TWENTY-SEVENTH ANNUAL MULTI-STATE LABOR & EMPLOYMENT LAW SEMINAR

15.00 MCLE CREDIT HOURS
(Includes Three Hours of Ethics and One Hour of Professionalism)

May 14-16, 2009
The Westin La Cantera Resort
San Antonio, Texas
SCOPE AND PURPOSE
Nationally recognized labor and employment law practitioners have designed the Twenty-Seventh Annual Tulane Law School Multi-State Labor & Employment Law Seminar to address today’s cutting edge developments. Consistent with previous years, the 2009 seminar presentations are designed to provide attendees with effective strategies and tools for today’s workplace issues. Each registrant will receive our critically acclaimed course materials. Our seminar offers professional skills development and enhancement in a collegial environment as well as an opportunity for you, your family and your colleagues to enjoy the full range of offerings of both the La Cantera Resort and the San Antonio, Texas area.

SPECIAL PROGRAMS
Xavier Rodríguez, USDC, Western District of Texas, Peter D. Marketos of Haynes and Boone in Dallas and Enrique Chavez of the Chavez Law Firm in El Paso will discuss practical trial techniques

Judge Lee H. Rosenthal, United States District Judge, Southern District of Texas, will cover “E-Discovery and the New Rules”

Joel Wm. Friedman, Jack M. Gordon Professor of Procedural Law & Jurisdiction at Tulane Law School, will talk about the changing landscape of employment discrimination law

Kathleen Campbell Walker of Brown McCarroll in El Paso and Frank B. Wolfe III of Hall Estill in Tulsa will discuss worksite compliance with immigration issues, including such topics as the Filip Memorandum, the state of current criminal enforcement, “Tools of the Trade,” E-Verification, the maze of state regulations, the newer I-9 forms and more

Kevin D. Holden of Kaufman & Canoles in Richmond, Virginia will present “Confidence and Confidentiality in Requesting Health Information - An Interactive Game Show Presentation on What Employers May, Should, and Cannot Ask Employees Under ADA, FMLA, HIPAA and GINA”

Hon. Alan Orantes Forst, Chair of the Florida Unemployment Appeals Commission and Eric J. Holshouser of Fowler White Boggs in Jacksonville, Florida will speak on the “Past, Present and Future of the FMLA”

AFL-CIO Associate General Counsel, Nancy Schiffer, will present “Change We Can Believe In – the Employee Free Choice Act”

PRESENTATIONS
Outstanding employment law attorneys will cover the following topics:

- Ethically Managing FLSA and MDL Proceedings
- The Changing Landscape of Employment Discrimination Law
- Whose Employee is it Anyway? Employee Status in Troubled Times
  - Critical Analysis of Independent Contractor Re-Classification
  - Single Employer and Joint Employer Relationship Management
  - Ancillary Employee Benefit and SUTA Regulatory Concerns
- From the Mouths of Babes: Straight Talk about Employment Law Ethics
- ADA Amendments Act

WORKSHOPS
On Friday, May 15 and Saturday, May 16, you may choose from the following workshops and interact personally with our faculty in a small group environment.

- Developments in Traditional Labor Law: Recent Board Decisions and What to Expect from the New Administration
- MySpace, Facebook and the New World of Electronic Communication
- Tax Aspects of Employment Litigation and Settlement
- The Complete Professional: Effective Interactions with Courts, Clients, Counsel and Colleagues
  - Delivering bad news to clients
  - Managing difficult opposing counsel to achieve the client’s objectives
  - Creating productive relationships with colleagues
  - Learning to become a wise advisor, not just a smart lawyer
  - Determining fair fees in ‘The Land of the Billable Hour”
  - Standing up to the Bully Judge
  - Achieving both justice and the client’s goals

SPONSORS

Tulane University LAW SCHOOL

NORRED

& ASSOCIATES, INC

Labor & Employment Law Sections of the State Bars of:

Alabama    Mississippi
Arizona    New Mexico
Colorado    Florida
Oklahoma    Georgia
Texas    Louisiana
Maryland    West Virginia
2009 Seminar Schedule of Events

