

NOVEMBER 10–13, 2021

Ogletree
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CORPORATE
LABOR AND EMPLOYMENT
COUNSEL
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The Ritz-Carlton, Amelia Island
4750 Amelia Island Parkway
Amelia Island, FL 32034
904.277.1100

Join us for an intensive and
interactive seminar focused on
labor and employment law issues
facing today's in-house counsel.



COST

Clients: \$995 per person
Non-clients: \$1,495 per person

REGISTRATION

See page 11

Featuring more than 35 topics designed for in-house counsel

Ogletree Deakins Welcomes You to Our **NINTH** *Annual*
CORPORATE LABOR AND EMPLOYMENT
COUNSEL EXCLUSIVE SEMINAR

WEDNESDAY

NOVEMBER 10, 2021

6:30 – 9:00 p.m.

WELCOME TO AMELIA ISLAND!

From moss-draped oaks to wide, pristine beaches, Amelia Island is a stunning setting for this year's Exclusive seminar. Start the program by connecting with colleagues over refreshments and dinner in the Ritz-Carlton's courtyard overlooking the beautiful Atlantic Ocean.



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7:30 – 8:45 a.m.

REGISTRATION AND BREAKFAST

8:45 – 9:00 a.m.

Opening and Welcome—A Primer on Florida's Unique Culture and History

C. Matthew Keen (Raleigh) • James M. McGrew (Atlanta/New Orleans)

9:00 – 9:45 a.m.

Trends and Forecasts: What Employers Need to Know Now

Since the 2020 presidential and congressional elections, much has changed for employers and plenty more is on the way. Join this opening session for a heads-up on the top trends and developments employers need to know right now in the areas of wage and hour, traditional labor, pandemic recovery, immigration, employee benefits, workplace safety, and employment litigation.

Moderator: Brandon M. Shelton (Charlotte/Indianapolis)

Speakers: Rodolfo R. (Fito) Agraz (Dallas/Raleigh) • Margaret Carroll Alli (Detroit (Metro)) • Charles B. Baldwin (Indianapolis) • Michael Oliver Eckard (Charleston/Atlanta) • Shafeeqa W. Giarratani (Austin) • Eric E. Hobbs (Milwaukee) • Bernhard Mueller (Columbia) • Stephanie A. Smithey (Indianapolis)

9:45 – 10:30 a.m.

Workplace Investigations in a New Era

Recent years have seen the advent of a new era of cultural, social justice, and political movements. These societal shifts have impacted workplace investigations, with a new focus on allegations of systemic discrimination, cultural misconduct, unconscious bias, and even reverse discrimination. Hear from our panel of seasoned investigators about best practices for handling—and avoiding key missteps with—these challenging investigations.

Moderator: Michael K. Clarkson (Boston)

Speakers: Andre' B. Caldwell (Oklahoma City) • Monique Gougisha Doucette (New Orleans) • Christian Elloie, *Associate General Counsel, Global Head of Employment, Benefits & Aviation, HP Inc.*

10:30 – 10:45 a.m.

BREAK

10:45 – 11:45 a.m.

BREAKOUT SESSIONS—SERIES 1**1. Pandemic Recovery: Round 1—Out of Sight, Out of Mind? Managing Leaves in a Remote World**

In today's work environment, many things have changed—especially remote work. But one thing that hasn't changed is the fact that employees still need to take leaves of absence for various reasons. Managing leave issues for employees who are working remotely makes already complicated issues even tougher. This session will focus on the top risks, challenges, and remedies for tricky remote work leave issues, including issues related to properly tracking leaves of absence, managing leaves to ensure compliance, and identifying potential fraud.

Speakers: Lucas J. Asper (Greenville) • Tina M. Bengs (Chicago/Indianapolis) • Stacy M. Bunck (Kansas City)

2. Wage and Hour Whirlwind—Today's Top Challenges

Although there's a time and a place to discuss more mundane concepts associated with properly classifying and compensating employees, this is not that time or place! In this session, the speakers will address some of the most challenging and unusual issues that arise under the Fair Labor Standards Act (FLSA) and state wage and hour laws. Topics to be addressed will include: unique COVID-19 issues, such as outside sales and pandemic-related emergency regulations; travel time, on-call time, reporting time, and split shifts by remote workers; states that don't recognize the typical federal exemptions; oddball FLSA exemptions; and other tricky wage and hour concepts.

