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**EMPLOYMENT
AND LABOR
LAW SEMINAR**

MAY 18-20, 2011

**THE WESTIN
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REASONS TO ATTEND

Choose from two practical skills workshops: a primer series focused on managing common employee scenarios and a trial tactics program for seasoned practitioners

Learn the implications of the latest case law, legislative changes and administrative developments on matters critical to employers

Find out how to navigate today's most pressing labor and employment issues

Hear about strategies and techniques to give you an edge in a workplace or litigation setting

DRI DELIVERS RESOURCES TO BUILD YOUR PRACTICE



DRI's 34th annual Employment and Labor Law Seminar is the definitive event for employment defense counsel, management-side labor attorneys, in-house counsel, human resources professionals and insurance industry professionals. Always intensely practical and accompanied by superior written materials, the Employment and Labor Law Seminar has become a "must-attend" for experienced practitioners, as well as those who are just getting started in employment law. Don't miss this opportunity to learn from some of the best practitioners and professionals in the labor and employment arena.



Jill S. Cox
Program Chair



Mark A. Fahleson
Committee Chair



E. Todd Presnell
Law Institute

**Presented by DRI's
Employment Law Committee**

Program Schedule	3
Seminar Sponsors	4
2011 Seminar Schedule	7
General Information	8
Faculty Biographies	9
Membership Application	11
Registration Form	12

WHAT YOU WILL LEARN

- Implications of the latest case law on matters critical to employers
- Tactics for navigating today's most challenging wage and hour issues
- Up-to-the-minute electronic discovery strategies from Judge Scheindlin, author of the landmark *Zubulake* decisions
- Risk management strategies on advanced labor and employment issues from some of the nation's top in-house corporate counsel
- Judge Bennett's perspective on the ethics of advocacy in the courtroom
- Recent policy and labor initiatives from a member of the National Labor Relations Board
- Legislative initiatives affecting employers described by a leading policy expert
- Deception detection techniques to give you an edge in a workplace or litigation setting
- Plaintiff-side secrets to improve effectiveness in depositions and written discovery
- How to work with, and not against, your client's employment practices liability insurance carrier



PROGRAM SCHEDULE

WEDNESDAY, MAY 18, 2011

Boarding Pass Kiosk

Sponsored by **Bradley Arant Boulton Cummings LLP**

12:45 p.m. **Registration**

2:00 p.m. **Welcome**

Mark A. Fahleson, *Rembolt Ludtke LLP*,
Lincoln, Nebraska

TRACKS RUN CONCURRENTLY FROM 2:15 P.M.–5:00 P.M.

TRACK ONE

**FROM THE TRENCHES:
Managing Common Issues in the
Employment Relationship from Hire to Fire**

TRACK TWO

**TRIAL TACTICS:
How to Succeed in an Employment Trial by
Really Trying**

2:15 p.m. **The Hiring Process and Background Checks**

Best practices at the hiring process stage can help head off employment law problems before they start. This session will present scenarios involving such matters as the written application process, interviews, background checks, and medical examinations, and demonstrate practices to follow and avoid.

Corena A. Norris-McCluney, *Kilpatrick Townsend & Stockton LLP*, Winston-Salem, North Carolina

2:15 p.m. **Arming for Battle**

Preparation can make the difference between boom or bust at trial. This session will focus on pretrial preparations essential for success. This means doing your homework, beyond motions practice, and putting together your witness and exhibit lists. Learn strategies for researching your judge and jury pool, conducting effective focus groups, and incorporating that intelligence into your overall trial strategy.

Steven M. Gutierrez, *Holland & Hart LLP*,
Denver, Colorado

3:05 p.m. **Medical Leaves of Absence**

Perhaps no other employment issue arises more frequently or presents more of a minefield than employee requests for medical leave. Be prepared to learn how to address challenging scenarios related to leaves of absence and reasonable accommodations, including how to manage the chronically absent employee and when a leave of absence might be a reasonable accommodation.

Dessi P. Nintcheva, *Wilson Turner Kosmo, LLP*,
San Diego, California

3:05 p.m. **The Medium Is the Message**

A well-told story sends a powerful message. This session will provide practical guidance on developing your trial theme and carrying that theme throughout the trial. Explore tactics for weaving your theme through voir dire and opening statements, staying on message during witness preparation and examination, and tying it all together in a strong closing argument.

