



THE STATE BAR OF CALIFORNIA
LABOR AND EMPLOYMENT LAW SECTION
PRESENTS

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Hours MCLE Credit**
Includes up to 1.5 Hours Legal Ethics



21st Annual Public Sector Conference

Keynote Speaker:
Prof. Gerald F. Uelmen
Santa Clara Law

FRIDAY, APRIL 24, 2015

The Claremont Resort & Spa

41 Tunnel Road

Berkeley, CA 94705

Earn 6.5 Hours MCLE Credit

Register Online:

<http://laborlaw.calbar.ca.gov>

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PUBLIC SECTOR CONFERENCE 2015

Friday, April 24, 2015

Registration and continental breakfast will open at 8:15 am

CONCURRENT SESSIONS

9:00 am–10:30 am (1.5 Hours of CLE Credit)

Session 1:

The Ongoing Pension Wars – Post Stockton

Regardless of what side of the issues we are on, we all would have to agree that it is difficult to keep track of the ever-changing landscape of public pension "reform" and post-retirement benefits. This panel will give you an up to the minute update from attorneys who have been in the midst of the pension battles from the beginning and who continue to be in the trenches today. They will discuss recent and ongoing litigation over public pension rights, including the war over what PEPRA and the other recent pension legislation did and didn't do and whether that legislation can legally do what it tried to do (e.g., San Jose, San Diego, Alameda County and Contra Costa County). They also will discuss the bankruptcy decisions in Stockton and San Bernardino and what they mean to pension and post-retirement rights. And, they will share what they have heard about possible 2016 ballot measures and potential legislative action on retiree health care funding.

Moderator:

Carol Koenig,
Wylie McBride Platten & Renner

Panelists:

Art Harlinger,
Meyers Nave et al

Christopher E. Platten,
Wylie McBride Platten & Renner

Session 2:

How to Win and Defeat Motions for Summary Judgment in Employment Cases: An Advanced Course.

Many employment cases are essentially won or lost on a motion for summary judgment. But motions for summary judgment are difficult to draft, time consuming, and very expensive. In this session two highly experienced employment attorneys will share their tips on how to win or defeat a motion for summary judgment in an employment case.

Moderator:

Tim Yeung,
Renne Sloan Holtzman Sakai LLP

Panelists:

Phil Horowitz,
Law Offices of Phil Horowitz
Christine Mersten,
Office of the Attorney General

Session 3:

Ethical Issues for Attorneys Conducting Workplace Investigations in the Public Sector (1.5 hours of Ethics)

Investigations of workplace complaints are a critical part of an employer's obligation to prevent and respond to unlawful conduct. Attorney investigators are aware of their obligation to conduct fair, thorough, and unbiased investigations. Often, however, they encounter situations in investigations that implicate ethical issues unique to the attorney investigator. This panel will identify key ethical issues that may arise in attorney-led workplace investigations, including communications with represented parties, the duty of competency, confidentiality and privilege. We will also discuss ways to recognize ethical issues when they arise and how to avoid running afoul of the numerous rules that govern attorneys' conduct.

Moderator:

Amy Oppenheimer,
Law Offices of Amy Oppenheimer

Panelists:

Alex Sperry,
Van Dermeyden Maddux Law Corporation

Lisa Buehler,
Ellis Buehler Makus LLP

10:30 am–10:45 am Break

CONCURRENT SESSIONS

10:45 am–12:00 noon (1.25 Hours of CLE Credit)

Session 4:

Top Ten Things Every Labor/Employment Lawyer Should Know about Workers Compensation and How It Affects Your Case

Employment and labor cases may often overlap with workers compensation issues. If you have cases involving medical issues, accommodations, workplace injuries or disabilities, there may be important workers compensation issues that need to be addressed as well. This panel will introduce the most important areas of interaction between workers compensation law and the more typical employment or labor cases.