Speakers: Cynthia A. Bremer (Minneapolis) • Steven F. Pockrass (Indianapolis) • Beth Spain, *Vice President, Associate General Counsel, Litigation & Risk, Signet Jewelers*

3. Reefer Regs: Riding the Wave of Marijuana Law Changes

In-house counsel face complex and evolving issues in complying with myriad state medical and recreational marijuana laws—many with express job protections for users. In addition, they need to balance legal compliance with safety and business concerns, and may face strong objections (on either side!) from company leadership or other business partners in operations, health and safety, or risk management. Join this session for a discussion about the challenges faced by employers related to statutory compliance, disability discrimination and accommodation, workplace safety, and litigation avoidance.

Speakers: Rayna H. Jones (Phoenix) • M. Tae Phillips (Birmingham)

4. DOs and DON'Ts in DE&I: Creating a Meaningful and Successful Plan

A strategic and well-thought-out diversity, equity, and inclusion (DE&I) program can help an organization make the most of its diverse culture and individual perspectives by creating an inclusive, equitable, and sustainable work environment. In this session, the speakers will cover the key components to consider in developing a successful DE&I program that aligns with the organization's long-term business strategy and objectives, including training and development, recruitment and retention, employee resource groups, mentoring programs, succession planning, and recent trends such as the use of DE&I goals in incentive compensation.

Speakers: Kevin L. Burch (Indianapolis) • Shafeeqa W. Giarratani (Austin) • Luther Wright, Jr. (Nashville)

5. California Curveballs: The Latest (and Not Always Greatest) From the Golden State

During the pandemic, employer obligations have continued to evolve in California. Governor Gavin Newsom has issued executive orders and California's Division of Occupational Safety and Health (Cal/OSHA) has promulgated new COVID-19 regulations. Leave rights and sick pay entitlements have expanded, local ordinances for hazard and hero pay have abounded, pay data reporting requirements have changed, and the minimum wage has increased again. In addition, the California Supreme Court weighed in on meal and rest periods, the U.S. Court of Appeals for the Ninth Circuit has addressed Private Attorneys General Act (PAGA) controversies, and filings of both COVID-19-related lawsuits and safety-related PAGA claims have exploded. California employers are now grappling with new requirements for workplace safety, rehiring and retention, lactation accommodations, and privacy. This session will shine a light on these developments and how in-house counsel can help with California compliance.

Speakers: Charles L. Thompson, IV (San Francisco) • Karen F. Tynan (Sacramento)

THURSDAY

NOVEMBER 11, 2021

(continued)

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11:45 a.m. – 1:15 p.m.

NETWORKING LUNCH AND BREAK



1:15 – 2:15 p.m.

BREAKOUT SESSIONS—SERIES 2

1. Pandemic Recovery: Round 2—Wage and Hour and Payroll Tax Issues in a Remote World (U.S. Version)

As companies navigate the changing workplace—and many shift to more permanent remote or hybrid models—it is critical to understand the many labor and employment issues implicated by remote work. In this session, the speakers will explore the most challenging topics surrounding remote work, from wage and hour issues to payroll tax complications. The speakers will also cover the key practical considerations for building a successful flexible work program while maintaining employee productivity and engagement.

Speakers: Thomas M. McNerney (San Francisco) • Leah S. Freed (Phoenix) • John Montgomery, *Partner*, KPMG LLP
Mindy Staley, *Vice President & Senior Assistant General Counsel*, Novant Health, Inc.