Paul A. Wilhelm, *Dykema Gossett PLLC*,
Detroit, Michigan

3:55 p.m. **Refreshment Break**

3:55 p.m. **Refreshment Break**



TRACK ONE**FROM THE TRENCHES:
Managing Common Issues in the
Employment Relationship from Hire to Fire****4:10 p.m. Performance Management, Discipline and Termination**

Ensuring employees are complying with performance and conduct standards is critically important for the success of any employer. Yet many times supervisors and managers let employee lapses slide, which not only can hurt production, but often comes back to haunt companies in litigation. This session will walk attendees through common, but complicated, scenarios to demonstrate best practices for addressing these issues and hopefully head off litigation before it starts.

Tunisia L. Staten, *Ashe Rafuse & Hill LLP*,
Atlanta, Georgia

TRACK TWO**TRIAL TACTICS:
How to Succeed in an Employment Trial by
Really Trying****4:10 p.m. Putting It into Evidence**

Evidentiary objections that arise during trial can derail the best-laid plans and prevent your story from reaching the judge or jury. These issues go beyond basic questions of hearsay or authentication, and get into fact-intensive questions of relevance and prejudice. Be prepared to learn about crafting effective motions in limine, as well as how to anticipate and respond to objections from opposing counsel and ensure your evidence is admitted. In this practical session, participants will analyze real-life examples of evidentiary issues and collectively rule upon admissibility.

Whitney C. Traylor, *Traylor Law Group LLC*,
Denver, Colorado

5:00 p.m. Adjourn**5:00 p.m. Adjourn****6:00 p.m. Registration****6:00 p.m. Networking Reception**

Sponsored by **Waller Lansden Dortch & Davis LLP**

SEMINAR SPONSORS

DRI wishes to thank our sponsors for their support at this year's seminar!



THURSDAY, MAY 19, 2011**Boarding Pass Kiosk**

Sponsored by **Bradley Arant Boulton Cummings LLP**

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

Sponsored by **Jackson Lewis LLP**

7:00 a.m. **First-Time Attendees Breakfast**

8:00 a.m. **Welcome and Introduction**

E. Todd Presnell, *Miller & Martin PLLC*,
Nashville, Tennessee

Mark A. Fahleson, *Rembolt Ludtke LLP*,
Lincoln, Nebraska

Jill S. Cox, *Kilpatrick Townsend & Stockton LLP*,
Winston-Salem, North Carolina

8:15 a.m. **The Year in Review—Annual Labor and Employment Law Update**

Join us for this perennial seminar staple: a fast-paced summary of key labor and employment law decisions from the past year. Learn the implications of the latest federal cases and find that sought-after cite that will help you win your next motion.

J. Al Latham, Jr., *Paul Hastings Janofsky & Walker LLP*, Los Angeles, California

9:15 a.m. **Beyond the Basics—Wage and Hour Strategies for the Advanced Practitioner**

Learn about hot topics in wage and hour law and strategies for handling the most challenging issues arising under the Fair Labor Standards Act. This session will cover complex questions involving overtime exemptions and independent contractor classifications, tip pooling, working off-the-clock, donning and doffing, and on-call time. A leading wage and hour attorney and former administrator for the U.S. Department of Labor's Wage and Hour Division will provide practical advice for addressing thorny wage and hour issues in both the employment and litigation contexts.

Paul DeCamp, *Jackson Lewis LLP*, Reston, Virginia

10:15 a.m. **Refreshment Break**

Sponsored by **Holland & Hart LLP**

10:30 a.m. **Electronic Discovery—Where Are We Now, Where Are We Headed and When Will We Arrive?**

The federal district judge who authored the seminal *Zubulake* decisions will team up with a nationally recognized electronic discovery expert and author of the frequently cited treatise *Electronic Discovery: Law and Practice* to break down the state of the law and then offer practical guidance for managing and effectively utilizing electronic discovery. Learn best practices for devising document retention plans, implementing litigation holds, obtaining social media discovery (e.g., Facebook and Twitter posts), and effectively addressing document preservation, production and cost allocation with opposing counsel and the court.

