

PROGRAM

FRIDAY, APRIL 24, 2015

7:30–9:00 a.m.	Registration & Continental Breakfast	
8:45–9:00 a.m.	Welcome & Opening Remarks David L. Lee, NELA President & Roberta L. Steele, NELA Program Director	<i>Sphinx Grand Ballroom</i>
9:00–10:30 a.m.	Significant Legal Developments Moderator/Speaker: Richard J. Burch Speakers: Catherine K. Ruckelshaus & Peter Winebrake Seasoned practitioners will examine the most recent U.S. Supreme Court cases on wage and hour issues and the latest trends in the lower courts.	<i>Sphinx Grand Ballroom</i>
10:30–10:45 a.m.	Break	
10:45 a.m.–12:00 p.m.	A Conversation With The Solicitor Of Labor Moderators: David A. Borgen & Hope Pordy Speaker: Honorable M. Patricia Smith Two experienced NELA wage and hour practitioners will lead a discussion with the Solicitor of Labor about issues that will affect your practice and workers' rights for years to come. The conversation will include new and proposed regulations, the Department of Labor's litigation and enforcement agenda in the remaining years of the Obama Administration, the Department's <i>amicus</i> program, and other important topics.	<i>Sphinx Grand Ballroom</i>
12:00–1:15 p.m.	Lunch Break	<i>On Your Own</i>
1:15–2:30 p.m.	Concurrent Sessions	
	Hear From The Arbitration Providers Moderator: J. Derek Braziel Speakers: Mark L. Irvings, Christine Newhall, Jeffrey M. Poirier & Linda R. Singer Arbitrators and key staff affiliated with the American Arbitration Association (AAA) and JAMS (formerly Judicial Arbitration and Mediation Services) will discuss navigating the arbitration process, including rules, cost issues, and whom to contact for help.	<i>Oasis Room</i>
	Litigating Hybrid Cases With An Eye Towards Trial Moderator/Speaker: Cornelia Dai Speakers: Todd F. Jackson & Seth R. Lesser Class and collective actions are going to trial with increased frequency. With this in mind, this presentation will go well beyond the basics of litigating Rule 23 and 216(b) actions in the same case. Veteran practitioners will discuss claim selection, "representative" discovery, the timing of certification, methods of proving damages, and trial plans that affect your ability to try and win hybrid class and collective actions.	<i>Sphinx Grand Ballroom</i>
2:30–2:45 p.m.	Break	

2:45–4:00 p.m.

Concurrent Sessions

Trying Wage & Hour Cases Of All Sizes—Big And Small

Sphinx Grand Ballroom

Moderator/Speaker: George A. Hanson

Speakers: Amanda A. Farahany & William B. Ryan

Our wage and hour experts will share their experiences in trying wage and hour cases of varying sizes—from individual cases to large scale collective and class actions. They will address themes and rules of the road for trying off-the-clock and misclassification claims, whether and when to use focus groups and/or mock trials, and what kinds of questions should be asked during *voir dire*.

Litigating Claims On Behalf Of Low-Wage Workers

Oasis Room

In Individual & Multi-Plaintiff Cases

Moderator: Daniel A. Katz

Speakers: Justin D. Cummins, Sally Dworak-Fisher & Alberto Ruisanchez

Seeking justice for low-wage workers remains one of the most challenging frontiers for the private wage and hour law practitioner, especially when it comes to individual and small group cases. Our panelists will explore unique challenges that arise in representing low-wage workers, how to litigate these cases efficiently and effectively, the intersection between wage and hour and other civil rights claims, and using various tools to make low-wage worker representation a viable part of your practice. They will discuss tips, techniques, and resources, including leveraging administrative procedures, engaging with government agencies, and collaborating with non-profits, unions, community groups, and other justice advocates.

4:00–4:15 p.m.

Break

4:15–5:30 p.m.

A View From The Bench

Sphinx Grand Ballroom

Moderator: Christine E. Webber

This esteemed panel will provide you with an opportunity to hear their views on matters that wage and hour law practitioners face every day. Topics include discovery, challenges in proving damages, class certification, trial plans, and settlement. They will share their unique perspectives that will help you improve your litigation decision-making in enforcing the rights of your clients and class members.

5:30–7:00 p.m.

Reception

***Hamilton Ballroom
Hamilton Crowne Plaza Hotel***

SATURDAY, APRIL 25, 2015

8:00–9:00 a.m.

Registration & Continental Breakfast

9:00–10:30 a.m.