2. Social Activism and the Workplace: In-House Counsel's Role

In the midst of a tumultuous time, employees (and managers and executives) are speaking out at work or lobbying their employers to speak about pressing issues related to racism, politics, and social justice. Join us for a timely session on how in-house counsel can balance issues relating to freedom of expression, civility, protected concerted activity, discrimination, and retaliation, as well as considerations for minimizing business disruption and legal liability.

Speakers: Bernard J. Bobber (Milwaukee) • Norma Manjarrez (Chicago) • Adam T. Pankratz (Seattle)

3. Avoiding Investigation and Leave Snafus With Temporary Workforces

Many companies have utilized staffing companies both before and during the pandemic to supply temporary workers. Regardless of contractual provisions, these relationships potentially can create a co-employment relationship between the staffing agency, the company, and the temporary worker, with shared legal duties and risks when it comes to important—and often tricky—issues such as investigations, accommodations, and leaves of absence. This session will review essential steps for maximizing collaboration while minimizing legal risk. The speakers will also identify practical considerations for collectively defending lawsuits to lessen the potential exposure.

Speakers: Jana S. Baker (Dallas) • Angela D. Green, *Senior Managing Counsel*, Tenet Healthcare Corporation
Tiffany Cox Stacy (San Antonio)

4. Clash of the Titans: Privilege Versus Transparency in Proactive Pay Equity Analysis

Pay equity continues to be a key focus for employers. This session will cover the top challenges companies face in balancing the benefits of conducting proactive pay equity analyses under the attorney-client privilege versus the increasing push for transparency in today's environment. The speakers will provide key takeaways from recent cases and address issues to consider when determining what, if anything, to disclose about pay equity audit processes and results. The speakers will also discuss Form 10-K human capital reporting trends, as well as other options to address the need for transparency.

Speakers: Renee Masinter, *Assistant General Counsel – Employment*, Entergy Services, LLC
Sarah J. Platt (Milwaukee) • Liz S. Washko (Nashville)

5. Laborpalooza! Cutting-Edge and Classic Changes in Traditional Labor

Traditional labor is facing raucous new challenges, as well as a return to old times. Changes at the National Labor Relations Board, including the unprecedented firing of the general counsel, legislative priorities such as the Protecting the Right to Organize (PRO) Act, and shifting tactics and targets of union organizing are all part of a wider shift in the organized labor environment. What's old is new again, as we return to pre-2016 labor regulations, but some changes employers face are brand new, as labor rebrands for a younger generation. Join this session to learn what in-house counsel need to know, prepare for, and, most of all, watch out for.

Speakers: Rodolfo R. (Fito) Agraz (Dallas/Raleigh) • Jacqueline M. Damm (Portland, OR)
Amie Nolan-Needham, *Assistant General Counsel*, General Motors

2:15 – 2:30 p.m.

BREAK

1. Pandemic Recovery: Round 3—Shots, Schedules, Safety, and Other Return-to-Work Issues

By November, many businesses will be back in the office—at least partially. Others will be returning more gradually. Regardless, employers must consider many issues, including making returning to the workplace mandatory, evaluating adjusted schedules and accommodations (including childcare obligations), requiring vaccinations, dealing with worker and customer safety concerns, and managing cross-border matters. This session will cover the latest developments to assist employers in ensuring the safety and productivity of their workforces.

Speakers: Gregory J. Hare (Atlanta) • Carolyn A. Knox (San Francisco) • Trina Ricketts (Kansas City)

2. Innovations in Outside Counsel and Litigation Management

Benchmarking data from our recent survey shows that in-house counsel overwhelmingly want to hear new ideas and approaches from their outside counsel. Join this session for a conversation on innovations in management of outside counsel and litigation. Topics will include how technology deployed during the pandemic has afforded greater opportunities for in-house counsel to observe outside counsel (including greater participation in investigations and litigation), creating formal processes to consolidate and manage outside counsel, and bringing outside counsel resources to internal stakeholders. The panel will discuss how enhanced collaboration allows for better internal reporting and assessment of cases and also improves the relationship and alignment of in-house and outside counsel.

