42ND ANNUAL

Labor & Employment Law institute

APRIL 20–21, 2017 | PLYMOUTH

Tackle Today’s Hot Topics in Labor and Employment Law

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Labor & Employment Law Section of the State Bar of Michigan
Federal Mediation & Conciliation Service

Something for Everyone
Navigating Joint Employer Issues
Making Credibility Determinations During Internal Investigations
The Pros and Cons of Mandatory Arbitration Agreements

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The Institute of Continuing Legal Education
The education provider of the State Bar of Michigan
Tackle Today’s Hot Topics in Labor and Employment Law

Hear up-to-date, expert analyses on timely topics—from joint employer issues to the latest in noncompetes, trade secrets, and TROs. Avoid land mines when implementing new overtime rules and understand the rights of employees regarding mental or emotional disabilities. New this year: expanded update segments on ADA, EEOC, FMLA, and FLSA include both plaintiff and defense perspectives.

Hear from Both Sides
In addition to the update segments, a number of other sessions include both plaintiff and defense perspectives. Rest assured you are getting expert advice tailored to your practice.

Enjoy Interactive Segments
Using hands-on demonstrations and real-life scenarios, experts help you develop winning strategies. Participate in a mock arbitration, watch demos of settlement negotiations, and determine a case’s value (which to take, which to decline).

Explore All-New Tracks
New this year: Hot Topics and Real Practice tracks. Experts tackle issues such as social media discovery, trade secrets and noncompetes, and more. And we still provide the Labor, Employment, and Human Resources tracks you’ve come to rely on.

Learn from the Best
Get advice from those who’ve been there, including judges, government officials, HR professionals, and more. Plus, don’t miss Adam S. Forman’s annual e-workplace update, covering the latest in technology and innovation.

Establish Lasting Connections
With nearly 300 attendees, you’ll have plenty of opportunity to rub elbows with peers and leaders from major agencies and courts. Find a new client, resolve a problem, and expand your professional network.

Get Your HR Questions Answered
From credibility determinations to background checks, our Human Resources Track will help you stay ahead of important trends. Participate in audience voting and case study Q&A sessions—all while earning 7.5 hours of HRCI and SHRM credit.
Jeffrey S. Donahue
White Schneider PC, Okemos

With a master’s degree in labor and industrial relations in addition to his law degree, Jeffrey S. Donahue practices in the areas of labor, employment, and education law; negotiating collective bargaining agreements; and grievance arbitration. He is an approved mediator for the Ingham County Circuit Court and other circuit courts in the state.

Hon. Robert J. Jonker
United States District Court—Western District of Michigan, Grand Rapids

Hon. Robert J. Jonker was appointed by President George W. Bush in July 2007 and was elevated to chief judge on July 18, 2015. Before taking the bench, he practiced commercial and environmental litigation for 20 years with Warner Norcross & Judd LLP.

Jennifer L. Lord
Pitt McGehee Palmer & Rivers PC, Royal Oak

Jennifer L. Lord is a partner at the firm. Her practice specializes in race, sex, gender, disability, age, whistleblower, breach of contract, class action, and Family and Medical Leave Act claims. She also has extensive experience in severance negotiations, including C-level negotiations.

Ronda Tate Truvillion
Lewis & Munday PC, Detroit

Ronda Tate Truvillion practices in the areas of labor and employment defense, commercial litigation, insurance defense, and education law. She represents entities ranging from a Fortune 10 corporation to state universities during all phases of litigation through appeal, as well as arbitration and administrative proceedings.

Updated for 2017, every attendee receives a free Legal Resource Guide. Use it for quick and easy reference throughout the year.

