the backs of as many as 21 million men, women and children, worldwide. In FY2022, the national human trafficking hotline received more than 55,000 signals, including calls, texts, chats, online tips, and emails and identified 10,013 potential human trafficking cases involving 16,775 potential victims. In this session we will discuss identifying human trafficking in the workplace, disentangling stereotypes from indicia of forced labor. The session will consider and unpack a series of fact patterns of labor exploitation, asking audience members to weigh in on whether the facts demonstrate human trafficking.

PANELISTS:

Leonard Carollo, *Federal Bureau of Investigation, Denver, CO*

Erika E. Gonzalez, *Coalition to Abolish Slavery & Trafficking (CAST), Los Angeles, CA*

Danny Kaufner, *Borden Ladner Gervais LLP, Montréal, QC*

Claudia Lainez, *Service Employees International Union, Washington, DC*

Rachel Micah-Jones, *Centro de los Derechos del Migrante, Baltimore, MD*

Mary Yanik, *Tulane Law School, New Orleans, LA*

Is National Origin Discrimination on the Rise?

Recent current events such as the influx of asylum seekers and migrant workers and wars abroad have increased attention on possible national origin discrimination claims. This panel will explore whether the current political climate creates an increased potential for unlawful national origin discrimination, harassment or retaliation on the basis of national origin. The panel will also examine ways in which employers and employees can anticipate and prevent associated consequences of unlawful behavior.

PANELISTS:

Queen Arsem-O'Malley, *New York State Nurses Association, New York, NY*

Delmas Costin, *The Law Office of Delmas A. Costin, Jr., PC, Bronx, NY*

Tiffany Fordyce, *Greenberg Traurig LLP, Chicago, IL*

Alberto Ruisanchez, *U.S. Department of Justice, Washington, DC*

Lessons from the Front: How New York City Passed the World's First AI Auditing Regulation and How the World is Following Suit

Artificial Intelligence and Machine Learning technology advancements continue to reconfigure how organizations make critical employment decisions, leading to a new world of unforeseen legal and compliance risks, as well as brand new legislation and auditing requirements. This panel will



provide an “insider look” at how the world’s first AI auditing and anti-bias regulation, Local Law 144, was passed in New York City. Panelists will dissect the critical lessons learned during Local Law 144’s first year in effect and assess the overall impact, including new issues with respect to privacy and intellectual property rights related to training data. The panel will also discuss President Biden’s Executive Order on AI, and other agency actions on AI, as well as other jurisdictions that may follow suit. In addition, the panel will explore the ramifications of the EU’s freshly minted AI law and its possible impact on U.S. businesses.

PANELISTS:

Ian R. Connett, *Harris Beach PLLC, New York, NY*

Hon. John A. Henderson, *U.S. Department of Justice, Baltimore, MD*

Frida Polli, Ph.D., *Pymetrics, Inc., New York, NY*

Evan Silagi, *Berkowitz Lichtstein Kuritsky Giasullo & Gross, LLC, Roseland, NJ*

Clement Tsao, *Herzfeld, Suetholz, Gastel, Leniski and Wall PLLC, Cincinnati, OH*

Update on the New Financial Whistleblower Retaliation Statutes

In the last five years, the U.S. enacted several new financial whistleblower retaliation protections, including the Anti-Money Laundering Act, Taxpayer First Act and Criminal Antitrust Anti-Retaliation Act. This panel will examine the legal developments under these new whistleblower protection laws and existing financial whistleblower protection laws.

PANELISTS:

Megan Guenther, *U.S. Department of Labor, Washington, DC*

Gregory Keating, *Epstein Becker & Green LLP, New York, NY*

Eduardo A. Santiago-Acevedo, *Prudential, New York, NY*

Jason Zuckerman, *Zuckerman Law, Washington, DC*

- 10:45 am – 11:00 am

Refreshment Break

- 11:00 am – 12:15 pm

CONCURRENT PROGRAMS

ERISA Issues Arising for Labor and Employment Lawyers

Most labor and employment lawyers will encounter an ERISA issue at some point in their careers. The focus of this panel will be the fundamental concepts of the Employee Retirement Income Security Act (ERISA) and the key issues that arise under the statute. Panelists will provide an overview of which benefit plans, practices, or other informal arrangements are subject to ERISA; participants’ rights; and basic claims and internal appeals procedures. The panel will also survey significant cybersecurity considerations in plan administration; how remote work and exposure for the immunocompromised impacts disability claims; and an update on the Mental Health Parity & Addiction Equity Act (MHPAEA), DOL enforcement, and ongoing mental health treatment litigation.