Speakers: Paul Lancaster Adams (Philadelphia) • Brad Carl, *VP and Assistant General Counsel*, Clean Harbors Environmental Services • Alisha Cieslak, *Chief Legal and Risk Officer*, Gordon Food Service

3. The Top 10 Ways to Win—and Not Lose—at Trial

Exhausted efforts at settling your case? Have an opponent with unreasonable expectations about outcomes? Whatever the reason you are going to trial, this session will guide you through how to effectively present your case and avoid common pitfalls in a legal system where almost all cases get resolved short of trial. Topics will include planning for the presentation of your case (and trying to protect against the inevitable negative developments), avoiding the trap of focusing on technical issues, and making your story and witnesses “real.” The panel will discuss both in-person and remote trials.

Speakers: Rebecca J. Bennett (Cleveland) • Christopher E. Moore (New Orleans/Houston) • Vince M. Verde (Orange County)

4. OFCCP O'clock: The Latest Updates for Federal Contractors

The Office of Federal Contract Compliance Programs (OFCCP) continues to give employers plenty to talk about. From the Biden administration's focus on pay equity, to the inevitable forthcoming affirmative action verification requirements and OFCCP's continued move in ferreting out the discriminatory impact that hiring technologies can have on selection processes, it's important for in-house counsel to be aware of these new developments so they can ensure compliance. Join this session for the latest updates and practical strategies for complying with the agency's various initiatives.

Speakers: Lauren B. Hicks (Atlanta/Indianapolis) • James J. Murphy (Washington, D.C.)

5. Playing It Safe: OSHA Compliance in a New World

Employee complaints to the Occupational Safety and Health Administration (OSHA) skyrocketed due to COVID-19, and the safety practices of industries not accustomed to dealing with the agency have been closely scrutinized. As a result, many in-house counsel got a crash course in how to communicate effectively and strategically with OSHA. Although OSHA's COVID-19 guidance and recommendations are clearer now than before, many employees will continue to call OSHA regarding perceived safety issues, and OSHA is likely to see a budget increase that will mean stepped-up enforcement. This session will focus on how best to handle OSHA requests for information and on-site or remote inspections in order to minimize legal liability.

Speakers: Melissa A. Bailey (Washington, D.C.)

3:30 – 3:45 p.m.

3:45 – 4:30 p.m.

BREAK**Multistate Mayhem and Compliance Conundrums**

According to our recent benchmarking survey, 86 percent of respondents said that multistate and multilocality issues are a pervasive challenge. How does an employer keep up with the ever-changing patchwork of state and local employment laws? Using maps as a reference, this session will guide attendees through key state and local differences, including our digital *State Law Maps* resource and other insights and tools for helping employers keep abreast of the varying laws.

Moderator: Dee Anna D. Hays (Tampa)

Speakers: Michael D. Mitchell (Houston/Miami) • Stephen R. Woods (Greenville)

4:30 – 5:30 p.m.

SPECIAL SESSION—OSHA's New COVID-19 Emergency Temporary Standard, and the Federal Contractor and CMS Vaccine Mandates: What In-House Counsel Need to Know

On November 4, 2021, OSHA issued its highly anticipated COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS), and the Centers for Medicare & Medicaid Services issued its mandate relating to healthcare staff vaccinations. These new developments follow the issuance of the September 9, 2021, Executive Order 14042, which requires covered federal contractor employees and workplaces to comply with COVID-19 safety rules. Join this important special session for a discussion of the key provisions of each of these new requirements and practical insights for making decisions about how to comply.

Speakers: Melissa A. Bailey (Washington, D.C.) • Eric E. Hobbs (Milwaukee) • Leigh M. Nason (Columbia)

5:30 p.m.

CLOSING REMARKS AND PRIZE DRAWING

5:30 – 9:00 p.m.

SHIVER ME TIMBERS—IT'S A SHINDIG BY THE SEA

Amelia Island formerly served as a safe haven for pirates and other characters, and stories of their buried treasure have been passed down over generations. Join your colleagues on the oceanfront lawn for great food and merriment!