Contributed by: Lori Keen Adamcheski, Blue Cross Blue Shield of Michigan, Detroit; Stuart M. Israel, Legghio & Israel PC, Royal Oak; Ronda Tate Truvillion, Lewis & Munday PC, Detroit
Agenda

8:00am  Continental Breakfast and Registration (Both Days)

THURSDAY, APRIL 20, 2017

9:00am  Welcome and Section Activity Update
9:20am  Americans with Disabilities Act Update
10:05am  Networking Break
10:20am  Equal Employment Opportunity Update
11:05am  Family and Medical Leave Act Update
11:55am  Networking Lunch On-Site
11:55am  Special Roundtable Lunch: Networking and Marketing (Pre-Registration Required—Limit 75)
1:10pm  Fair Labor Standards Act Update

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<th>Labor Law Track</th>
<th>Employment Law Track</th>
<th>Human Resources Professional Track</th>
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<tr>
<td>2:05pm Navigating Joint Employer Issues</td>
<td>Protecting Privacy in Employment Law Cases</td>
<td>The Year in Review for Human Resources Professionals—Part One</td>
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<td>2:50pm Networking Break</td>
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<td>3:05pm MERC/NLRB Update</td>
<td>The Pros and Cons of Mandatory Arbitration Agreements</td>
<td>The Year in Review for Human Resources Professionals—Part Two</td>
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<td>4:00pm Anatomy of a Mock Arbitration</td>
<td>Maintaining the Attorney-Client Privilege</td>
<td>Perceived Disability and Fitness for Duty</td>
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<td>4:45pm Networking Reception</td>
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FRIDAY, APRIL 21, 2017

9:00am  Hot Topics in Social Media Discovery
9:55am  Hot Topics in Trade Secrets and Noncompetes
10:50am  Networking Break
11:05am  The Evolving e-Workplace Update

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Accommodations
The Inn at St. John’s
44045 Five Mile Road
Plymouth, MI 48170

A block of rooms has been reserved at The Inn at St. John’s, Plymouth, under ICLE for April 19–20, 2017. The room rate is $149/night. Please call 734-414-0600 to reserve a room.

Reservations must be made by April 5, 2017. Registrants are responsible for their own hotel expenses.
Plenary Sessions
9:00am/Thursday
Welcome and Section Activity Update
Susan Hartmus Hiser, Chair, Labor & Employment Law Section of the State Bar of Michigan, The Murray Law Group PC, Bingham Farms

9:20am/Thursday
Americans with Disabilities Act Update
Megan P. Norris, Miller Canfield PLC, Detroit; John R. Runyan, Sachs Waldman PC, Detroit

10:20am/Thursday
Equal Employment Opportunity Update
Maria Fracassa Dwyer, Clark Hill PLC, Detroit; Heidi T. Sharp, Burgess Sharp & Golden PLLC, Clinton Township

11:05am/Thursday
Family and Medical Leave Act Update
Susan Hartmus Hiser, Chair, Labor & Employment Law Section of the State Bar of Michigan, The Murray Law Group PC, Bingham Farms; Brian E. Koncius, Bogas & Koncius PC, Bingham Farms

11:55am/Thursday
Networking Lunch On-Site

11:55am/Thursday
Special Roundtable Lunch: Networking and Marketing
Sit down with leaders in human resources, labor law, and employment law to learn how they rose to the top of their fields. Share your experiences, meet new contacts, and network with your colleagues. Get new ideas on how to maximize your career and market your practice.
(Pre-Registration Required—Limit 75)

1:10pm/Thursday
Fair Labor Standards Act Update
Robert A. Boonin, Dykema, Ann Arbor; Jesse L. Young, Sommers Schwartz PC, Southfield

4:45pm/Thursday
Networking Reception

11:05am/Friday
The Evolving e-Workplace Update
Don’t miss this year’s roundup of the latest developments in technology and the workplace—everything from techniques for leveraging technology for overtime compliance to employee overtime to on-demand payment services. Look at innovations such as Snapchat’s Spectacles and gain insight into the challenges faced by employer and employee alike. Learn how recent court and administrative agency decisions continue to shape the e-workplace.
Adam S. Forman, Epstein Becker & Green PC, Southfield