Adam I. Cohen, *FTI Consulting Inc.*, New York, New York

The Honorable Shira A. Scheindlin, *U.S. District Court for the Southern District of New York*, New York, New York

11:45 a.m. **Lunch** (*on your own*)

1:00 p.m. **Dishonesty Exposed! The Truth About Deception Detection and the Unintended Messages People Let Slip**

The ability to determine whether someone is telling the truth is invaluable, whether for leaders in the workplace or lawyers in litigation. In this engaging and informative session, participants will view and analyze video clips of people, in unscripted moments, and learn the skills necessary to identify conduct associated with dishonesty. An experienced employment attorney and criminal prosecutor—trained in lie detection techniques—presents his research-based system by which participants learn to capture subtle behavior that on some occasions broadcasts dishonesty and on others masks it.

Phillip R. Maltin, *Gordon & Rees LLP*, Los Angeles, California



2:15 p.m. **How to Work With, and Not Against, Your Client's EPLI Carrier**
As employment practices liability insurance (EPLI) continues to gain market share, more employment law practitioners—both in-house and outside counsel—must partner with insurance professionals to manage and defend claims. Our panel of claims professionals will reveal a practical approach to working with EPLI carriers, the significance of serving on a carrier's panel, and how not to impede defense efforts and coverage for your client unwittingly.

Moderator

Amy L. Miletich, *Miletich Pearl LLC*, Denver, Colorado

Panel

Jason A. Fogg, *Monitor Liability Managers LLC*, Rolling Meadows, Illinois

Martin Schnabel, *Freedom Specialty Insurance*, New York, New York

Nichole Thompson, *Chubb Group of Insurance Companies*, Dallas, Texas

3:15 p.m. **Refreshment Break**
Sponsored by Kilpatrick Townsend & Stockton LLP

3:30 p.m. **Behind Enemy Lines—The Plaintiffs' Perspective on Depositions and Written Discovery**
Ever wonder how plaintiffs' counsel prepares to depose your key corporate witnesses? How she or he prepares a plaintiff for your questions? What discovery techniques have effectively persuaded the plaintiffs' attorney that this is a case to get out from under? Hear from a top plaintiffs' lawyer, and the author of *Deposing and Examining Employment Witnesses*, the secrets of the plaintiff-side discovery process, with real life examples of defense tactics that have succeeded or failed.

Tod F. Schleier, *Schleier Law Offices PC*, Phoenix, Arizona

Sidney R. Steinberg, *Post & Schell PC*, Philadelphia, Pennsylvania

4:30 p.m. **Adjourn**

4:30 p.m. **Employment Law Committee Meeting**
(open to all)

6:00 p.m. **Networking Reception**

7:30 p.m. **Dine-Arounds**

Join colleagues and friends at selected restaurants for dinner *(on your own)*.
More details on-site.

FRIDAY, MAY 20, 2011**Boarding Pass Kiosk**

Sponsored by **Bradley Arant Boult Cummings LLP**

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**
Sponsored by Greenberg Traurig LLP

8:00 a.m. **Announcements**
Jill S. Cox, *Kilpatrick Townsend & Stockton LLP*, Winston-Salem, North Carolina

8:15 a.m. **Judge Bennett Explores the Ethics of Written and Oral Advocacy**
When do attorneys cross the line between zealous advocacy and unethical conduct? Judge Bennett looks at the ethics of advocacy. Learn how matters of attorney candor, fairness to opposing parties and counsel, regard for the impartiality and decorum of the tribunal, trial publicity and other ethical concerns play out in the courtroom.

The Honorable Mark W. Bennett, *U.S. District Court, Northern District of Iowa*, Sioux City, Iowa

9:15 a.m. **Troubleshooting Advanced Labor and Employment Issues with Top In-House Practitioners**
What keeps in-house attorneys up at night? How do you advise your employer client when the stakes are high and there are no easy answers? In-house and outside counsel regularly have to partner to address such tricky situations, both within and outside the litigation context. Learn risk management strategies from the in-



house attorneys who advise Fortune 500 companies on today's most pressing labor and employment issues.

Moderator

Mary G. Balazs, *Cliffs Natural Resources Inc.*,
Cleveland, Ohio

Panel

Paul Lancaster Adams, *Microsoft Corporation*,
Redmond, Washington

Lucretia D. Guia, *U.S. Airways Inc.*, Tempe,
Arizona

Tabitha Jenkins, *Macy's Inc.*, New York,
New York

10:15 a.m. **Refreshment Break**

Sponsored by Shook Hardy & Bacon LLP

10:30 a.m. **News from the National Labor Relations Board**

It's been a busy year at the National Labor Relations Board. Board member Mark Pearce, in conjunction with management-side labor lawyer Al Latham, will provide an update on developments and initiatives in labor relations and union organizing, and cover what the board has been doing since hundreds of its decisions were invalidated by the Supreme Court.

