



Labor and Employment Fall Focus Seminar

Baker Donelson Special Events Center
211 Commerce Street
First Floor
Nashville, TN

Thursday, October 17, 2013
7:30 a.m. – 3:30 p.m.

BAKER DONELSON

EXPAND YOUR EXPECTATIONSSM

Schedule

7:30 a.m. – 8:30 a.m.

Registration and Networking Breakfast

8:30 a.m. – 8:45 a.m.

Welcome and Introduction

8:45 a.m. – 9:45 a.m.

The Rock'n Year in Review

Our musical review of important legislative developments and key court decisions of the last year continues to be a crowd favorite. Join our opening session for a rock'n way to catch up on the latest changes in employment law at the state and federal level. Topics will include Tennessee's "guns in trunks" law, the Supreme Court's new definition of a "supervisor" and the latest on the Affordable Care Act.

Speaker: Larry Eastwood

9:45 a.m. – 10:00 a.m.

Break

10:00 a.m. – 11:00 a.m.

Dick and Jane Revisited: Sexual Orientation and Transgender Discrimination

Sex discrimination is no longer limited to different treatment on the basis of gender – male or female – in the biological sense. With its landmark decision in *Macy v. Department of Justice*, the EEOC interpreted the definition of sex discrimination under federal law to include gender identity discrimination. What does this mean for your organization? Who is protected under the *Macy* decision? How are HR best practices developing to accommodate changing societal and legal views of gender identity issues in the workplace? Don't miss this cutting-edge discussion of one of the most challenging employment law issues impacting today's workplace.

Speakers: Kim Vance and Mark Baugh

11:00 a.m. – 12:00 p.m.

Employment Litigation and Dispute Resolution Strategies: Winning the Battles and the War

Two of our seasoned litigators will take you through key litigation strategies. Ken and Kim will discuss the following:

- To fight or settle – is it now or never?
- Litigating against a current employee – battles with those inside and outside the fort.
- Administrative Proceedings – the battle begins here.
- EPLI insurance coverage – avoiding a battle within your own army.
- Picking a General – winning begins long before the first shot is fired.
- Calling the shots – unique litigation strategies.
- The true cost of litigation – when to take a stand and declare victory.

Speakers: Ken Weber and Kim Vance

12:00 p.m. – 1:00 p.m.

Lunch

Join us outside – we're grilling burgers and hot dogs!

1:00 p.m. – 2:00 p.m.

I'll Take Employment Law for \$500

In true Baker Donelson style, we will educate and entertain with our employment law game show, "Reduce Your Legal Risks!" Pick your category from our Jeopardy – like Legal Risk board – ADA, sexual harassment, jury verdicts, FMLA, wage and hour, labor law, Tennessee statutes, or social media – and answer questions to help your team win prizes. You can play or watch.

Everybody wins in "Reduce Your Legal Risks!"

Speakers: Kim Vance, Megan Sutton and Brad Bakker

2:00 p.m. – 3:15 p.m.

Stump the Lawyers Panel

Now is your chance to get straight answers to tough questions about any employment law issue facing your organization. Attendees will be provided with the opportunity to add written questions to a "fishbowl" during the day. In our last session, we will randomly draw questions to see who can stump our esteemed panel of labor and employment attorneys.

Speakers: Larry Eastwood, Kim Vance, Mark Baugh, Ken Weber and Mabel Arroyo-Tirado

3:15 p.m. – 3:30 p.m.

Wrap up and Drawing for Grand Prize(s)*

Kim Vance

**You must be present to win*

Moderator



Kim Vance

Management Training and Litigation Defense

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Kim has more than 25 years representing management in every aspect of labor and employment law. She is "described by sources as a 'terrific problem solver.' Kim is noted for her impressive counseling and defense of management teams before the EEOC and the Tennessee Human Rights Commission." *Chambers USA: America's Leading Business Lawyers 2013*. She presents in-house management training programs; counsels management clients through auditing human resources policies; and develops pre-litigation strategies to improve available defenses in preparation for litigation. Kim loves Caribbean vacations and says Jamaica is her favorite.