PANELISTS:

Adam Garner, *Garner Law Firm, Ltd., Philadelphia, PA*
Michael Hartman, *U.S. Department of Labor, New York, NY*
Marcelle Henry, *Pitta LLP, New York, NY*
Aliya Robinson, *T. Rowe Price, Washington, DC*
Joanne Roskey, *Miller Chevalier Chartered, Washington, DC*

“Intelligent” Uses of Artificial Intelligence in Employment Law

As is often the case, legal guardrails can lag behind the development of technology, and artificial intelligence (AI) is no exception to this trend. This panel will examine the rapidly developing area of AI in employment law and mitigating against the potential exposure regarding discrimination and retaliation.

PANELISTS:

Willie Burden, *International Brotherhood of Teamsters, Washington, DC*
Charlotte Lewis Jones, *Five9, Washington, DC*
Rachel See, *Seyfarth Shaw LLP, Washington, DC*
Miles Shultz, *U.S. Equal Employment Opportunity Commission, Washington, DC*
Christine Webber, *Cohen Milstein Sellers & Toll, Washington, DC*

Key Issues and Takeaways in Enforcement and Rulemaking: DOJ Coordination, Large Cases and Beyond

This panel will provide OSHA's year in review for 2023 and discuss OSHA's enforcement goals and priorities for 2024. Panelists will address, among other topics, implications for OSHA and DOJ's collaboration in matters involving nationwide employers, new rulemaking efforts and their implications regarding workplace chemicals and heat exposure.

PANELISTS:

Mark D. Hanna, *Murphy Anderson PLLC, Washington, DC*
Benjamin J. Kim, *Boies Schiller Flexner LLP, Los Angeles, CA*
Elizabeth “Liz” Nadeau, *Law Office of Elizabeth Nadeau, Washington, DC*
Linda Wiles, *U.S. Department of Labor, Washington, DC*

The Legal Boundaries of Work Stoppages

The past few years have seen a surge in strike activity greater than any since the 1970s. This panel will consider whether the law kept pace with 21st Century work stoppages in 21st Century workplaces? Panelists will also discuss the doctrine surrounding intermittent strikes and how to/if it is possible to differentiate between lawful multiple strikes and the unlawful actions that the Board considered in its *Wal-Mart* decision. The panel will also explore the scope of a “work stoppage,” why some actions constitute unlawful secondary activity when others are merely supportive of a strike, and what actions necessitate an 8(g) notice in health care facilities.

PANELISTS:

Chris Repole, *Jackson Lewis P.C., New York, NY*
Jessica Rutter, *National Labor Relations Board, Washington, DC (invited)*
Steve Sferra, *General Motors, Chagrin Falls, OH*
Retu Singla, *Julien, Mirer, Singla & Goldstein, PLLC, New York, NY*

Mass Layoffs in 2024: The Intersection of State and Federal Discrimination Laws, the WARN Act and Post-Employment Covenants

Mass layoffs implicate various areas of employment laws, from age discrimination to the WARN Act to post-employment covenants. This panel will provide a summary of these legal issues, best practices to minimize legal risk and exposure, and discuss recent lawsuits dealing with abrupt business closures.

PANELISTS:

Brian Bauman, *Roche, Scotch Plains, NJ*
Amit Bindra, *The Prinz Law Firm, P.C., Chicago, IL*
Matt Pierce, *Asher, Gittler & D’Alba, Ltd., Chicago, IL*
Michael Schmidt, *Cozen O’Connor, New York, NY*

The Next Generation of DEI: Cultivating Successful Multigenerational Legal Teams

“Back in my day, associates didn’t . . .” We hear so much about how Gen-Z work habits differ from their Baby Boomer, Gen-X and Millennial counterparts. This panel will discuss communications and expectations across the generations, and across intersections of belonging. How are cross-generational communications taking place within and with underrepresented communities? The panel will also consider best practices and considerations for making communications, work product, collegiality and respect thrive.