J. Al Latham, Jr., *Paul Hastings Janofsky & Walker LLP*, Los Angeles, California

Mark G. Pearce, *National Labor Relations Board*, Washington, D.C.

11:30 a.m. **Legislative Outlook from Washington**

The legislative landscape has never been so active. Hear from a nationally recognized policy expert about the latest legislative initiatives affecting employers. This program will cover critical pending and recently enacted legislation and administrative action related to employment, labor, immigration and employee benefits and will analyze how they affect employers and the workplace.

Randel K. Johnson, *U.S. Chamber of Commerce*, Washington, D.C.

12:30 p.m. **Adjourn**

2011 SEMINAR SCHEDULE

- February 10–11 **Toxic Torts and Environmental Law**
New Orleans Marriott, New Orleans, LA
- March 10–11 **Appellate Advocacy**
JW Marriott Orlando, Grande Lakes, Orlando, FL
- March 10–11 **Medical Liability and Health Care Law**
Palace Hotel, San Francisco, CA
- March 23–25 **Damages**
Bally's Las Vegas, Las Vegas, NV
- March 30–April 1 **Insurance Coverage and Claims Institute**
Fairmont Chicago Millennium Park, Chicago, IL
- April 6–8 **Product Liability Conference**
Hilton New Orleans Riverside, New Orleans, LA
- April 14–15 **Business Litigation and Intellectual Property**
InterContinental Chicago, Chicago, IL
- April 27–29 **Life, Health, Disability and ERISA Claims**
Boston Marriott Copley Place, Boston, MA
- May 5–6 **Drug and Medical Device**
Sheraton Chicago Hotel and Towers, Chicago, IL
- May 12–13 **Strictly Retail**
Swissôtel Chicago, Chicago, IL
- May 18–20 **Employment and Labor Law**
The Westin Kierland, Scottsdale, AZ
- June 9–10 **Young Lawyers**
Hilton Austin, Austin, TX
- June 16–17 **Diversity for Success**
Swissôtel Chicago, Chicago, IL
- June 23–24 **Extra-Contractual Liability**
The Westin Washington, D.C. City Center, Washington, D.C.
- September 15–16 **Nursing Home/ALF Litigation**
Boston Marriott Copley Place, Boston, MA
- September 15–16 **Strictly Automotive**
Marriott Dearborn Inn, Dearborn, MI

GENERAL INFORMATION

CLE ACCREDITATION

This seminar has been approved for MCLE credit by the State Bar of California in the amount of **13.25** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please check our website at www.dri.org for credit information for your state.

REGISTRATION

The registration fee is **\$745** for members and those who join DRI when registering and **\$975** for non-members. The registration fee includes CD-ROM course materials, continental breakfasts, refreshment breaks and networking receptions. If you wish to have your name appear on the registration list distributed at the conference and receive the CD-ROM course materials in advance, DRI must receive your registration by **April 28, 2011** (please allow 10 days for processing). Registrations received after **April 28, 2011**, will be processed on-site.

IN-HOUSE COUNSEL

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization, for the purpose of providing legal representation and counsel exclusively to such employer corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee.

SPECIAL DISCOUNTS

The first and second registrations from the same firm or company are subject to the fees outlined above. The registration fee for additional registrants from the same firm or company is **\$695**, regardless of membership status. All registrations must be received at the same time to receive the discount.

REFUND POLICY

The registration fee is fully refundable for cancellations received on or before **April 28, 2011**. Cancellations received after **April 28** and on or before **May 5, 2011**, will receive a refund, less a \$50 processing fee. Cancellations made after **May 5** will not receive a refund, but the course materials on CD-ROM and a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax to DRI's Accounting Department at 312.795.0747. All refunds

will be mailed within four weeks after the date of the conference. Substitutions may be made at any time without charge and must be submitted in writing.

COURSE MATERIALS

DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. The CD will be included in the registration packet on-site. You can order additional copies by checking the appropriate box on the registration form on the back of this brochure or ordering online at www.dri.org.

Sponsored by **Dykema Gossett PLLC**

SUPPLEMENTAL MATERIALS

Recommended supplemental material for this seminar is **Employment Law Trial Tactics**. Order your copy by checking the appropriate box on the registration form on the back of this brochure. You can also view the entire list of DRI publications offerings and make purchases online at www.dri.org.