Wednesday • May 13

5:30-7:00 Welcome Reception
Location: Plaza San Saba
Sponsors: Co-Sponsoring State Bar Labor & Employment Law Sections, Individual Law Firms and Individual Companies

11:40 E-Discovery and the New Rules
Hon. Lee H. Rosenthal
United States District Judge
Southern District of Texas
Houston, Texas

10:15 Confidence and Confidentiality in Requesting Health Information - An Interactive Game Show
Presentation on What Employers May, Should, and Cannot Ask Employees Under ADA, FMLA, HIPAA and GINA
Kevin D. Holden
Kaufman & Canoles, P.C.
Richmond, Virginia

12:30 Adjourn for Lunch

Thursday • May 14

7:00 – 8:00 Continental Breakfast
(for Registrants & Speakers only)

8:00 Welcome
Ann Schumacher
Director
Continuing Legal Education
Tulane University
New Orleans, Louisiana

Jonathan C. Wilson
Haynes and Boone, L.L.P.
Dallas, Texas

Joel Wm. Friedman
Seminar Co-Chair
Jack M. Gordon Professor of Procedural Law & Jurisdiction
Tulane Law School
New Orleans, Louisiana

Armin J. Moeller, Jr.
Seminar Co-Chair
Balch & Bingham LLP
Jackson, Mississippi

10:10 The Changing Landscape of Employment Discrimination Law
Joel Wm. Friedman
Jack M. Gordon Professor of Procedural Law & Jurisdiction
Tulane Law School
New Orleans, Louisiana

3:15 From the Mouths of Babes: Straight Talk about Employment Law Ethics (Hour I)
Michael E. Coles
The Coles Firm P.C.
Dallas, Texas

11:05 - 11:55
R. Pepper Crutcher, Jr.
Balch & Bingham LLP
Jackson, Mississippi

4:15 Adjourn

5:30-7:00 Reception
Location: Ballroom Terrace
Sponsors: Co-Sponsoring State Bar Labor & Employment Law Sections, Individual Law Firms and Individual Companies

Friday • May 15

7:00 Continental Breakfast
(for Registrants & Speakers only)

Moderator: Thomas D. Robertson
Hall Estill
Tulsa, Oklahoma

7:45 Immigration Issues - Creating a Worksite Compliance Program
• The Filip Memorandum
• Current Criminal Enforcement Tools of the Trade
• E-Verify - Coming to Location Near You
• The State Maze
• No-Match Letters - Action Plan for Companies
• Federal Acquisition Regulation and E-Verify
• The Newer I-9
Kathleen Campbell Walker
Brown McCarroll, L.L.P.
El Paso, Texas

9:15 ADA Amendments Act
Jonathan Mook
DiMarco Ginsburg, P.C.
Alexandria, Virginia

10:05 Refreshment Break

Moderator: Robert J. Barry
Kaufman & Canoles, P.C.
Norfolk, Virginia

1:00
Michael P. Maslanka
Ford & Harrison LLP
Dallas, Texas

10:25 Trial Techniques
Hon. Xavier Rodriguez
United States District Judge
Western District of Texas
San Antonio, Texas
Peter D. Marketos
Haynes and Boone, LLP
Dallas, Texas
Enrique Chavez
Chavez Law Firm
El Paso, Texas

11:00 First Group Workshop Session

WORKSHOP A:
Developments in Traditional Labor Law: Recent Board Decisions and What to Expect from the New Administration
John Jansonius
Akin Gump
Dallas, Texas

WORKSHOP B:
The Complete Professional: Effective Interactions with Courts, Clients, Counsel and Colleagues
• Delivering bad news to clients
• Managing difficult opposing counsel to achieve the client’s objectives
• Creating productive relationships with colleagues
• Learning to become a wise advisor, not just a smart lawyer
• Determining fair fees in “The Land of the Billable Hour”
• Standing up to the Bully Judge
• Achieving both justice and the client’s goals
Michael P. Maslanka
Ford & Harrison LLP
Dallas, Texas