FRIDAY

NOVEMBER 12, 2021

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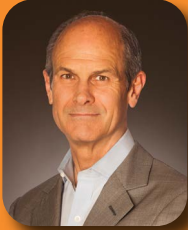
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7:45 – 8:30 a.m.

BREAKFAST

8:30 – 8:45 a.m.

OPENING REMARKS



8:45 – 9:30 a.m.

KEYNOTE SPEAKER: Where Is the Economy Headed—And How Will Winners Respond?

The current economic environment is truly unusual. While challenges abound, tumultuous times like these also present unique opportunities to lead—and succeed. Geoff Colvin is a *New York Times* best-selling author, broadcaster, editor and columnist for *Fortune*, and speaker on the most significant trends in business. Join us as Geoff discusses his insights on the current—and future—business climate and the keys for business leaders to “win” during today’s unprecedented times.

Geoff Colvin, Author and Broadcaster • Senior Editor-at-Large and Columnist, Fortune

9:30 – 10:15 a.m.

“Futureproofing” Your Workforce Now: Trends, Tips, and Technology

In the wake of the past year’s uncertainty and challenges, top companies have realized that being agile, forward-looking, and tech-savvy are more important than ever. In this session, the speakers will cover important legal issues relating to the trends that some employers are implementing to “futureproof” their workforces, including upskilling and workforce transitions, contingent workforce expansion, acceleration of automation and artificial intelligence, expansion of wearable and biometric technology, and increased data collection to gather actionable insights. The panel will also discuss practical strategies and tips for considering and implementing these changes, as well as the potential legal risks.

Moderator: Danielle Ochs (San Francisco)

Speakers: Jennifer G. Betts (Pittsburgh) • Geoff Colvin, *Senior Editor-at-Large and Columnist, Fortune*
Colleen G. DeRosa (Chicago) • Melanie Wendt, *Director, Human Capital Advisory - Workforce Transformation, KPMG LLP*

10:15 – 10:30 a.m.

BREAK

10:30 – 11:30 a.m.

BREAKOUT SESSIONS—SERIES 4

1. Pandemic Recovery: Round 4—Cross-Border COVID Conundrums

Cross-border employment issues have always presented challenges for in-house counsel—and then COVID-19 hit. This session will cover the latest cross-border issues related to remote work, including benefits, immigration, payroll tax, “stealth expats,” permanent establishment, discrimination and harassment, and IP ownership. The speakers will also discuss best practices for ensuring continued security, productivity, and motivation while employees are working remotely.

Speakers: Hugh A. Christie (Toronto) • Lee Gibbs Depret-Bixio (Columbia) • Michael K. Mahoney (Morristown)
Diana J. Nehro (New York/Boston)

2. Growing Storm Clouds for the Use of Independent Contractors

The Biden administration has made it unmistakably clear that it intends to return to the worker-friendly standards of the Obama administration with vigorous enforcement efforts. Key Obama-era officials have returned with their misclassification playbooks. Numerous states, both the usual suspects and many others, are expected to follow suit. Even the U.S. Equal Employment Opportunity Commission has announced its own misclassification initiative. Private litigation continues unabated. The panel will focus on these developments, the ramifications for those who use or rely on contractors, and what steps companies should consider in this challenging environment.

Speakers: Greg Guidry (Lafayette/New Orleans) • Kevin P. Hishta (Atlanta)
Steven Moulds, *Assistant General Counsel and Director of Governmental Affairs, Flowers Foods, Inc.*

3. Challenging DE&I Issues for In-House Attorneys in Turbulent Times

In recent years, many employers have placed new emphasis on diversity, equity, and inclusion initiatives, ranging from accountability in recruiting to corporate statements on current events. But well-intentioned DE&I efforts can be a legal minefield if management moves forward without the input of in-house employment counsel. The panel will explore potential pitfalls and best practices on various topics, including using technology in recruiting and hiring to further DE&I efforts, identifying challenges in collecting, reporting, and using demographic data, managing workplace speech and behavior, and handling cross-border DE&I issues.