HOTEL ACCOMMODATIONS

A limited number of discounted hotel rooms have been made available at the **Westin Kierland, 6902 East Greenway Parkway, Scottsdale, Arizona 85254**. For reservations, **contact the hotel directly at 480.624.1000**. Please mention **DRI's Employment and Labor Law Seminar** to take advantage of the group rate of **\$235 Single/Double**. The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 20, 2011**, to be eligible for the group rate. Requests for reservations made after **April 20** are subject to room and rate availability.

TRAVEL DISCOUNTS

DRI offers discounted meeting fares on various major air carriers for **DRI's Employment and Labor Law Seminar** attendees. To receive these discounts, please contact Hobson Travel Ltd., DRI's official travel provider at 800.538.7464. As always, to obtain the lowest available fares, early booking is recommended.

FLYERS

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See your attendee packet on-site for information on these sponsors.

The taping or recording of DRI seminars is prohibited without the written permission of DRI.

Speakers and times may be subject to last-minute changes.

DRI policy provides there will be no group functions sponsored by others in connection with its seminars.



FACULTY

Paul Lancaster Adams is associate general counsel for Microsoft Corporation in Redmond, Washington, where he oversees labor and employment litigation. He also has direct responsibility for class action matters of various forms and high-level corporate internal investigations worldwide. Previously, Mr. Adams was a partner at a Philadelphia law firm, where he represented large publicly traded corporations with international operations in the areas of labor and employment, commercial litigation and government and corporate investigations.

The Honorable Mark W. Bennett was appointed a U.S. District Court Judge in the Northern District of Iowa in August 1994. On January 2000, he became Chief Judge of the Northern District and served in this capacity for seven years. Judge Bennett had previously been a U.S. Magistrate Judge in the Southern District of Iowa. His extensive prior practice in employment discrimination, constitutional law and other civil rights litigation took him to numerous state and federal trial and appellate courts, including arguing *Evans v. Oscar Meyer Co.*, 441 U.S. 750 (1979), before the U.S. Supreme Court.

Adam I. Cohen is a senior managing director with FTI Consulting Inc. in New York City, where he leads the electronic discovery readiness, management and compliance practice. Mr. Cohen advises large business enterprises on electronic discovery issues arising in civil litigation and regulatory investigation, as well as enterprise content management policies and systems. He co-authors the annually updated legal treatise *Electronic Discovery: Law and Practice*, which has been cited as authority in several federal court opinions. Mr. Cohen is an active member of DRI's Electronic Discovery Committee.

Jill S. Cox is counsel in the Winston-Salem, North Carolina, office of Kilpatrick Townsend & Stockton LLP. She works with employers to prevent and resolve disputes regarding all aspects of the employment relationship. Ms. Cox regularly defends employers in a wide range of employment-related litigation, including claims of discrimination, harassment, retaliation, and improper denial of leave and benefits. Ms. Cox is the program chair of this seminar.

Paul DeCamp is a partner in the Washington, D.C., regional office of Jackson Lewis LLP and national chair of the firm's wage and hour practice group. His practice is devoted to representing employers in wage and hour matters, including litigating class and collective actions across the country, defending government investigations, conducting compliance reviews and providing advice and counseling. Previously, he served as the presidentially appointed administrator of the U.S. Department of Labor's Wage and Hour Division, the chief federal officer responsible for interpreting and enforcing the nation's wage and hour laws.

Mark A. Fahleson is a partner with the law firm of Rembolt Ludtke LLP, based in Lincoln, Nebraska, where he specializes in management-side employment and labor law. Mr. Fahleson is a frequent presenter and blogger on workplace issues and has

authored articles published in *For The Defense* and other national publications. He has been an active member of the DRI Employment Law Committee for over a decade, previously serving as program chair for this seminar and currently serving as the committee's chair.

Jason A. Fogg is the vice president of claims and regulatory compliance for Monitor Liability Managers LLC in Rolling Meadows, Illinois, a leading underwriting management company specializing in professional liability insurance, including employment practices liability, management liability, directors' and officers', nonprofit organizations, accountants' professional liability and lawyers' professional liability. Before joining the insurance industry, Mr. Fogg was a litigator in Chicago, specializing in employment law.