WORKSHOP C:
Tax Aspects of Employment Litigation and Settlement
David Croft
Adj. Professor of Estate Planning
WV University College of Law
Spilman Thomas & Battle, PLLC
Wheeling, West Virginia

10:15 From the Mouths of Babes: Straight Talk about Employment Law Ethics (Hour II)
Michael E. Coles
The Coles Firm P.C.
Dallas, Texas

12:00 Adjourn

1:00 Adjourn
2009 Seminar Schedule of Events

SATURDAY • MAY 16

7:00-8:00 Planning Committee Breakfast Meeting

7:00-8:00 Continental Breakfast (for Registrants & Speakers only)

8:05 Announcements
Armin J. Moeller, Jr.

9:10 Whose Employee is it Anyway? Employee Status in Troubled Times
- Critical Analysis of Independent Contractor Re-Classification
- Single Employer and Joint Employer Relationship Management
- Ancillary Employee Benefit and SUTA Regulatory Concerns
Jim Nelson
Greenberg Traurig, LLP
Sacramento, California

8:10 Change We Can Believe In – the Employee Free Choice Act
David Van Os
David Van Os and Associates, P.C.
San Antonio, Texas

8:10 Nancy Schiffer
Associate General Counsel
AFL-CIO
Washington, DC

9:10 Refreshment Break

10:25 Second Group workshop session

10:25 WORKSHOP A: (repeat) Developments in Traditional Labor Law: Recent Board Decisions and What to Expect from the New Administration
Susan W. Furr
Phelps Dunbar LLP
Baton Rouge, Louisiana

10:25 WORKSHOP B: MySpace, Facebook and the New World of Electronic Communication
Jim Nelson
Greenberg Traurig, LLP
Sacramento, California

10:25 WORKSHOP C: (repeat) Tax Aspects of Employment Litigation and Settlement

11:00 SACRAMENTO, CALIFORNIA

11:00 Greenberg Traurig, LLP
Jim Nelson
Greenberg Traurig, LLP
Sacramento, California

11:00 CENTRAL DISTRICT OF CALIFORNIA

11:00 Sedgwick, Ryan, Lehrer & Peck, P.C.
Gary T. Krikorian
Sedgwick, Ryan, Lehrer & Peck, P.C.
Sacramento, California

11:00 WORKSHOP A: (repeat) Tax Aspects of Employment Litigation and Settlement
Jim Nelson
Greenberg Traurig, LLP
Sacramento, California

12:30 Adjourn

2009 Seminar Schedule of Events

SPECIAL ACTIVITIES

On Wednesday, May 13, from 5:30 p.m. to 7:00 p.m., please join the Multi-State Planning Committee for a Welcome Reception on the Westin La Cantera’s Plaza San Saba.

On Thursday, May 14, please join other seminar attendees and the seminar speakers for cocktails and hors d’oeuvres between 5:30 p.m. and 7:00 p.m. on the La Cantera Ballroom Terrace. There is a charge for the event of $30 per person.

LOCAL ACTIVITIES

Shopping: The Shops at La Cantera feature high-end retailers, and Resort guests receive an exclusive list of those who provide discounts and special offers. San Antonio’s famed Riverwalk includes specialty boutiques, and “The Rim” shopping center is located a short distance from the resort.

Spa: The Castle Rock Health Club & Spa offers an array of treatments including massage therapy, manicures, pedicures and facials.

Golf: Arnold Palmer created The Westin’s championship Palmer Course at La Cantera, all 6,926 par 71 yards winding through the Texas Hill Country. It’s adjacent to The Resort Course, home of the PGA’s Valero Texas Open. The Resort also offers an on-site Golf Academy, headed by Mike Lamanna.

Recreation & Family Info: The Riverwalk (or Paseo del Rio) is sequestered 20 feet below street level amidst the daily bustle of downtown San Antonio, with cobblestone and flagstone paths on both sides of the San Antonio River. Quiet and park-like in some stretches, it is full of activity with European-style sidewalk cafes, specialty boutiques and nightclubs in others.