Speakers: Gary Ballesteros, *Vice President, Law, and Chief Compliance Officer & Ombuds,*
Rockwell Automation, Inc. • Michael H. Cramer (Chicago) • Simone R.D. Francis (St. Thomas/New York)

4. Maximizing Mock Trials

Mock trials can be critical for shaping trial strategy, evaluating risk, and preparing businesses for the realities of trial. On the other hand, a bad experience with mock trials can be costly, time-intensive, and not insightful, or worse yet—provide false information. Join this session for practical insights and anecdotes on how to get the most out of mock trials. The panel will share their best practices playbook, including timing considerations, identifying who should attend and their roles, successfully preparing executives and witnesses, and identifying arguments, exhibits, and issues to present.

Speakers: Jenny Cotner, *Managing Counsel*, Oracle • Lisa C. Hamasaki (San Francisco) • Robert A. Sar (Raleigh)

5. Keeping Up With Class Actions: COVID-19 Fallout, Current Trends, and Common Land Mines

There is no shortage of developments to keep up with in the class and collective action arena. This session will discuss trends, risks, and best practices for avoiding common land mines and minimizing litigation risk as businesses continue to adapt to the new normal. Key topics will include trends in wage and hour collective, class, and representative litigation during the pandemic (including increased online solicitation, misclassification, off-the-clock work, wage deduction, and expense reimbursement cases), recent developments in Rule 23 litigation, and reverse auctions and other settlement strategies.

Speakers: Tracie L. Childs (San Diego) • Maggie (Hanrahan) Santen (Charlotte/Atlanta)

11:30 – 11:45 a.m.

BREAK

11:45 a.m. – 12:45 p.m.

BREAKOUT SESSIONS—SERIES 5

1. Pandemic Recovery: Round 5—COVID-19 Litigation and Protections

In the wake of COVID-19, in-house counsel have faced an onslaught of challenges—including a wave of COVID-19-related litigation and claims. And the rise in numbers of employees returning to the workplace also means an increase in COVID-19-related allegations, especially those related to retaliation for reporting safety concerns and leave/accommodation requests. Join this session for a discussion of the types of litigation that employers are seeing and best practices for managing these cases. Topics will include current and projected litigation and agency trends, mitigation strategies, and practical considerations for successfully defending COVID-19 cases.

Speakers: Anthony Alfano, *Vice President and General Counsel – Global Labor and Employment*, Johnson Controls
Ashley Prickett Cuttino (Greenville) • Natalie M. Stevens (Cleveland)

2. Zealous, but Ethical: Ethics Conundrums in Litigation Management (One hour of CLE ethics credit may be available.)

While lawyers have an ethical responsibility to be zealous advocates for their clients, this is not synonymous with “winning at any cost.” What are the contours of zealous representation, and how can in-house counsel avoid running afoul of ethics rules? In this session, the speakers will examine complex ethical issues facing in-house counsel who manage litigation, from the need to determine the truth about how best to control litigation costs, all while zealously representing the company.

Speakers: Kristin Snyder Higgins (Dallas) • Spencer C. Skeen (San Diego)

3. Can't Even Recruit Recruiters? How In-House Counsel Can Help With Hiring Challenges

Recruitment has become an enormous challenge for employers, and some HR departments are asking in-house counsel for unusual concessions—and incentives—to bring more applicants in the door. Eliminating drug testing, changing vaccination policies, allowing pets in the office, offering bonuses and atypical incentives, and expanding full-time remote work are among the many recruiting areas where legal may need to weigh in. The speakers will discuss the current trends for competing in a tight market and in-house counsel's role in issue-spotting and balancing business needs with compliance pitfalls.

Speakers: Suzanne L. Martin (Las Vegas) • Christopher J. Meister (Phoenix) • Ruth Anne Collins Michels (Atlanta)

4. Protecting Data and Trade Secrets in a Remote World

Remote work has blurred lines—and created new legal risks—as more employees use personal devices for work, forward data to personal accounts, and put personal data on work devices. In addressing the issues that arise, in-house counsel may face a complex array of questions. How do employers “claw back” data from personal devices and accounts? What steps should employers take against growing phishing risks as face-to-face work diminishes? What are the top global data privacy concerns? How can employers adequately secure confidential information? These questions and more will be answered in this timely session.

