



The State Bar of California  
**Labor and Employment Law Section**

Earn up to  
**13.75 Hours of  
 CLE Credit**

*presents the*

**5<sup>th</sup> Advanced Wage & Hour Conference and  
 32<sup>nd</sup> Labor and Employment Law Section Annual Meeting**

**July 9 & 10, 2015**

**JW Marriott LA Live, Los Angeles**

**June 25: Hotel Reservation Deadline**  
**June 25: Early Program Registration Deadline**  
*(Special Discounted Rate)*

**Only \$250 for Section Members** *(\$250 for single day registration)*  
**Non-Section Members \$325** *(\$325 for single day registration and includes Labor and Employment Law Section membership)*

Join us for the first-ever combined Advanced Wage & Hour and Labor and Employment Annual Meeting Conference! Enjoy a discount for two full days of programming! Thursday only for the Advanced Wage & Hour and for Friday the Labor and Employment Annual Meeting.

**Wage and Hour Planning Committee**

Co-Chairs: Fernando Flores and Laboni Hoq  
 Members: Maribel Hernandez, Bryan Schwartz, Chaya Mandelbaum,  
 Hon. Michael Marcus, Eileen Goldsmith, Steve Pearl, Theo Lee

**Labor and Employment Annual Meeting Planning Committee**

Chair: Carol Gillam  
 Vice-Chair: Bill Crosby  
 Members: Laboni Hoq, Bryan Schwartz, Maria Audero, Bill Crosby, Ramit Mizrahi,  
 Adam Fiss, Theo Lee, Andrew Friedman, Amy Oppenheimer, Cara Ching-Senaha,  
 Tom Lenz, Carol Koenig, James Michalski, Charles Thompson





# Thursday, July 9, 2015—5<sup>th</sup> Advanced Annual Wage & Hour Conference

**8:00 a.m. – 3:45 p.m. Registration and MCLE Sign-In**

**8:00 a.m. – 9:00 a.m. Breakfast**

**9:00 a.m. – 10:30 a.m. GENERAL SESSION — (1.50 Hours of CLE Credit)**

**BYOD Policies, Security Screenings, and Use of Personal Equipment: An Updated Analysis of How Tech Advancements Are Changing the Nature of the Continuous Work Day**

Join our distinguished panelists as they review the most recent U.S. Supreme Court and California rulings that are shaping and re-shaping the nature of the work day. With increased use of personal cell phones, computers, and other electronic devices, the panelists will focus on exploring questions surrounding off-the-clock issues and when the work day begins, and when it ends.

**Moderator:** Maribel Hernandez, Erickson Arbuthnot, Fresno

**Panelists:** Laura Ho, Goldstein Borgen Dardarian & Ho, Oakland  
 Michael Loeb, JAMS, San Francisco  
 Heather Sager, Vedder Price, San Francisco

**10:30 a.m. – 10:45 a.m. Break**

**10:45 a.m. – 12:15 p.m. GENERAL SESSION — (1.50 Hours of CLE Credit)**

**All You Need to Know: 2015 Wage and Hour Law Update**

While wage and hour class certification issues remain prominent in California’s courts, 2015 has revealed a more pronounced tug-of-war in wage and hour claims surrounding arbitration and the Private Attorneys General Act. Join our experienced panelists as they provide key analysis of the most recent California Supreme Court and Court of Appeals cases and how these cases may alter the wage and hour litigation landscape.

**Moderator:** (Ret.) Judge Michael Marcus, ADR Services, Inc., Los Angeles

**Panelists:** Aashish Desai, Desai Law Firm PC, Costa Mesa  
 Maria Rodriguez, DLA Piper LLP, Los Angeles

**12:15 p.m. – 1:15 p.m. [6] Legal Trivia Lunch—Hosted by Bryan Schwartz— (1.00 Hour of CLE Credit)**

**\$20 (See Registration Form to purchase tickets)**

What is better than trivia? Answer: Wage and Hour Legal Trivia. Hosted by Bryan Schwartz, of Bryan Schwartz Law, join this unique lunch hour to continue learning about current wage and hour law topics. With prizes for the top performers, and MCLE credit, this is definitely a trivia lunch hour you will not want to miss!