Nashville L&E Attorneys



Lawrence S. Eastwood Jr.
Discrimination and Harassment
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Larry has extensive experience litigating labor and employment law cases on behalf of management. He defends against administrative charges brought under Title VII, ADEA, ADAAA, FMLA, FLSA, ERISA and state employment statutes. He also litigates matters involving the enforcement of employment contracts, noncompete covenants, confidentiality agreements, and protection of "heart of the business" trade secrets. Larry has used his litigation experience to counsel clients on employment law compliance and litigation avoidance. Larry was a United States Presidential Scholar and regularly cheers for Duke during basketball season.



Mark Baugh
Discrimination and Harassment
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Mark is chair of Baker Donelson's Diversity Committee. As for his primary practice areas, whether it is a bench trial or a jury trial in State or Federal Court, Mark is always comfortable in the courtroom. He defends employers in a wide variety of employment and litigation matters, including discrimination, harassment and retaliation, workers' compensation, employment contractual disputes and others. Mark routinely counsels employers on employment law compliance and litigation avoidance, proactively addressing issues such as employment policies and non-compete agreements. Mark is originally from Jamaica.



Kenneth Weber
Employment Litigation
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Ken is a trial lawyer who has participated in over 30 trials, including more than 10 jury trials as "first chair." He defends employers against the full range of employment discrimination and harassment claims, as well as claims of retaliation, whistleblower, contracts and wage and hour, including several FLSA collective actions. He also represents employers and executives in non-compete and trade secret litigation. Ken's ERISA litigation experience includes defending institutional plan and/or claim administrators as well as employers in cases involving the denial of employee benefits, breach of fiduciary duties and related claims. Ken doesn't think his essence can be captured in merely one sentence.



Charles Grant
Employment Litigation
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Charles has tried more than 47 jury trials to verdict in both federal and state courts, and represented numerous clients in mediation and arbitration proceedings across more than a dozen states. He represents clients in complex employment litigation, including class and collective actions brought under FLSA, discrimination and harassment under state and federal laws, wrongful and retaliatory discharge, protection of trade secrets and more. Married and the father of two grown sons, Charles enjoys spending time with his family, serving in various capacities at St. Edward Catholic Church, and staying active in community, political, and professional activities.



Martha Boyd
Global Federal Contracts
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Martha advises clients globally who are competing for and executing contracts with the U.S. Department of Defense and other federal agencies. She helps contractors comply with U.S. government regulations when they encounter human resources problems and personnel decisions. Martha also works with defense contractors that supply goods and services to the U.S. military to comply with the International Trafficking in Arms Regulations (ITAR). Martha is a former Major in the United States Army Reserves.



Ben Bodzy
Labor Relations
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Ben's practice has two primary focuses: representing management in traditional labor matters, and enforcing post-employment restrictive covenants. Ben's labor practice includes union avoidance, collective bargaining, representation campaigns, labor arbitrations and litigation of unfair labor practice charge. Ben spends his time away from the office chasing his two young daughters, playing golf, following politics and trying new restaurants.



Megan Sutton
Discrimination and Harassment
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Megan defends employers against allegations of discrimination, harassment, retaliation and wrongful discharge. Her experience includes investigating and assisting in the defense of lawsuits and charges brought under Title VII, ADA, FMLA, ADEA, FLSA, EEOC and other state and federal laws. Megan has been snow skiing since she was four years old, and her favorite place to ski is Yellowstone Club in Montana.



Bradley Bakker
Technology and Employment Law
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Brad's practice focuses a heavy emphasis on the intersection of technology, law and the workplace. Brad litigates complex matters related to e-discovery and file preservation issues, and has a strong understanding of the technical issues employers can encounter in litigation. He also defends employers before the EEOC and represents educational institutions in litigation. Brad's wife gave him a guitar for their first Christmas together in Nashville, and he has been avidly taking lessons and playing ever since.