Speakers: Scott N. Dietrich, *Chief Counsel and Director of Data Privacy*, Arconic Corporation
Simon J. McMenemy (London) • Christine Bestor Townsend (Milwaukee/Chicago)

5. Performance Management for the Hybrid Workplace: The Newest Tactics, Technology, and Resulting Legal Issues

With a greater number of employees working remotely, many companies are taking steps to move away from traditional methods of performance management and implementing processes for real-time employee input. In this session, the speakers will cover top strategies for modernizing employers' approaches to performance management and appraisals, including a discussion of critical legal issues presented by robust performance management practices, how best to identify newer methods for doing so, and a discussion of newer, cutting-edge ways to evaluate performance, obtain feedback, and provide meaningful guidance to employees.

Speakers: Maria Greco Danaher (Pittsburgh) • Thomas M. McInerney (San Francisco)
Ellen Papadakis, *Associate General Counsel, Legal Employment Lead (US, Japan, and Greater China)*,
Astellas Pharma US

FRIDAY

NOVEMBER 12, 2021

(continued)

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12:45 – 2:15 p.m.

NETWORKING LUNCH AND BREAK



2:15 – 3:15 p.m.

BREAKOUT SESSIONS—SERIES 6 (The Repeat Sessions)

During Breakout Series 6, we will repeat the following sessions from Breakout Series 1–5:

1. Pandemic Recovery: Round 1—Out of Sight, Out of Mind? Managing Leaves in a Remote World

In today's work environment, many things have changed—especially remote work. But one thing that hasn't changed is the fact that employees still need to take leaves of absence for various reasons. Managing leave issues for employees who are working remotely makes already complicated issues even tougher. This session will focus on the top risks, challenges, and remedies for tricky remote work leave issues, including issues related to properly tracking leaves of absence, managing leaves to ensure compliance, and identifying potential fraud.

Speakers: Lucas J. Asper (Greenville) • Tina M. Bengs (Chicago/Indianapolis) • Stacy M. Bunck (Kansas City)

2. Pandemic Recovery: Round 2—Wage and Hour and Payroll Tax Issues in a Remote World (U.S. Version)

As companies navigate the changing workplace—and many shift to more permanent remote or hybrid models—it is critical to understand the many labor and employment issues implicated by remote work. In this session, the speakers will explore the most challenging topics surrounding remote work, from wage and hour issues to payroll tax complications. The speakers will also cover the key practical considerations for building a successful flexible work program while maintaining employee productivity and engagement.

Speakers: Thomas M. McInerney (San Francisco) • Leah S. Freed (Phoenix) • John Montgomery, *Partner*, KPMG LLP
Mindy Staley, *Vice President & Senior Assistant General Counsel*, Novant Health, Inc.

3. Social Activism and the Workplace: In-House Counsel's Role

In the midst of a tumultuous time, employees (and managers and executives) are speaking out at work or lobbying their employers to speak about pressing issues related to racism, politics, and social justice. Join us for a timely session on how in-house counsel can balance issues relating to freedom of expression, civility, protected concerted activity, discrimination, and retaliation, as well as considerations for minimizing business disruption and legal liability.

Speakers: Bernard J. Bobber (Milwaukee) • Norma Manjarrez (Chicago) • Adam T. Pankratz (Seattle)

4. Reefer Regs: Riding the Wave of Marijuana Law Changes

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Speakers: Rayna H. Jones (Phoenix) • M. Tae Phillips (Birmingham)

5. Challenging DE&I Issues for In-House Attorneys in Turbulent Times

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Speakers: Gary Ballesteros, *Vice President, Law, and Chief Compliance Officer & Ombuds*, Rockwell Automation, Inc.
Michael H. Cramer (Chicago) • Simone R.D. Francis (St. Thomas/New York)

3:15 – 3:30 p.m.