PANELISTS:

Catherine Humphrey, *Asher, Gittler & D’Alba, Ltd., Chicago, IL*
Scott Kelly, *Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Birmingham, AL*
Brenda Suttonwills, *UCLA, Los Angeles, CA*
Tory Tilton, *Hughes, Socol, Piers, Resnick & Dym, Ltd., Chicago, IL*

- 12:30 pm – 2:00 pm

College of Labor and Employment Lawyers Program: Looking Ahead: Reflections on the D.C. Circuit, Chevron and the Contentious Cases

On her way to the bench, Judge J. Michelle Childs gained much experience in labor and employment law in private practice and state government. Guided by Fellow Mark Risk, Judge Childs will share her stories about the D.C. Circuit, her journey to the D.C. Court of Appeals, her experiences in the courtroom, and landmark cases.

SPEAKER:

Hon. J. Michelle Childs, *U.S. Court of Appeals for the District of Columbia Circuit, Washington, DC*

INTERVIEWER:

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

Conference Faculty

ADR Track

- Gary L. Bailey**, Illinois Fraternal Order of Police Labor Council, Carol Stream, IL
- Eric L. Barnum**, Baker Hostetler, Atlanta, GA
- Paul E. Garrison**, JAMS, Oakland, CA
- Rachel Geman**, Loeff Cabraser Heimann & Bernstein LLP, New York, NY
- Vanessa Kelly**, Clark Hill, Princeton, NJ
- Wesley Kennedy**, Allison, Slutsky & Kennedy, P.C., Chicago, IL
- Rebecca Ojserkis**, Cohen Milstein Sellers & Toll PLLC, Washington, DC
- Brenda D. Pryor**, Federal Mediation and Conciliation Service, Chicago, IL
- Nicole Walthour**, International Paper, Memphis, TN

AI and Technology Track

- Hon. John A. Henderson**, U.S. Department of Justice, Baltimore, MD
- Hon. Yvette Roland**, State Bar Court of California, Los Angeles, CA
- Willie Burden**, International Brotherhood of Teamsters, Washington, DC
- Mary Cavallaro**, SAG-AFTRA, New York, NY
- Emily Chalkley**, Charles Russells Speechlys, London, United Kingdom
- Ian R. Connett**, Harris Beach PLLC, New York, NY
- Zoë DeGeer**, Rudy Exelrod Zieff & Lowe, LLP, Oakland, CA
- Charlotte Lewis Jones**, Five9, Washington, DC
- Arthur Pearlstein**, Federal Mediation and Conciliation Service, Washington, DC
- Frida Polli, Ph.D.**, Pymetrics, Inc., New York, NY
- Rachel See**, Seyfarth Shaw LLP, Washington, DC
- Miles Shultz**, U.S. Equal Employment Opportunity Commission, Washington, DC
- Evan Silagi**, Berkowitz Lichtstein Kuritsky Giasullo & Gross, LLC, Roseland, NJ
- Pineda Tovar**, Nathaly, Bloomberg Law, Washington, DC
- Clement Tsao**, Herzfeld, Suetholz, Gastel, Leniski and Wall PLLC, Cincinnati, OH
- Lindsey Wagner**, Wagner Legal, P.C., Burbank, CA
- Christine Webber**, Cohen Milstein Sellers & Toll, Washington, DC
- Lindsey A. White**, Jackson Lewis P.C., Baltimore, MD
- Terrill Wilkins**, Abrahamson Rdzanek & Wilkins, LLC, Chicago, IL

Discrimination, Harassment and Retaliation Track

- Hon. Karla Gilbride**, U.S. Equal Employment Opportunity Commission, Washington, DC