**1:15 p.m. – 2:45 p.m. GENERAL SESSION — (1.50 Hours of CLE Credit)**

**Are You My Employer? An Updated Examination of the Employment Relationship**

From franchisees to subsidiaries, and interns to independent contractors, the relationships of the modern economy raise a host of thorny questions regarding employment and wage and hour liability. Join our renowned panelists for a discussion of the recent court decisions and legislation tackling these issues.

**Moderator:** Eric Brown, Altshuler Berzon LLP, San Francisco

**Panelists:** Leslie Abbott, Paul Hastings LLP, Los Angeles  
 Matt Sirolly, The Wage Justice Center, Los Angeles

2:45 p.m. – 3:00 p.m. Break

3:00 p.m. – 4:30 p.m. GENERAL SESSION — (0.75 Hours of CLE Credit)

**Judges' Panel: Judicial Perspectives and Practical Considerations in Labor & Employment Cases**

Please join Judge Fernando M. Olguin (USDC Central District), Judge Suzanne H. Segal (USDC Central District), Judge Ruth Ann Kwan (Los Angeles Superior Court), and Judge Robert J. Moss (Orange County Superior Court) as they provide insights into the most recent developments in labor and employment law, with a specific emphasis on wage and hour and class action jurisprudence. The judges will provide practical tips and considerations to help litigants avoid obstacles in litigating these cases.

**Moderator:** William M. Crosby, Attorney at Law, Tustin

**Panelists:** Hon. Fernando M. Olguin, USDC Central District  
Hon. Suzanne H. Segal, Chief Magistrate Judge, USDC Central District  
Hon. Ruth Ann Kwan, Los Angeles Superior Court  
Hon. Robert J. Moss, Orange County Superior Court

5:30 p.m. – 8:00 p.m. Reception at THE GRAMMY MUSEUM LA LIVE  
(Guests and family of registrants Grammy Museum two-day ticket passes and/or reception for \$25)

*(See Registration Form to purchase tickets)*



Join us for this complimentary (guests \$25) exclusive viewing of The GRAMMY Museum. Its one-of-a kind music-infused, interactive setting celebrates the power of music. This hosted event offers notes of flavorful funky fare that will surely POP you into the music scene.

## Friday, July 10, 2015—32nd Labor and Employment Law Section Annual Meeting

8:00 a.m. – 3:30 p.m. Registration and MCLE Sign-In

8:00 a.m. – 9:00 a.m. Breakfast

9:00 a.m. – 10:30 a.m. GENERAL SESSION — (1.50 Hours of CLE Credit)

**The Good, The Bad & The Ugly—A Review of Recent Employment Law Cases**

In this fast-paced discussion, Anthony J. Oncidi of Proskauer Rose LLP and Andrew H. Friedman of Helmer Friedman LLP will reprise their annual review of recent employment law cases with an emphasis on those cases of most utility to the employment practitioner whether plaintiff, defense or neutral.

**Panelists:** Andrew Friedman, Helmer Friedman LLP, Los Angeles  
Anthony Oncidi, Proskauer Rose LLP, Los Angeles

10:30 a.m. – 10:45 a.m. Break



**10:45 a.m. – 12:00 p.m. GENERAL SESSION — (1.25 Hours of CLE Credit)**

**Settlement Strategies: Experienced employment mediator and employment litigators from both sides share their expertise on how to achieve the best settlement results for your client and how to avoid costly pitfalls.**

Over 90% of employment cases are settled. With judicial resources declining and trial dates being set two years out, settlement rates will rise. How can you increase your client's odds of obtaining an excellent result through settlement? In this session, panelists will share general settlement and mediation strategies and provide a roadmap of settlement land mines to avoid. They will also discuss what considerations are important in structuring a class or PAGA settlement to minimize objections and secure court approval.