Lucretia D. Guia is managing director and associate general counsel with U.S. Airways Inc. in Tempe, Arizona. She handles various labor and employment matters, including labor arbitrations and employment litigation. Prior to joining U.S. Airways in 2009, Ms. Guia had substantial private practice experience in employment litigation and related matters. She is a member of the North Carolina and Georgia bars.

Steven M. Gutierrez is the chair of Holland & Hart LLP's labor and employment practice group in Denver and has been practicing for 17 years in the area of management-side employment and traditional labor matters. He regularly consults diverse clients in pursuit negotiations and resolutions, at hearings for and against emergency injunctive relief, at mediations and before the National Labor Relations Board, Equal Employment Opportunity Commission and Colorado Civil Rights Division. Mr. Gutierrez served as editor of DRI's *Employment Law Trial Tactics Compendium*.

Tabitha Jenkins is senior counsel for Macy's Inc. in New York City. She concentrates her practice in employment law and risk management. Ms. Jenkins is a member of the Missouri Bar Association and the Illinois State Bar Association.

Randel K. Johnson joined the U.S. Chamber of Commerce in Washington, D.C., in 1997. As senior vice president, he is primarily responsible for labor, immigration and employee benefits issues pending before Congress and the federal agencies. Mr. Johnson determines the chamber's position and sets strategy regarding a variety of issues, including civil rights and wage and hour law; union-driven initiatives such as card check legislation; ergonomics and blacklisting regulations; pension funding reform and health care; and comprehensive immigration reform.

J. Al Latham, Jr., is a partner in the Los Angeles office of Paul Hastings Janofsky & Walker LLP, an international law firm. He represents employers in all aspects of labor relations and employment law. Mr. Latham was President Reagan's appointee as staff director of the U.S. Commission on Civil Rights and, before that, was chief counsel to member Patricia Diaz Dennis of the National Labor Relations Board. He is a member of the adjunct faculty at the University of Southern California School of Law, where he has taught labor law for 20 years.



Phillip R. Maltin is a partner in the employment practice in Gordon & Rees LLP's Los Angeles office. He acts as outside general counsel to various businesses, supplying day-to-day human resources counseling and strategy, and successfully defending clients in all forms of claims, including misappropriation of trade secrets, harassment, discrimination and retaliation, and violations of California's wage-and-hour rules. Mr. Maltin received training in lie deception techniques from the scientist on whom *Fox* bases its television show *Lie to Me*, a drama about deception detection experts.

Dessi P. Nintcheva is an associate at Wilson Turner Kosmo LLP in San Diego. She has litigated business disputes for over 10 years. Her employment law practice emphasizes litigation of discrimination, harassment and wrongful termination matters. She is an active member of DRI's Employment Law Committee and serves on the steering committee, as well as the planning committee for this seminar.

Corena A. Norris-McCluney is counsel with Kilpatrick Townsend & Stockton LLP in the firm's Winston-Salem, North Carolina, office. Ms. Norris-McCluney practices with the firm's labor and employment team, where she focuses on defending and litigating employment discrimination lawsuits, advising and defending employers on employee relations issues, assisting with respect to covenant not to compete litigation and counseling employers on state and federal labor and employment laws. She regularly conducts harassment and discrimination investigations on behalf of employers.

Mark G. Pearce became a confirmed member of the National Labor Relations Board on April 2, 2010, following his recess appointment by President Obama. Mr. Pearce was previously an attorney in the Buffalo regional office of the NLRB prior to entering private practice as a labor lawyer for unions. In 2008, he was appointed to the New York State Industrial Board of Appeals, where he reviewed wage and hour rulings and compliance orders of the New York State Commissioner of Labor. Mr. Pearce has taught at Cornell University's School of Industrial Labor Relations Extension.

E. Todd Presnell is a trial lawyer with the Nashville office of Miller & Martin PLLC. His practice focuses on the representation of businesses in the areas of commercial and employment litigation. Mr. Presnell has contributed articles to *For The Defense* and has made presentations at DRI's Annual Meeting, Employment Law Seminar and Young Lawyers Seminar. He is also a member of the IADC and is listed in the 2008–2011 editions of *Best Lawyers in America*. Mr. Presnell is a member of DRI's Law Institute.

The Honorable Shira A. Scheindlin serves as U.S. District Judge for the Southern District of New York. Judge Scheindlin was previously an Assistant U.S. Attorney in the Eastern District of New York, and a U.S. Magistrate in the Eastern District of New York. Judge Scheindlin has been active in the New York State Bar Association, the New York County Lawyers Association and the Association of the Bar of the City of New York. She is an adjunct professor of law at Brooklyn Law School.