- Hon. Jocelyn Samuels**, U.S. Equal Employment Opportunity Commission, Washington, DC
- Brian Bauman**, Roche, Scotch Plains, NJ
- Amit Bindra**, The Prinz Law Firm, P.C., Chicago, IL
- Gavi Bogin-Farber**, Segal Roitman, LLP, Boston, MA
- Maria de las Nieves (Nieves) Bolaños**, Hawks Quindel, S.C., Chicago, IL
- Andrew Braniff**, U.S. Department of Justice, Washington, DC
- Delmas A. Costin, Jr.**, The Law Office of Delmas A. Costin, Jr., PC, Bronx, NY
- Michelle Crockett**, Miller Canfield, Detroit, MI
- Angie Davis**, Baker Donelson, Memphis, TN
- Tiffany Fordyce**, Greenberg Traurig LLP, Chicago, IL
- Carrie H. Grundmann**, Spilman Thomas & Battle, PLLC, Winston-Salem, NC
- Kimkea Harris**, Illinois Fraternal Order of Police Labor Council, Western Springs, IL
- Ryan Leach**, Massachusetts Teachers Association, Boston, MA
- Jennifer L. Liu**, Katz Banks Kumin LLP, San Francisco, CA
- John C. Luke, Jr.**, Slater Slater & Schulman, Washington, DC
- Matt Pierce**, Asher, Gittler & D'Alba, Ltd., Chicago, IL
- Sandra Pullman**, NY Office of the Attorney General, Los Angeles, CA
- Brett Rawitz**, Dentsu International, New York, NY
- Alberto Ruisanchez**, U.S. Department of Justice, Washington, DC
- Michael Schmidt**, Cozen O'Connor, New York, NY
- Allen A. Shoikhetbrod**, Tully Rinckey PLLC, Albany, NY
- Tobias Spruill**, LinkedIn Corporation, Seattle, WA
- Teri Guttman Valdes**, Teri Guttman Valdes LLC, Coral Gables, FL

Diversity, Equity and Inclusion Track

- Hon. Stephanie M. Jones**, Omega Daughter LLC, Knoxville, TN
- Janice Agresti**, Cozen O'Connor, New York, IL
- Anjanette "Anjie" Cabrera**, Constangy, Brooks, Smith & Prophete, LLP, Brooklyn, NY
- Sarah Chilton**, CM Murray, London, United Kingdom
- Erin Drake**, Women's National Basketball Players Association, Washington, DC
- Ellen Eardley**, Mehri & Skalet, PLLC, Washington, DC
- Jo Linda Johnson**, JEI Solutions LLC, Washington, DC
- Scott Kelly**, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Birmingham, AL
- Brenda Suttonwills**, UCLA, Los Angeles, CA

Employee Benefits Track

- Adam Garner**, Garner Law Firm, Ltd., Philadelphia, PA
- Michael Hartman**, U.S. Department of Labor, New York, NY
- Marcelle Henry**, Pitta LLP, New York, NY
- Aliya Robinson**, T. Rowe Price, Washington, DC
- Joanne Roskey**, Miller Chevalier Chartered, Washington, DC

Federal Sector Track

- Jessica B. Clarke**, American Federation of Government Employees, Washington, DC
- Shomar Searchwell**, Alden Law Group, PLLC, Washington, DC

Immigration and Human Trafficking Track

- Leonard Carollo**, Federal Bureau of Investigation, Denver, CO
- Erika E. Gonzalez**, Coalition to Abolish Slavery & Trafficking (CAST), Los Angeles, CA
- Robert P. Joy**, Morgan, Brown & Joy, LLP, Boston, MA
- Danny Kaufer**, Borden Ladner Gervais LLP, Montréal, QC
- Rachel Micah-Jones**, Centro de los Derechos del Migrante, Baltimore, MD
- Brian Petruska**, LIUNA Mid-Atlantic Regional Organizing Fund, Reston, VA
- Mary Yanik**, Tulane Law School, New Orleans, LA