**Panelists:** Nancy Abell, Paul Hastings LLP, Los Angeles  
 Jeffrey Krivis, First Mediation Group, Encino  
 Pam Teren, Pam Teren, P.C., Redondo Beach

**12:00 p.m. – 1:15 p.m. [7] REMARKS: Craig Holden, The State Bar of California, President**



**KEYNOTE LUNCHEON SPEAKER Kevin Kish, Director, California Dept. of Fair Employment and Housing (0.75 Hour of CLE Credit)**

DFEH Director Kevin Kish will address the current state of civil rights in California. He will discuss recent regulatory and process changes, including with respect to CFRA, FEHA employment, and FEHA housing regulations. He will also talk about new frontiers and looking forward, covering new and vulnerable groups, issues of implicit bias, and the changing economy.

**\$25 (See Registration Form to purchase tickets)**

**1:15 p.m. – 2:30 p.m. CONCURRENT SESSIONS — (1.25 Hours of CLE Credit)**

**[1] Using Discovery at Trial**

This panel of trial veterans will discuss strategies for using written discovery and deposition testimony at trial. Other topics will include designating discovery in anticipation of jury presentation, notice requirements, presentation techniques, dealing at the trial stage with objections made during discovery, motions in limine, and jury instructions pertaining to discovery.

**Panelists:** Linda Claxton, Ogletree Deakins, Los Angeles  
 Tony Lewis, The Lewis Law Firm, Encino  
 Tony Luti, The Luti Law Firm, Hollywood

**[2] Employment Discrimination 101**

This panel will guide you through the key challenges of litigating an employment discrimination case from the Plaintiff and Defense perspectives, including jurisdiction and venue selection, which causes of action to plead and how to plead them so the complaint sticks, strategies to attack the complaint early on in the litigation and key defenses.

**Panelists:** Daphne Anneet, Burke Williams & Sorensen, Los Angeles  
 Priyan Chandraratna, The Gillam Law Firm, Los Angeles  
 Dolores Leal, Allred Maroko & Goldberg, Los Angeles

**[3] Litigating With Care: An Update on Ethics Issues Arising in Employment Litigation**

Three seasoned practitioners, defense counsel, plaintiff's counsel and a neutral, will discuss the practical ethical issues which arise in litigating employment cases. Topics will include investigation and case evaluation before litigation begins, fee arrangements, joint representation, ex parte communication, spoliation of evidence, requests for production of troubling

documents, testimony of dubious veracity, candor in legal arguments, and settlement negotiation. Attendance satisfies 1.25 hours of ethics CLE requirements.

**Moderator:** Latika Malkani, Siegel LeWitter Malkani, Oakland

**Panelists:** Elliot K. Gordon, ADR Services, Inc., Los Angeles  
Laura Horton, Horton Law Firm, Northridge  
Peter Kennedy, Reed Smith, Los Angeles

**2:30 p.m. – 2:45 p.m. Break**

**2:45 p.m. – 4:00 p.m. CONCURRENT SESSIONS — (1.25 Hours of CLE Credit)**

**[4] Traps for the Unwary: Top 10 Trickiest Issues in Litigating Disability Cases**

Join our experienced panel as they discuss practical strategies every employment lawyer should know when handling these complex cases. Discussion topics will include: what medical records do defendants get in litigation and how do plaintiffs ensure privacy rights are protected when facing blanket subpoenas; what medical information can employers ask current employees for and what to do when they ask for more information than they are entitled to; what to do when an employee refuses to turn over information or fails to engage; what is the effect of a pending workers compensation case; and unraveling the web of leave laws in play.