The Alamo is the most famous spot in Texas - 189 defenders fell on March 6, 1836. The chapel and the Long Barrack are all that remain of the original fort, located along with the museum within the heart of the city, inside landscaped grounds.

The San Antonio Botanical Gardens offers visual arts, media arts, theatre arts, literature, dance and music of Latino heritage.

The San Antonio Zoo is ranked as one of the best zoos in the nation exhibiting over 3,000 animals of 600 species. http://www.sazoo-aq.org/

For more general information, please visit http://en.wikipedia.org/wiki/San_Antonio and http://wikitravel.org/en/San_Antonio

SEMINAR TUITION

Standard tuition is $825 through April 30, 2009 ($780 if three or more register together from the same firm). The tuition rate is $895 thereafter ($850 if three or more register together from the same firm). For a tuition refund (less a $50 cancellation fee), written notice of cancellation must be received by the Tulane CLE office by April 30, 2009 (fax at 504-866-1583 or email at pamjih@tulane.edu). No refunds will be issued for cancellations received after April 30, 2009.

CLE CREDIT

Registrants must indicate on the Registration Form the state(s) for which they desire credit. Tulane Law School will request MCLE Credit approval from the states indicated on the registration forms: up to 15 credit hours for states that use “60 minute hours” and 18 hours for states that use “50 minute hours.” MCLE credit includes up to 3 hours of Ethics and 1 hour of Professionalism.

http://en.wikipedia.org/wiki/San_Antonio
http://wikitravel.org/en/San_Antonio
http://www.sazoo-aq.org/
2009 SEMINAR REGISTRATION FORM
TULANE UNIVERSITY LAW SCHOOL
MULTI-STATE LABOR AND EMPLOYMENT LAW SEMINAR
MAY 14 – 16, 2009

On-Line Registration: www.law.tulane.edu/cle
Please send the Seminar Registration portion of this form to Tulane University Law School/CLE Department.

Name (Mr./Ms./Dr.) ________________________________________ Firm/Company ___________________________________________
Address __________________________________________________ Phone _________________________ Fax ______________________
City/State/Zip _____________________________________________ Email ___________________________________________________
Name for Name Tag ________________________________________ Spouse/Guest Name Tag ______________________________________
Bar Nos. & States for CLE: _____________________________________________________________________________________________

Area(s) of Practice:  ❑ Management  ❑ Union  ❑ Corp. Counsel  ❑ Plaintiff  ❑ Government

General Information:  ❑ Number of years of practice  ❑ Number of attorneys in your firm  ❑ This is my first time at the Multi-State Seminar

Tuition:
Standard Registration (through April 30, 2009) ..........................................................................................................................$825.00
(Late Registration (after April 30, 2009) ...............................................................................................................................$895.00
Judges, Government attorneys, paralegals ...........................................................................................................................$500.00
Thursday night reception ...........................................................................................................................................No. of people ____ x $30.00 = $ _______

TOTAL PAID $______

Cancellations must be received by April 30, 2009, in order to obtain a refund (less $50 cancellation fee).

Payment Information:
❑ VISA Credit Card No. ________________________________________ Exp. Date _______________
❑ MASTERCARD Name Printed on Card ____________________________
❑ CHECK Make Seminar Registration checks payable to: Tulane Law School CLE

Mail Registration to: Tulane Law School/CLE
Attn: Multi-State Labor & Employment Law Seminar
7016 Zimple Street
New Orleans, LA 70118

Fax Seminar Registration to: 504-866-1583

Inquiries: 504-865-5900 or 800-569-5272 or mcle@tulane.edu

2009 LODGING REGISTRATION FORM
TULANE UNIVERSITY LAW SCHOOL
MULTI-STATE LABOR AND EMPLOYMENT LAW SEMINAR
MAY 14 – 16, 2009

Please make lodging reservations directly with The Westin La Cantera Resort.
Phone Reservations: 1-800-937-8416 or 1-800-228-3000 (please reference the Tulane Law School Multi-State Conference)