Tod F. Schleier is a shareholder with the Phoenix law firm of Schleier Law Offices PC. Mr. Schleier has practiced for 34 years, almost exclusively in the area of discrimination and employment law. He obtained two of the largest sexual harassment and whistleblower verdicts in the State of Arizona. Mr. Schleier serves as a mediator and arbitrator for employment claims. He is a fellow in the College of Labor and Employment Lawyers and was selected the "2010 Employment Lawyer of the Year" in Phoenix.

Martin Schnabel is the director of claims for Freedom Specialty Insurance in New York City, a subsidiary of Scottsdale Insurance Company. Prior to joining Freedom, Mr. Schnabel was with AEGIS Insurance Services and at AIG. He is admitted to practice law in New York.

Tunisia L. Staten is an associate in the law firm of Ashe Rafuse & Hill LLP in Atlanta. She represents management exclusively in all areas of employment law at both the state and federal levels.

Sidney R. Steinberg is a partner in the business law and litigation department of Post & Schell PC in Philadelphia, specializing in labor and employment law. His practice includes substantial litigation experience defending employers against employment discrimination claims in federal and state courts. He represents employers before the Equal Employment Opportunity Commission, the Department of Labor and the National Labor Relations Board, and also in arbitration proceedings. Mr. Steinberg also advises employers on employee discipline, restrictive covenants and the creation of employee handbooks.

Nichole Thompson has been a specialty claims examiner with Chubb Group of Insurance Companies in Dallas for 12 years. Ms. Thompson specializes in handling claims of employment practices and directors' and officers' liability insurance in the southern and southeastern regions of the United States.

Whitney C. Traylor is the senior attorney at the Traylor Law Group LLC in Denver, where he focuses his practice on employment discrimination law. He also is a professor in the management department at Metropolitan State College, where he teaches employment and business law. Mr. Traylor has enjoyed a great deal of success as a litigator, having never lost a trial in federal or district court. He is a contributing author to DRI's *Employment Law Trial Tactics Compendium*.

Paul A. Wilhelm is an employment law and ERISA litigator with the law firm of Dykema Gossett PLLC in Detroit. Mr. Wilhelm serves as chair of DRI's FLSA Subcommittee within the Employment Law Committee, and serves on the Long-Range Planning Subcommittee of DRI's Young Lawyers Committee. He is a contributing author to DRI's *Employment Law Trial Tactics Compendium*. Mr. Wilhelm is a member of the State Bar of Michigan and is admitted to practice in Michigan, Ohio and Kentucky.



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DRI MEMBERSHIP APPLICATION

This application/registration form for first-time members only—all other registrants please use reverse side.

MEMBER CATEGORY

- Defense Attorney—\$235 USD/year
Government Attorney—\$160 USD/year
Young Lawyer*—\$130 USD/year (admitted to the Bar for five years or less)
Law Student—\$20 USD/year

Male Female

FORMAL NAME TITLE

NAME (as you would like it to appear on badge)

COMPANY/FIRM/LAW SCHOOL

ADDRESS

CITY

STATE/PROVINCE ZIP/POST CODE

COUNTRY

TELEPHONE FAX EMAIL

Is this the first time you are attending this DRI seminar? Yes No

First time admitted to the Bar in STATE/PROVINCE MONTH/DAY/YEAR BAR NUMBER

In-house counsel (as defined below)**

I am a member of a state or local defense organization. Yes No

NAME OF ORGANIZATION

PRIMARY AREA OF PRACTICE NUMBER OF ATTORNEYS IN YOUR FIRM

OPTIONAL DRI is committed to the principle of diversity in its membership and leadership. Accordingly, applicants are invited to indicate which one of the following may best describe them:

- African American Asian American Hispanic
Native American Caucasian Other

DATE OF BIRTH MONTH/DAY/YEAR

REFERRED BY (name of DRI member attorney, if applicable)

To the extent that I engage in personal injury litigation, I DO NOT, for the most part, represent plaintiffs. I have read the above and hereby make application for individual membership.

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* Those eligible for Young Lawyer membership will receive a certificate for one free seminar when they join.
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*** Must meet definition and also be a DRI member and a member of DRI's Corporate Counsel Committee.

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