BREAK

3:30 – 4:15 p.m.

The Next Wave? The Latest Topics in Discrimination, Harassment, and Wage and Hour Litigation

The prevalence of remote employees will make certain Americans with Disabilities Act accommodation claims more difficult to defend, highlight wage and hour vulnerabilities, and make off-premises, outside work-hour harassment claims the norm. As more employees return to the workplace, will workers near retirement age who are not recalled or not allowed to move into new positions assert age discrimination claims? The Supreme Court of the United States has indicated a willingness to revisit its approach to Title VII religious accommodation cases. These are just a few of the key developments in the world of discrimination and harassment litigation. This session will explore these developments (and more) and provide practical tips for employers to minimize legal risks.

Moderator: Patrick R. Martin (Minneapolis)

Speakers: Lizanne Hackett, *Associate General Counsel, Labor & Employment*, Amazon Worldwide Operations/Customer Fulfillment/Logistics • Betsy Johnson (Los Angeles)
Bryant S. McFall (Dallas)

4:15 – 4:30 p.m.

SPECIAL PRIZE DRAWING AND CLOSING REMARKS

**PRIZE
DRAWING!**



5:00 – 7:00 p.m.

CLOSING RECEPTION AT THE COURTYARD

End the day and start your weekend early with refreshments and light hors d'oeuvres in the Ritz-Carlton Courtyard—and then, join colleagues for dinner and check out the local scene in one of Fernandina Beach's outstanding local restaurants.



SATURDAY

NOVEMBER 13, 2021

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SATURDAY MORNING SMOOTHIES AND SPECIALTY CREDITS

Start your Saturday morning with tropical smoothies (plus coffee and a full breakfast, of course)—and earn specialty CLE credits by attending two engaging sessions.



8:15 – 9:00 a.m.

BREAKFAST AND TROPICAL SMOOTHIES



9:00 – 10:00 a.m.

Building PsyCap for In-House Counsel: Thriving in Stressful Times

(One hour of CLE professionalism or mental illness awareness credit may be available.)

MARTHA KNUDSON, former general counsel, *Executive Director, Utah State Bar Well-Being Committee for the Legal Profession*

Have you ever had a case or matter that was all-consuming and utterly stressful? Have you been in situations that were so demanding that you feared they might impact your performance and mental health—or that of others on your team? Join former general counsel Martha Knudson as she shares her own experiences and actionable tips for how in-house counsel can not only survive—but thrive—during bet-the-company cases and other high-stress situations by building their psychological capital. Martha will also provide important insights on why well-being matters and how to live well and reduce stress so that we are well-equipped to deal with life's many curveballs and challenges.

10:00 – 11:00 a.m.

All I Need to Know About Ethics I Learned in Kindergarten

(One hour of CLE ethics credit may be available.)

We all remember those valuable life lessons we learned way back in kindergarten: share with others, play fair, resolve conflicts, don't take things that aren't yours, clean up your own mess—and the list goes on. Many of these same lessons can translate to the ethical duties of lawyers. Join us for this humorous take on some very serious ethical dilemmas that lawyers have gotten themselves into—and how to avoid similar circumstances. The speakers will discuss rules 1.1, 1.4, 1.7, and 1.13 (among others) of the American Bar Association's Model Rules of Professional Conduct.

Speakers: William E. Grob (Tampa) • Deepa N. Subramanian (Atlanta)

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COST

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We are requesting up to 14.00 credit hours (including 2.40 hours of ethics and 1.20 hours of professionalism or mental illness awareness, depending on jurisdiction) for 50-minute jurisdictions, and 11.75 credit hours (including 2.00 hours of ethics and 1.00 hour of professionalism or mental illness awareness, depending on jurisdiction) for 60-minute jurisdictions. Please note Alabama CLE credit is not available for this program. Please email any CLE-related questions to cle@ogletree.com.

This program qualifies for both experienced and newly admitted attorneys. New York attorneys who need financial aid to attend may view the policy [here](#).

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