Mabel Arroyo-Tirado
Immigration
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Fluent in both English and Spanish, Mabel understands the complexities of U.S. immigration laws and proactively helps businesses and individuals with corporate immigration issues. She assists manufacturers, health care corporations and other companies in connection with visa applications, operational questions and administrative proceedings before the United States Citizenship and Immigration Services (USCIS), the U.S. Department of Labor and U.S. Embassies and Consulates throughout the world. Mabel is originally from Puerto Rico.

About Labor & Employment

We're the Resource in Human Resources. Our labor and employment attorneys offer litigation defense services for administrative and court proceedings at the federal and state level, advice on pre-litigation strategies to reduce legal risks, policy analysis and drafting, compliance audits, management training and labor negotiation.

We Know People. We know our clients as people, not just clients. We form business partnerships so we can help clients strategize on the best approach for each situation, and are always looking at the big picture to ensure long-term success.

We Know Business and Industry. We work with clients across all types of businesses and industries, and we take pride in understanding exactly how they work and how our clients are positioned in the marketplace. These include local, regional and global companies in the health care, energy, food processing, entertainment, insurance, chemical manufacturing, construction, transportation and distribution industries.

We Know Our Alphabet. Our attorneys stay on top of the latest changes in laws and regulations from A to Z. We provide counseling and strategic advice on all employment-related laws and regulations, and when necessary, we defend our clients in district and federal courts across the country. Attorneys regularly appear before the EEOC, DOL and Occupational Health and Safety boards.

We Get Around. Our more than 70 labor and employment-focused attorneys are spread across the Firm's seven states and Washington, D.C. Attorneys are licensed in a total of 14 states and have handled matters in 40 states and the District of Columbia. Over the last three years, the team has tried more than 630 federal court cases, has appeared in the Third, Fourth, Fifth, Sixth, Eleventh and District of Columbia Courts of Appeal, and has appeared in 22 District Courts as well as the District of Columbia.

We Know Labor, Health and Safety. We help management deal with labor unions during the election phases of union campaigns, and we help with labor agreement negotiation. For clients who

have unions already representing their workforce, we pursue management's interests in all phases of the grievance and arbitration process. Our health and safety lawyers offer regulatory monitoring, compliance oversight, training programs and internal auditing protocols, and represent clients before federal and state Occupational Safety and Health regulators.

We Like to Help. Baker Donelson customizes all in-house management training programs so that clients' management teams will feel comfortable interacting with us and getting answers to their questions. We offer mock trials, case studies, role-playing, quizzes and video vignettes for human resources managers, mid-level managers and front line supervisors.

We Open Doors for Immigration. We offer a comprehensive and efficient approach to immigration, guiding clients through the entire range of immigration processes for foreign investors, executives, managers, professionals and other workers and their family members. Our experience and relationships help us cut through to practical solutions, using state-of-the-art systems to drive our best thinking through each step of every case.

We Play Well With Others. We want to be your go-to lawyers for every aspect of your company. No matter the legal issue, Baker Donelson's labor and employment attorneys can count on an integrated and experienced team of professionals to assist you in every other aspect of your legal business needs.

We're Good People. We are part of a Firm culture that promotes diversity, inclusion and a sincere appreciation for creative approaches to problem-solving. We are proud to have been listed among FORTUNE magazine's "100 Best Companies to Work For" for four consecutive years, something few other law firms have attained. Many of our offices consistently rank as a Best Place to Work in their cities and states, as well. Our labor and employment attorneys are listed in *Chambers USA*, *Best Lawyers in America*® and *Super Lawyers*, alongside other state-specific accolades. The group also holds national Tier Two rankings in *U.S. News – Best Lawyers in Employment Law and Labor Law*.

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