



National Employment Lawyers Association
Eighteenth Annual Convention

June 27 - 30, 2007
Westin Rio Mar Beach Golf Resort & Spa
San Juan, Puerto Rico



connect. explore. energize.

NELA 2007 Annual Convention
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3:00 - 3:15 p.m. Break

3:30 - 4:45 p.m. CONCURRENT SESSIONS

Experts, Experts, Experts!

Trial & Appellate Advocacy Track

Moderator: Jesse Wing

Speakers: Lynne Bernabei & Robert H. Wilde

Recent case law developments indicate that many types of employment discrimination cases cannot be won without the support of experts. This presentation will address issues such as how and when to utilize experts, how to obtain the best experts in a specific field, how to prepare your experts, how expert evidence can be admitted without the use of an expert, how to discredit any opposing experts who lack the requisite qualifications and more.

The New Era Of Enforcing Workers' Rights Under The FLSA

Organized by NELA's Wage & Hour Law Committee

Emerging Issues In Employment Law Track

Moderator: David Borgen

Speakers: Piper Hoffman & Sam J. Smith

This panel is designed for employment lawyers with some familiarity with the Fair Labor Standards Act who want to join NELA in enforcing workers' rights in areas outside the ambit of the usual white collar overtime misclassification case. The speakers will address the scope of the Motor Carrier Act exemption in light of recent Congressional action, as well as litigation trends in high tech environments (computer employees), restaurants (tip pooling), financial services firms (claims adjusters, brokers, insurance and mortgage sales personnel), and the rights of employees to pre-shift and post-shift wages after the landmark *Alvarez v. IBP* case.

Pre-Litigation Investigations: Strategies & Techniques

Discovery Track

Moderator: Joseph D. Garrison

Speakers: Shelly Giannini, Enrique J. Mendoza Méndez & Ronald B. Schwartz

A veteran FBI agent, now turned investigator on behalf of our clients, unlocks some secrets on how to obtain significant amounts of information before or early in litigation, as well as when to use and how to choose an appropriate investigator. Our veteran NELA lawyers share techniques on evaluating and investigating our own prospective client to avoid making what could be our worst mistakes. Finally, learn how to use the Freedom of Information Act and other readily available information sources as low-cost, routine investigative devices.

Which Law Governs? Non-Compete Agreements & Forum Selection Clauses

Client Counseling Track

Moderator: Marguerite M. Longoria

Speakers: Scott M. Behren & Janet L. Heins

More employees are being presented with non-compete agreements with forum selection clauses and/or choice of law provisions that have no significant relationship to the place of the employee's employment. For example, why should an employee who lives and works in Colorado (a state that generally does not enforce non-competes) have to defend herself in a non-compete action in Florida where the only significant relationship of Florida to her employment is that the corporate offices are located there? This panel will examine forum selection clauses and choice of law clauses in non-compete agreements (and employment contracts) and their enforceability in light of general contract law and conflicts of laws principles, especially the Restatement on Conflict of Laws.

Litigating Racial Discrimination & Harassment Claims

Moderator: Paula R. Bruner

Speakers: Adam T. Klein, Geraldine Sumter & Jenny Yang

Despite the legislative prohibitions of Title VII, Sections 1981 and 1983, and companion state statutes, race discrimination and harassment persist in the 21st century workplace. This panel of experienced litigators will highlight new, overt, and nuanced forms of racially discriminatory conduct in hiring, promotions and other terms and conditions of employment such as credit-based discrimination, employment testing, pay disparity, and job segregation. In addition to exploring strategies to combat emerging forms of class and individual race discrimination, they will address racial harassment issues under federal and state laws as well as identify tort theories that complement traditional harassment themes.

Representing Workers in ERISA Benefits Claims Litigation

Speakers: Mark A. Amadeo, William D. Frumkin & Denise Yegge Tataryn

Plaintiffs employment lawyers often shy away from anything having to do with the Employee Retirement Income Security Act ("ERISA"). This panel of ERISA experts will breakdown this important worker protection statute into easy-to-understand language as they help you in identifying ERISA issues and litigation opportunities. Topics to be covered include ERISA's statutory framework, strategies for handling pension and disability benefit claims, exhausting the administrative claims process, the standard of review, breach of fiduciary duty litigation and class actions.