Labor Law Track
2:05pm/Thursday
Navigating Joint Employer Issues
It’s the big question: “Who is the employer?” Examine trends in joint employer and successorship law and the impact of that doctrine on both labor agreements and employee relations. Understand how it can increase the risk of liability from employment-based lawsuits and the impact on union-management relations.
Fillipe S. Iorio, Kalniz Iorio & Feldstein CO LPA, Grand Rapids; Timothy J. Ryan, Jackson Lewis PC, Grand Rapids

3:05pm/Thursday
MERC/NLRB Update
Explore the most significant decisions issued by the National Labor Relations Board, the courts, the Michigan Employment Relations Commission, and the Michigan Court of Appeals in reviewing MERC decisions.
D. Lynn Morison, Bureau of Employment Relations/ Michigan Employment Relations Commission, Detroit; Dyan Nick, National Labor Relations Board, Detroit

4:00pm/Thursday
Anatomy of a Mock Arbitration
Interactive session! Experts demonstrate the arbitration process, from opening and closing statements to direct and cross-examination. Effectively advocate issues confronting management and union representatives, and understand the arbitrator’s view. Develop a winning strategy for your next arbitration.
Anthony Bauman, Federal Mediation & Conciliation Service, Iselin, NJ; Jeffrey S. Donahue, White Schneider PC, Okemos; Gloria A. Hage, General Counsel, Eastern Michigan University, Ypsilanti; Ronda Tate Truvillion, Lewis & Munday PC, Detroit

Employment Law Track
2:05pm/Thursday
Protecting Privacy in Employment Law Cases
Tackle this increasingly controversial topic with confidence. Grasp the difference between the standard for a discovery protective order and for an order permitting filing under seal. Recognize “routine” protective order provisions that may not pass muster and examine recent caselaw demonstrating what’s needed for filing under seal. Determine what confidential information needs protection and when a motion allowing a party to proceed as a “John Doe” is allowed. Review sample confidentiality language and non-disparagement provisions, too.
Hon. Robert J. Jonker, United States District Court—Western District of Michigan, Grand Rapids; Tiffany A. Buckley-Norwood, Jackson Lewis PC, Southfield; Jennifer B. Salvatore, Salvatore Prescott & Porter, Northville

3:05pm/Thursday
The Pros and Cons of Mandatory Arbitration Agreements
Hear from all perspectives—in-house, defense, and plaintiff—and determine the right path for your situation. Are AAA/JAMS or custom-drafted arbitration rules best? Explore lessons learned involving common provisions (such as forum selection and choice of law) and identify trends in class-action waivers and cost splitting.
Jennifer L. Lord, Pitt McGehee Palmer & Rivers PC, Royal Oak; Antoinette S. Porter, The DTE Energy Company, Detroit; Christopher M. Trebilcock, Miller Canfield PLC, Detroit

4:00pm/Thursday
Maintaining the Attorney-Client Privilege
Your client’s privacy means the world to you. Understand the fundamental requirements of the attorney-client privilege—including who controls the privilege in complicated cases—and how the privilege applies to communications between employees, former employees, and corporations. Get clarity on your obligations regarding client data and data transmission; properly maintaining confidentiality; and preventing inadvertent disclosure.
Courtney L. Nichols, Plunkett Cooney PC, Bloomfield Hills
Human Resources Professional Track

2:05pm/Thursday
The Year in Review for Human Resources Professionals—Part One
This annual update uses case studies and audience voting to show how the newest court decisions impact your human resources department. Get expert insight and analysis from top experts who advise HR professionals in their practice every day. Bring your questions and get them answered!
Robert A. Boonin, Dykema, Ann Arbor; Maria Fracassa Dwyer, Clark Hill PLC, Detroit; Susan Hartmus Hiser, Chair, Labor & Employment Law Section of the State Bar of Michigan, The Murray Law Group PC, Bingham Farms; John R. Runyan, Sachs Waldman PC, Detroit