Moderator:

Anne Giese,
SEIU Local 1000

Panelists:

Loren Dieu,
Office of the Attorney General

Will Yamada,
Novoy, Tribuiano & Yamada, LLP

Session 5:

Accommodations and Interaction: Best Practices for Handling Requests

This panel will guide you through the latest legal developments in the world of the interactive process and handling requests for reasonable accommodations, and will use real-life scenarios to explore best practices in these areas.

Moderator:

Patty Perez,
Puente Consulting APC

Panelists:

Deborah Nash,
Office of the Oceanside City Attorney

David Strauss, Esq.,
Law Offices of David Strauss

Session 6:

To Writ or Not to Writ?

Are you engaged in government writ practice? This panel will guide practitioners through filing and opposing a petition for writ of administrative mandamus, and will discuss other writs and appeals germane to public sector practice. Topics covered will include how to make a strong administrative record, exhaustion and other defenses, what to expect at hearing, and practical tips and strategies. Presenters will focus on disciplinary and other employment-related writs.

Moderator:

Latika Malkani,
Siegel LeWitter Malkani

Panelists:

Hon. Shelleyanne W.L. Chang,
Sacramento Superior Court

Jose Felix DeLaTorre,
Chief Counsel,
Service Employees International Union,
Local 1000
Manuela Albuquerque,
Burke, Williams & Sorensen, LLP

12:00 noon–12:15 pm Break

KEYNOTE SPEAKER LUNCHEON

12:15 pm to 1:30 pm (1.0 Hours of CLE Credit)

The New California Supreme Court: Employment Issues

Justice Marvin Baxter and Justice Joyce Kennard have retired after many years of service. Governor Brown's new appointees, Mariano-Florentino Cuellar, and Leondra R. Kruger, have diverse backgrounds and job experiences. Esteemed academic, Prof. Gerald Uelman, will present a lively discussion on the composition of the new court and ramifications for employment law.

Keynote Speaker:

Prof. Gerald F. Uelman,
Santa Clara Law

1:30 pm–1:45 pm Break

GENERAL PLENARY SESSION

1:45 pm to 3:00 pm (1.25 Hours of CLE Credit)

In One (Y)ear and Out the Other: The Year in Review

Our annual overview of important case law, new legislation and significant changes in California's administrative agencies.

Moderator:

Maribel Hernandez,
Ericksen Arbuthnot

Speakers:

David Tyra,
Kronick, Moskovitz, Tiedemann & Girard

Dale Brodsky,
*Beeson Tayer & Bodine and Councilmember,
DFEH Fair Employment and Housing Council*

3:00 pm–3:15 pm Break

CONCURRENT SESSIONS

3:15 pm to 4:45 pm (1.5 Hours of CLE Credit)

Session 7:

Do's and Don'ts of Filing and Responding to PERB Charges

Join our experienced panelists - a PERB regional attorney, a union attorney, and a management attorney - as they explore procedural issues with filing and responding to PERB charges, as well as pleading requirements and responses for various substantive claims. Gain insight into the charge investigation process and learn techniques and strategies to make your pleadings easier for PERB to review.

Moderator:

Erich Shiners,
Renne Sloan Holtzman Sakai LLP

Panelists:

Laura Davis,
Public Employment Relations Board (PERB)

Adrianna Guzman,
Liebert Cassidy Whitmore

Kerianne Steele,
Weinberg Roger & Rosenfeld

Session 8:

It's All About The Settlement: Current Issues in Drafting Settlement Agreements

This panel will examine current issues that may be encountered and must be addressed in drafting settlement agreements. Among the wide-ranging subjects to be covered are recent EEOC and NLRB scrutiny and enforcement actions; whether and how to include specific provisions (e.g. waivers, non-disparagement, confidentiality, employee behavior restrictions, no further employment, references, sealing/destruction of personnel records); tax issues and consequences of settlement payment, Public Records act issues; and Last Chance Agreements.