Facing Arbitration—Arbitration Process & Strategies

Sphinx Grand Ballroom

Moderator/Speaker: Laura L. Ho

Speakers: Shannon Liss-Riordan & Paul J. Lukas

The U.S. Supreme Court has spoken and more and more wage and hour claims are headed to arbitration. This panel of wage and hour law veterans will discuss recent case law and NLRB developments that may affect whether and how your clients' claims are arbitrated; the pros and cons of arbitrating wage and hour claims; when and if you should fight arbitration; and how to maximize the aspects of arbitration that can benefit your clients. They will address issues that arise when your client is sent to arbitration, such as what you can accomplish in court before arbitration, how to select an arbitrator, navigating the arbitration process, and the differences between litigating in an arbitral forum and in court.

10:30–10:45 a.m.

Break

10:45 a.m.–12:00 p.m.

Concurrent Sessions

Using Technology In Litigating Wage & Hour Cases

Sphinx Grand Ballroom

Moderator: Michael A. Williams

Speakers: Dan Getman, Melissa Lardo Stewart & Marni Willenson

Technology plays a key role in wage and hour litigation—in case management, discovery, depositions, and at trial. Learn how to make it work for you! Our panelists will discuss strategies and tools, including new and existing technology, to facilitate communications with clients; gather and produce discovery from clients; request and analyze e-discovery from defendants; manage, review, and make use of the volumes of data and documents that defendants produce; and create effective presentations at trial.

Using Experts

Oasis Room

Moderator/Speaker: James Kan

Speakers: Rachel Geman & Catha Worthman

When should you use an expert in a wage and hour case? What types of experts are available? At what stage of the case—from collective and class action certification to liability to damages—are experts useful? Our speakers will answer these questions and more, provide valuable tips, and share advice on pitfalls to avoid.

12:00–1:15 p.m.

Box Lunch Discussion Groups

Sphinx Grand Ballroom

1:15–2:30 p.m.

Concurrent Sessions

Locating And Ethically Communicating With Putative Collective & Class Members

Oasis Room

Moderator/Speaker: Rachhana T. Srey

Speakers: Joseph A. Fitapelli & Bernie Mazaheri

“Spreading the word” is a key component of a successful wage and hour collective and class action practice. Our panelists will provide tips and strategies for how to locate plaintiffs, grow your plaintiff pool, and inform workers about your case without running afoul of ethical rules. They will also discuss recent case law developments and pitfalls to avoid in communicating with putative collective and class members once you’ve located them.

Defenses *Du Jour*

Sphinx Grand Ballroom

Moderator/Speaker: Sam J. Smith

Speakers: Molly Brooks & Andrew Santillo

As the wage and hour law defense bar becomes more consolidated, FLSA defenses are being asserted more consistently and vigorously throughout the country. Join this panel of experienced litigators to explore some of the “hottest” defenses, such as the post-*Christopher* expansion of the outside sales exemption, use of the fluctuating workweek method to limit damages in misclassification actions, attempts to extend the executive exemption to anyone characterized as “in-charge” of anything, Rule 68 offers and motions to dismiss for mootness, and efforts to broaden the *de minimis* defense in off-the-clock lawsuits.

2:30–2:45 p.m.

Break

2:45–4:00 p.m.

Concurrent Sessions

The Evolving Definition Of “Employee”

Oasis Room

Moderator/Speaker: David Blanchard

Speakers: Rachel M. Bien & Timothy C. Selander

Despite tougher enforcement by state and federal authorities, employers continue to designate portions of their workforces as non-employees, outside of the protections of the FLSA. Our panelists will explore trends in the meaning of “employment” under the FLSA, the various tests that courts use to determine who is a covered employee, and the factors that predominate in the analysis. They also will discuss how the analysis varies, if at all, depending on the label the employer uses—whether “independent contractor,” “intern,” or “volunteer.”

Settling Wage & Hour Cases Effectively***Sphinx Grand Ballroom***

Moderator/Speaker: Michael Sweeney

Speakers: Katherine M. Kimpel & Douglas M. Werman

Seasoned wage and hour law litigators will discuss how to negotiate the best settlement for your clients. They will explain how and when to approach settlement with defendants; strategies for bringing defendants to the negotiating table; what to do to ensure that they are well-prepared for negotiations; what issues, economic and non-economic, should be addressed in negotiations to avoid complications in effectuating the deal; and seeking court approval of the settlement, including effective settlement notice programs, attorneys' fees and costs, service payments, and non-monetary terms.

4:00 p.m.**Adjournment**