International Track

- Mercedes Balado Bevilacqua**, MBB Abogados, Buenos Aires, Argentina
- Kelly Dobbs Bunting**, Greenberg Traurig LLP, Philadelphia, PA
- Claire Dawson**, BDBF LLP, London, United Kingdom
- Mike Delikat**, Orrick, Herrington & Sutcliffe LLP, New York, NY
- Tom Devine**, University of the District of Columbia School of Law, Washington, DC
- Judith Droz Keyes**, Davis Wright Tremaine LLP, San Francisco, CA
- Nneka Maceo**, Communications Workers of America
- Emily Martin**, National Women's Law Center, Washington, DC
- César Rosado Marzan**, University of Iowa College of Law, Iowa City, IA
- Ingrid Nava**, Service Employees International Union, Washington, DC
- Samira Rafaela**, European Parliament, Amsterdam, Netherlands
- Alexis Ronickher**, Katz Banks Kumin LLP
- Wonu Sanda**, CM Murray, London, United Kingdom
- Diane I. Smason**, U.S. Equal Employment Opportunity Commission, Chicago, IL

- Amanda Steadman**, BDBF LLP, London, United Kingdom

- George L. Washington, Jr.**, Orange Business Services, Alexandria, VA

Labor-Management Relations Track

- Hon. Jennifer A. Abruzzo**, National Labor Relations Board, Washington, DC (invited)
- Hon. Lauren M. McFerran**, National Labor Relations Board, Washington, DC (invited)
- Hon. Marvin E. Kaplan**, National Labor Relations Board, Washington, DC (invited)
- Hon. David M. Prouty**, National Labor Relations Board, Washington, DC (invited)
- Hon. Gwynne A. Wilcox**, National Labor Relations Board, Washington, DC (invited)
- Alba V. Aviles**, Fisher & Phillips LLP, Murray Hill, NJ
- Crystal S. Carey**, Morgan, Lewis & Bockius LLP, New York, NY
- Hector De Haro**, Bush Gottlieb ALC, Glendale, CA
- Julie Gutman Dickinson**, Bush Gottlieb ALC, Glendale, CA
- John Doyle**, National Labor Relations Board, New York, NY (invited)
- Cameron W. Fox**, Paul Hastings LLP, Los Angeles, CA
- Holly Georgell**, Volvo, Summerfield, NC
- Fred Jacob**, National Labor Relations Board, Washington, DC
- Bayley F. Johnson**, Jones Day, Minneapolis, MN
- Harrison C. Kuntz**, Seyfarth Shaw LLP, Chicago, IL
- Peter Sung Ohr**, National Labor Relations Board, Washington, DC (invited)
- Teresa Poor**, National Labor Relations Board, New York, NY (invited)
- Michaela Posner**, Weinberg Roger & Rosenfeld, APC, Los Angeles, CA
- Chris Repole**, Jackson Lewis P.C., New York, NY
- Roxanne Rothschild**, National Labor Relations Board, Washington, DC (invited)
- Jessica Rutter**, National Labor Relations Board, Washington, DC (invited)
- Brenna Caballero Schertz**, National Labor Relations Board, Greenville, NC (invited)
- Caren Sencer**, Weinberg Roger & Rosenfeld, APC, Los Angeles, CA
- Steve Sferra**, General Motors, Chagrin Falls, OH
- Maneesh Sharma**, AFL-CIO, Washington, DC
- Kathryn Siegel**, Littler Mendelson, P.C., Chicago, IL
- Jason Wojciechowski**, Bush Gottlieb ALC, Glendale, CA

Litigation and Class Action Track

Hon. Waverly D. Crenshaw, Jr., U.S. District Court for the Middle District of Tennessee, Nashville, TN

Hon. Bernice B. Donald, U.S. Court of Appeals for the Sixth Circuit (ret.), Memphis, TN