Moderator:

Arlene Prater,
Best Best & Krieger LLP

Panelists:

Todd Simonson,
Sacks Ricketts & Case

Jolsna M. John,
*House Counsel,
Operating Engineers Union Local No.3*

Teri Block,
*State Personnel Board Appeals
Division ALJ*

Session 9:

Workplace Violence Restraining Orders

This seminar presents a unique opportunity to hear from Judge Woodhouse from the Santa Clara County Superior Court and experienced labor and employment law practitioner, Adam Fiss of Littler in San Jose. Judge Woodhouse will provide insight regarding what judges look for in analyzing petitions for a workplace violence restraining order under California Code of Civil Procedure section 527.8. Mr. Fiss will provide legal and practical insight for reviewing workplace violence situations, and will offer guidance on drafting and successfully obtaining the restraining order. You will learn lessons and tips to apply to your cases and practice now.

Moderator:

Adam Fiss,
Littler Mendelson

Panelist:

Hon. Derek Woodhouse,
*State of California Superior Court,
Santa Clara County*

4:45 pm – 6:30 pm

Reception



REGISTRATION INFORMATION

ONLINE REGISTRATION:

Now available at <http://laborlaw.calbar.ca.gov/>

MAIL TO:

Program Registrations, The State Bar of California,
180 Howard St., San Francisco, CA 94105

FAX TO:

Program Registrations at 415-538-2368. VISA/Mastercard only. In order to fax your registration, credit card information is MANDATORY. (Photocopies of checks will NOT be accepted.)

CANCELLATIONS & REFUNDS:

Cancellations and requests for refunds must be received in writing no later than Friday, April 17, 2015 and are subject to a \$25 service charge. Substitute registrants are allowed but must register in their own name at the meeting to receive MCLE credit.

ON-SITE REGISTRATION:

Limited and subject to availability.
Please register in advance.

SPECIAL ASSISTANCE:

For special assistance please call (415) 538-2590.

QUESTIONS:

For registration information please call (415) 538-2508. Telephone registrations will not be accepted. For program content and/or Section information call (415) 538-2590.

REGISTRATION FORM

Note: One registrant per form. Photocopies may be used.

Bar No.: _____ Name: _____

Firm: _____

Address: _____

City, State, _____ Zip: _____

Phone: _____ Fax: _____

E-mail Address: _____
(required for confirmation)

Check here if you do not want your information released.

Early Bird-Registration Fees (Present through March 25, 2015)

Labor & Employment Law Section Member\$225

Non-Section Member\$320

(Includes enrollment in the Labor & Employment Law Section for 2015)

Pre-Registration Fees (After March 25, 2015—based on space availability)

Labor & Employment Law Section Member\$275

Non-Section Member\$370

(Includes enrollment in the Labor & Employment Law Section for 2015)

**** Onsite registration fees are \$370 for Section Members and for Non-Section Members**

Ticketed Events

Luncheon Keynote\$25

I plan to attend the reception..... Included

Amount Enclosed/To Be Charged \$ _____

Credit Card Information (VISA/MASTERCARD Only)

I authorize The State Bar of California to charge my program registration to my VISA/ MasterCard account. (No other credit card will be accepted.)

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Course Selector

Select one program in each time slot:

Concurrent 9:00 am to 10:30 am, please check one preference:

- 1 The Ongoing Pension Wars – Post Stockton
- 2 How to Win and Defeat Motions for Summary Judgment in Employment Cases: An Advanced Course
- 3 Ethical Issues for Attorneys Conducting Workplace Investigations in the Public Sector

Concurrent 10:45 am to 12:00 noon, please check one preference:

- 4 Top Ten Things Every Labor/Employment Lawyer Should Know about Workers Compensation and How It Affects Your Case
- 5 Accommodations and Interaction: Best Practices for Handling Requests
- 6 To Writ or Not to Writ?

Concurrent 3:15 pm to 4:45 pm, please check one preference:

- 7 Do's and Don'ts of Filing and Responding to PERB Charges
- 8 It Is All About The Settlement: Current Issues In Drafting Settlement Agreement
- 9 Workplace Violence Restraining Orders

Deadline: In order to pre-register, your form and check, payable to The State Bar of California, or credit card information, must be received by Friday, April 17, 2015.

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