Name (Mr./Ms./Dr.) ________________________________________ Firm/Company ___________________________________________
Address __________________________________________________ Phone _________________________ Fax ______________________
City/State/Zip _____________________________________________ Email ___________________________________________________

Daily rates are per room, per night; price includes daily continental breakfasts and refreshment breaks for registrants during the Seminar as well as the Wednesday evening Welcome Reception for registrants and their guests. Rates are guaranteed through April 17, 2009. Requests for rooms after this date are subject to availability. Requests to extend your stay before and/or after the Seminar at the Tulane Multi-State rates (May 11-13 and May 16-18, 2009) are also subject to room availability.

Room Rates:
• Deluxe Rooms = $190/per night + tax & resort fee
• Royal Hacienda Suites = $250/per night + tax & resort fee

Dates: Arrival: ___________________________ Departure: ___________________________ No. of Nights ______

Payment Information:
❑ VISA  ❑ MASTERCARD  ❑ AMERICAN EXPRESS  Credit Card No. ___________________________ Exp. Date _______________

Name Printed on Card ___________________________

Signature ___________________________
Location: San Antonio is the second largest city in Texas, set at the axis of three different geological terrains: Hill Country, South Texas Plains and Prairie & Lakes. The cradle of Texas liberty, the city’s most well-known landmark is the Alamo, where Davy Crockett and Jim Bowie were killed. However, when most visitors see the Alamo for the first time, the common reaction is “I thought it would be bigger.”

San Antonio also reflects the state’s Mexican heritage. It is the Tejano capital of the world and Hispanics make up a substantial component of the population. Thus, the city has a truly unique atmosphere, most evident during the annual Fiesta week celebration of parades, food and drink in the charming downtown streets.

Transportation: The Westin La Cantera is located 12 miles from the San Antonio International Airport (SAT) and 15 miles from downtown San Antonio. The airport is served by all major airlines, and rental cars are available. Visitors may also drive to the city via I-35 from Austin in the north or Laredo in the south; or via I-10 from El Paso in the west or Houston in the east.

Recreation: In addition to two nationally acclaimed golf courses, the Resort offers a world-class spa, six swimming pool options, walking paths and a 7,600-square-foot cardio and weight training fitness center.

Accommodations: Rooms at the Westin La Cantera Resort are equipped with the Heavenly Bed and Heavenly Bath, high-speed Internet access, two direct-dial telephones (one of which is cordless), personal voicemail, cable TV with in-room movies, an in-wall safe, a coffee maker with complimentary Starbucks coffee, an oversized desk, a refreshment center, two closets, an iron and ironing board and electronic entry door lock. Standard bathroom amenities include a hair dryer, natural stone countertop with dual sinks, hair and bath products and a two-sided magnifying mirror. Deluxe Rooms offer a view of the Hill Country, the pool or the city; some rooms also feature a walk-out balcony or patio. Royal Hacienda suites feature concierge service, a complimentary continental breakfast, evening cocktails, a spacious club lounge and panoramic views of the Hill Country. (Note: pets are prohibited with the exception of service animals.)

Dining: On site options include: Francesca’s at Sunset blending Southwestern cuisine and epicurean excellence under the watchful eye of celebrity chef Mark Miller of Santa Fe’s Coyote Café in (dinner is served at 6 pm Monday through Saturday); The La Cantera Grille provides casual dining for breakfast and lunch with distinctive steak, chicken and seafood dishes (dinner seasonally); the Gantry offers food and refreshments poolside with hill country views from poolside lounge chairs; Brannon’s Café features fresh, indigenous products on a “Super foods” menu; Starbucks has latte, cappuccino and frappuccino right in the lobby from 6 am to 10 pm; Steinheimer’s Bar and adjoining Cigar Lounge offers drinks; and The Palmer Grille prepares breakfast and lunch daily in the Palmer Clubhouse overlooking the 18th green and features cocktails in Jasper’s Bar from 3 pm to 6 pm. The resort also offers room service 24 hours a day. Of course, San Antonio is renowned for its own dining options around the city.