**Panelists:** Cara Ching-Senaha, Moscone Emblidge & Otis LLP, San Francisco  
Traci Hinden, The Law Offices of Traci M. Hinden, San Francisco  
Ramit Mizrahi, Mizrahi Law, APC, Pasadena

**[5] Whistleblowing: Avoiding Million Dollar Judgments**

Multi-million dollar whistleblowing verdicts are becoming commonplace. The secret to avoiding seven and eight-figure whistleblower verdicts is understanding the inherent risks and volatility of these cases.

**Panelists:** Lawrence Bohm, The Bohm Law Group, Sacramento  
Apalla Chopra, O'Melveny & Myers LLP, Los Angeles  
Genie Harrison, Genie Harrison Law Firm, Los Angeles

**4:00 p.m. – 4:15 p.m. Break**

**4:15 p.m. – 5:45 p.m. GENERAL SESSION — (1.50 Hours of CLE Credit)**

**Cutting-Edge Topics Under the Labor Code Private Attorneys General Act (PAGA)**

Three leading practitioners will shed light on cutting-edge issues for litigators handling cases involving civil penalties claims under the Labor Code Private Attorneys General Act (PAGA). Topics will include trial planning; the interplay between litigating PAGA representative actions and federal class action rules; removing PAGA claims from state to federal court; and the latest developments in state and federal courts concerning the enforceability of arbitration agreements requiring employees to waive the right to bring representative actions.

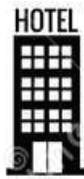
**Panelists:** Melissa Grant, Capstone Law APC, Los Angeles  
Mike Morrison, Alexander Krakow & Glick LLP, Santa Monica  
Ken Sulzer, Proskauer Rose LLP, Los Angeles

**5:45 p.m. Adjourn**



## How to Make Your Hotel Reservations

If you require overnight accommodations for this event please contact the JW Marriott LA Live directly to secure your room reservations:



**Reservations:** 213-765-8600  
**Refer to:** The State Bar of California  
**Rate:** \$249/night single/double occupancy  
**Reservation Deadline:** June 25, 2015

**RESERVE EARLY!** (Space limited) Please identify yourself as part of The State Bar of California to obtain the special rate of \$249.

## How to Get There

JW Marriott Los Angeles L.A. Live is located 900 West Olympic Boulevard, Los Angeles, CA 213-765-8600. For further information about the JW Marriott LA Live you may visit their website at [www.marriott.com/hotels/travel/laxjw-jw-marriott-los-angeles-la-live/](http://www.marriott.com/hotels/travel/laxjw-jw-marriott-los-angeles-la-live/)



## Hotel Information

In the heart of Downtown Los Angeles, just steps from STAPLES Center, JW Marriott Los Angeles L.A. LIVE Hotel fashions a new standard for luxury.



Our stunning 54-story masterpiece hotel is the focal point of L.A. LIVE, offering guests a front-row seat to this emerging entertainment, sports and dining epicenter.

## Program Materials

Conference materials will be available on-line prior to the conference and provided on USB drive at the conference. Wi-Fi will not be available inside the conference rooms. Should you prefer to reference printed materials during the conference, please feel free to access the on-line information and print out prior to the conference the materials for the panels that you wish to attend. If you have an electronic device without USB drive or built-in Wi-Fi, please save the on-line files to your desktop/device so that you may access the materials during the conference. No printed materials will be provided at the conference.

## Schedule of Social Events

### Thursday, July 9, 2015

5:30 p.m. – 8:30 p.m.

**The Grammy Museum**  
(free for registrants \$25 for guests)

## Registration Information

1-day Thursday 7/9/2015 Wage & Hour Conference registration fee includes up to 6.25 Hours of MCLE Credit Education Sessions, Wage & Hour Program Materials on USB Drive, Thursday Breakfast and Grammy Museum Reception.

1-day Friday 7/10/2015 Labor Annual Meeting Conference registration fee includes up to 7.50 Hours of MCLE Credit Education Sessions, Labor Annual Meeting Program Materials on USB Drive, Thursday Grammy Museum Reception, and Friday Breakfast.