Nakkisa Akhavan, U.S. Equal Employment Opportunity Commission, Los Angeles, CA

Darcie Brault, McKnight, Canzano, Smith, Radtke & Brault, P.C., Detroit, MI

Kena Cador, U.S. Equal Employment Opportunity Commission, San Francisco, CA

Stacey A. Campbell, Campbell Litigation, P.C., Denver, CO

Eve Cervantez, Altshuler Berzon LLP, San Francisco, CA

Sonia Chopra, Ph.D., Chopra Koonan Litigation Consulting, Oakland, CA

Kimberly A. Cruz, U.S. Equal Employment Opportunity Commission, New York, NY

Gary B. Eidelman, Saul Ewing LLP, Baltimore, MD

James Finberg, Altshuler Berzon LLP, San Francisco, CA

Michael Freedman, Rosen Bien Galvan & Grunfeld, San Francisco, CA

Sauna Fulbright-Paxton, Abbott Laboratories, Chicago, IL

Laura Ho, Goldstein, Borgen, Dardarian & Ho, Oakland, CA

Evan Hudson-Plush, Cohen, Weiss & Simon LLP, New York, NY

Ty Hyderally, Hyderally & Associates, PC, Montclair, NJ

James Kaster, Nichols Kaster, PLLP, Minneapolis, MN

Rachel S. Lesser, Crowell & Moring LLP, Washington, DC

Michael Licker, Wayfair, Washington, DC

Kathleen K. Lundquist, Ph.D., APT Metrics, Norwalk, CT

Tamika Lynch, Siemens Mobility, Chicago, IL

Kathryn G. Mantoan, Orrick, Herrington & Sutcliffe LLP, Portland, OR

Jason Marsili, Marsili Mediation Inc., Los Angeles, CA

Megan K. Mechak, McGillivray Steele Elkin LLP, Washington, DC

Devjani Mishra, Littler Mendelson, P.C., New York, NY

Michael J. Mueller, Hunton Andrews Kurth LLP, Washington, DC

Mary Jo O'Neill, U.S. Equal Employment Opportunity Commission, Phoenix, AZ

Harini Srinivasan, Cohen Milstein Sellers & Toll, Washington, DC

Plenary Sessions

Hon. Charlotte A. Burrows, U.S. Equal Employment Opportunity Commission, Washington, DC