2-day registration fee includes up to 13.75 Hours of MCLE Credit Education Sessions, All Program Materials on USB Drive, Thursday Reception, Thursday and Friday Breakfast.

## 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. In order to fax your registration, credit card information is MANDATORY.

## Cancellations & Refunds:

A refund less a non-refundable fee of \$50 plus ticketed events will be made for all cancellations and requests for refunds received in writing by June 25, 2015. 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. For information regarding the program please call (415) 538-2393.

**5th Advanced Wage and Hour Conference and 32nd Labor and Employment Law Section Annual Meeting  
July 9 & 10, 2015 • Los Angeles, California**

**REGISTER**

CA State Bar Number \_\_\_\_\_

Name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Practice Area \_\_\_\_\_

Your contact information may be released to other attendees/sponsors/exhibitors.  
Check here if you do not want your contact information released.

**COURSE SELECTOR**

**Please indicate which sessions you will attend**

**32nd Labor and Employment Law Section Annual Meeting  
Friday, July 10, 2015**

**1:15 – 2:30 p.m. — Concurrent Sessions**

- [1] Using Discovery at Trial
- [2] Employment Discrimination 101
- [3] Litigating With Care: An Update on Ethics Issues Arising in Employment Litigation

**2:45 – 4:00 p.m. — Concurrent Sessions**

- [4] Traps for the Unwary: Top 10 Trickiest Issues in Litigating Disability Cases
- [5] Whistleblowing: Avoiding Million Dollar Judgements

**REGISTRATION PAYMENT**

Credit Card Information (VISA or 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).

Account Number \_\_\_\_\_

Exp Date \_\_\_\_\_

Cardholder's Name \_\_\_\_\_

Cardholder's Signature \_\_\_\_\_

**REGISTRATION FEE** (pre-registration through June 25, 2015)

|                                                                                                       | <u>Until June 25</u>                 | <u>After June 25</u> | <u>Total Cost</u> |
|-------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------|-------------------|
|                                                                                                       | <i>(based on space availability)</i> |                      |                   |
| <b>Labor and Employment Law Section Members only</b>                                                  |                                      |                      |                   |
| Thursday, July 9, 2015                                                                                | \$250                                | \$325                | \$ _____          |
| 5th Wage and Hour Conference                                                                          |                                      |                      |                   |
| Friday, July 10, 2015                                                                                 | \$250                                | \$325                | \$ _____          |
| 32nd Labor & Employment Law Annual Meeting                                                            |                                      |                      |                   |
| Combined 2-Day Meeting Package                                                                        | \$475                                | \$550                | \$ _____          |
| <b>Non - Section Members (Includes enrollment in the Labor &amp; Employment Law Section for 2015)</b> |                                      |                      |                   |
| Thursday, July 9, 2015                                                                                | \$325                                | \$400                | \$ _____          |
| 5th Wage and Hour Conference                                                                          |                                      |                      |                   |
| Friday, July 10, 2015                                                                                 | \$325                                | \$400                | \$ _____          |
| 32nd Labor & Employment Law Annual Meeting                                                            |                                      |                      |                   |
| Combined 2-Day Meeting Package                                                                        | \$550                                | \$600                | \$ _____          |

**Ticketed Events:**

[6] Thursday, Legal Trivia Luncheon \_\_\_\_\_ x\$20 = \$ \_\_\_\_\_

Thursday, The Grammy Museum Reception *(1 Complimentary Ticket for Registrants)*

\_\_\_\_\_ I will attend \_\_\_\_\_ I will not attend

Additional Guests/Passes \_\_\_\_\_ x\$25 = \$ \_\_\_\_\_

[7] Friday, Lunch Kevin Kish, Director DFEH \_\_\_\_\_ x\$25 = \$ \_\_\_\_\_

**Total Amount Enclosed/To Be Charged** .....\$ \_\_\_\_\_



**Registration Form**

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June 25: Early Program Registration Deadline (special Discounted Rate)

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