Hon. Stephanie M. Jones, Federal Agency, Knoxville, TN

Lisa J. Banks, Katz Banks Kumin LLP, Washington, DC

Kimberlé W. Crenshaw, Columbia Law School, New York, NY

Eric Dreiband, Jones Day, Washington, DC

David Fujimoto, Weinberg, Roger & Rosenfeld, Los Angeles, CA

Michael Z. Green, Texas A&M University School of Law, Fort Worth, TX

Molly Huie, Bloomberg Law, Washington, DC

David Lopez, Rutgers University School of Law, Newark, NJ

Nicole Buonocore Porter, William & Mary Law School, Williamsburg, VA

Jessica Thomas, Dollar Tree Stores, Atlanta, GA

Micah Wissinger, Levy Ratner, PC, New York, NY

Practice and Professionalism Track

Shanda Galloway Botts, AARP, Washington, DC

Melinda Burrows, Cornerstone Building Brands, Cary, NC

Erin Clifford, Erin Clifford Wellness, Chicago, IL

Barbara J. Dawson, Snell & Wilmer, Phoenix, AZ

Paula J. Frederick, State Bar of Georgia, Atlanta, GA

Jenny Goltz, Goltz Employment Law & Investigations, Chicago, IL

Kara Haden, U.S. Equal Employment Opportunity Commission, Washington, DC

Renee Jiang, Stulberg & Walsh, LLP, New York, NY

Emily Litzinger, Fisher & Phillips LLP, Louisville, KY

Yolanda Montgomery, IAM National Benefit Funds, Washington, DC

Jeffrey D. Patton, Spilman Thomas & Battle, PLLC, Winston-Salem, NC

Mark D. Risk, Mark Risk, PC, New York, NY

Yona Rozen, AFL-CIO, Washington, DC

Elizabeth "Liz" Tippett, University of Oregon School of Law, Eugene, OR

Erika Jacobsen White, Joseph Greewald Laake, Rockville, MD

Public Sector Track

Michael Fallings, Tully Rinckey PLLC, Austin, TX

Jonah H. Feitelson, New York State United Teachers, New York, NY

Mariam Manichaikou, New York Public Employment Relations Board, Albany, NY

Emily Martin, Washington Public Employment Relations Board, Kirkland, WA

Dan McNeil, American Federation of Teachers, Boston, MA

Joseph J. Perkoski, Robbins Schwartz, Chicago, IL

Melissa Sobota, Franczek, Chicago, IL

Alan A. Symonette, Symonette ADR Services, Inc., Media, PA

Lisa W. Timmons, Lisa W. Timmons, PLLC, West Bloomfield, MI

Railway and Airline Labor Law Track

Antonia Bird, Air Line Pilots Association, McLean, VA

Deirdre Hamilton, National Mediation Board, Washington, DC

Vanessa Houston, American Airlines, Fort Worth, TX

Aparna Joshi, O'Melveny Myers, Washington, DC

Rachel Rekowski, Herzfeld Suetholz Gastel Leniski and Wall, Cincinnati, OH

Wage and Hour Track

Hon. Steven I. Locke, U.S. District Court for the Eastern District of New York, Brooklyn, NY

Allison Balus, Baird Holm, Omaha, NE

Sarah Block, McGillivray Steele Elkin LLP, Washington, DC

Jennifer Brand, U.S. Department of Labor, Washington, DC

Hannah Cole-Chu, Outten & Golden LLP, Washington, DC

Elena Dietrich, Albertsons Companies, Pleasanton, CA

Arielle Eisenberg, Cozen O'Connor, Miami, FL

Chris Higgins, Wayfair, Boston, MA

Sabine Jean, Outten & Golden LLP, New York, NY

Brian Kriegler, Econ One Research, Studio City, CA

Andrew Lee, Goldstein, Borgen, Dardarian & Ho, Oakland, CA

Diana Nobile, McGillivray Steele Elkin LLP, Washington, DC

Riva Parker, Airlines for America, Washington, DC

Courtney J. Peterson, Bryan Cave Leighton Paisner, New York, NY

Hope Pordy, Spivak Lipton LLP, New York, NY

Rachhana Srey, Nichols Kaster, PLLP, Washington, DC

Martine Wells, Greenberg Traurig LLP, Denver, CO

James Wong, U.S. Department of Labor, New York, NY

Whistleblower Track

Megan Guenther, U.S. Department of Labor, Washington, DC

Gregory Keating, Epstein Becker & Green LLP, New York, NY

Nicholas Mendoza, Murphy Anderson PLLC, Washington, DC

Harris M. Mufson, Gibson, Dunn & Crutcher LLP, New York, NY

Kendall N. Onyendu, Outten & Golden LLP, New York, NY

Eduardo A. Santiago-Acevedo, Prudential, New York, NY

Jason Zuckerman, Zuckerman Law, Washington, DC

Workplace and Occupational Safety and Health Law Track

Lindsay A. DiSalvo, Conn Maciel, Washington, DC

Mark D. Hanna, Murphy Anderson PLLC, Washington, DC

Benjamin J. Kim, Boies Schiller Flexner LLP, Los Angeles, CA

Elizabeth "Liz" Nadeau, Law Office of Elizabeth Nadeau, Washington, DC

LaTasha Thomas, U.S. Department of Labor, Washington, DC

Jora Trang, Worksafe, Oakland, CA

Dionne Williams, U.S. Department of Labor, Washington, DC

Workplace Problems and Solutions Track

Hon. Darryl Edwards, U.S. Equal Employment Opportunity Commission, Charlotte, NC

Sally Abrahamson, Werman Salas, New York, NY

Bryan T. Arnault, Blitman & King LLP, Syracuse, NY

Trina Fairley Barlow, Crowell & Moring LLP, Washington, DC

Mia Belk, Philadelphia, PA

Allyson Belovin, Levy Ratner, PC, New York, NY

Jeff Brodin, Brodin HRLaw, Phoenix, AZ

Martha Chavarin, Meta, San Francisco, CA

Angela Crawford, Crawford & Acharya PLLC, North Miami, FL

Stephen E. Fox, Sheppard Mullin, Dallas, TX

Victoria Lipnic, Resolution Economics, Washington, DC

Jerry Marzullo, Asher, Gittler & D'Alba, Ltd., Chicago, IL

Christina Hynes Mescio, The Prinz Law Firm, P.C., Chicago, IL

Justin Mulaire, U.S. Equal Employment Opportunity Commission, Chicago, IL

Kristen Poplar, Chubb, Chicago, IL

Cathleen Scott, Scott Law Team, LLC, Jupiter, FL

Kate Sedey, Case + Sedey, LLC, Chicago, IL

Anne Shaver, Liefke Cabraser Heimann & Bernstein LLP, New York, NY

Travis Sumter, NextRoll, Charlotte, NC

Holly Sutton, Farella Braun + Martel LLP, San Francisco, CA

Jennifer Taylor, Chewy, Miami, FL

Jason Veny, Murphy Anderson PLLC, New York, NY

Melissa Woods, Cohen, Weiss & Simon LLP, Chicago, IL

General Information and Conference Registration



Registration

The registration fees cover the Wednesday Welcome Reception and Committee Expo, Friday Conference Networking Reception, breakfasts, refreshment breaks and attendance at all CLE sessions. The Spouse/Guest fee of \$175 covers the Wednesday and Friday evening receptions. Register online at **[Registration Information – 18th Annual Labor and Employment Law Conference \(americanbar.org\)](#)**.

The cutoff date for early registration discounts is September 27, 2024.

Cancellations

Registration fees are refundable, less a \$50 administrative fee, for written cancellations received in the Section office by October 25, 2024. Substitutions are allowed in lieu of cancellation.

Hotel Information

We have negotiated special rates for Conference attendees at the New York Marriott Marquis, 1535 Broadway. Hotel reservations may be made online at **[American Bar Association Section of Labor & Employment Law Annual Conference – Start your reservation \(passkey.com\)](#)**.

The reservation deadline for the group rates is **October 15, 2024**. After this date, or once our room block has been depleted, the group rate will be subject to availability.

Travel Information

With ABA Egencia, you can automatically obtain ABA negotiated airfare discounts for travel to the ABA Meetings. ABA Egencia enables you to purchase the best airfare at the time of booking, by providing you with the ability to search for and compare fares from virtually every airline serving the destination. Reservations with ABA Egencia can be made online or offline. For offline reservations, call (877) 833-6285. ABA Egencia is available online at www.egencia.com via ABA Travel Services. ABA airfare discounts on some carriers may also be obtained by purchasing your tickets under the ABA Discount Codes directly from the airline or through your travel agent.

*A Travel Profile is required when booking airline reservations with ABA Egencia.

Continuing Legal Education

The ABA will seek 15.75 hours of CLE credit in 60-minute states and 18.9 hours of CLE credit in 50-minute states (including 5.0 hours of Ethics credit in 60-minute states and 6.0 hours of Ethics credit in 50-minute states, 6.25 hours of Trial Skills credit in 60-minute states and 7.5 hours of Trial Skills credit in 50-minute states, 1.25 hours of Elimination of Bias in the Legal Profession in 60-minute states and 1.5 hours of Elimination of Bias in the Legal Profession credit in 50-minute states, and 1.25 hours of Wellness credit in 60-minute states and 1.5 hours of Wellness credit in 50-minute states.) Credit hours are estimated and are subject to each state's approval and credit rounding rules. Please visit the program website at **<https://events.americanbar.org/LVA1yk>** for program CLE details or visit **<https://www.americanbar.org/events-cle/mcle/>** for general information on CLE at the ABA.

Financial Assistance

Visit the Section of Labor and Employment Law website at **www.americanbar.org/laborlaw** for information about the Section Development Fund and YLD Fellowship Program opportunities. Full or partial fee waivers may be available based on financial hardship. Qualifying attorneys could receive at least a 50% reduction in the course fee. This does not include any reduction in meals, lodging or travel costs associated with the course. Please send written requests to **laboremplaw@americanbar.org**.

Persons with Disabilities

Services for persons with disabilities are available. If special arrangements are required, please notify Allison Simmons at **Allison.Simmons@americanbar.org** at least three weeks prior to the Conference.