3:05pm/Thursday
The Year in Review for Human Resources Professionals—Part Two
Part two of this annual update uses case studies and audience voting to show how the newest court decisions impact your human resources department. Get expert insight and analysis from top experts who advise HR professionals in their practice every day. Bring your questions and get them answered!
Robert A. Boonin, Dykema, Ann Arbor; Maria Fracassa Dwyer, Clark Hill PLC, Detroit; Susan Hartmus Hiser, Chair, Labor & Employment Law Section of the State Bar of Michigan, The Murray Law Group PC, Bingham Farms; John R. Runyan, Sachs Waldman PC, Detroit

4:00pm/Thursday
Perceived Disability and Fitness for Duty
The employer feels the employee needs to take a leave of absence. The employee disagrees. What next? Understand employer rights and responsibilities toward employees whose workplace activities make it appear the employee could benefit from leave. Recognize and avoid claims for “perceived disability” discrimination under the ADA. Properly address employee actions that create a safety risk to customers or colleagues.
James F. Hermon, Dykema, Detroit

9:00am/Friday
Making Credibility Determinations During Internal Investigations
When investigations involve a “he said-she said” scenario, making a well-reasoned conclusion can be difficult—until now. Using mock scenarios, get the tools you need to make those tough credibility determinations. From witness demeanor and corroboration to past acts and plausibility, we cover everything you need to approach your next investigation with confidence.
Terry W. Bonnette, Nemeth Law PC, Detroit

9:55am/Friday
Intersection of Background Checks and Class Actions
Are your current employment screening processes or standard “check the box” form putting your organization at risk for litigation? Get expert advice on whether your current forms and pre-employment protocols are in compliance with the latest federal and state laws. Learn how to review background check matrices and determine whether your company’s use of criminal history information needs an overhaul.

9:00am/Friday
Hot Topics in Social Media Discovery
The social media landscape is ever-evolving. Navigate the rocky terrain with ease after this session. Learn how to ask for social media accounts without going on a fishing expedition and overcome objections to producing social media evidence. Walk away prepared for any challenges the digital world may throw your way.
Brian D. Wassom, Warner Norcross & Judd LLP, Macomb County

9:55am/Friday
Hot Topics in Trade Secrets and Noncompetes
Stay on top of the latest trends and developments. What do courts look for, and how can you increase your odds of the court granting your motion for a TRO? Our experts cover everything you need to know, including the new federal trade secrets statute (and the inevitable disclosure doctrine in Michigan), non-solicitation clauses, determining reasonableness, and customer lists (are they a trade secret?).
Hon. James M. Alexander, Oakland County Circuit Court—Civil/Criminal Division, Pontiac; Angela L. Jackson, Hooper Hathaway PC, Ann Arbor

Real Practice Track

9:00am/Friday
Assessing the Value of Your Case
Which cases do you take? Which do you decline? How do you counsel the employer at the outset? Determine the value of your case from both a plaintiff and defendant perspective. Ensure you have obtained the correct documentation and information. Walk away with the best strategies to utilize when facing this critical assessment.
Kathleen L. Bogas, Bogas & Koncius PC, Bingham Farms; Timothy H. Howlett, Dickinson Wright PLLC, Detroit

9:55am/Friday
Settlement Negotiations: Demos and Debriefing
Get the facts from the trenches and the different perspectives you need to tackle any situation. Determine how and when to engage in pre-suit negotiation, identify and manage common tactics, prepare your client, understand when a facilitation will or will not aid your efforts, and negotiate effectively within the context of a judicial settlement conference.
Laura S. Amstuechler, Johnson Rosati Schultz & Joppich PC, Farmington Hills; David A. Kotzian, Gasiorek Morgan Greco McCauley & Kotzian PC, Farmington Hills; Sarah S. Prescott, Salvatore Prescott & Porter, Northville

Hot Topics Track

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This is a splendid opportunity to view HR administration through the eyes of both plaintiff and defense lawyers as well as other HR subject matter experts.

Andrea Linn, SHRM-CP, PHR, Adecco Employment Services, Ann Arbor

An impressive list of experts presenting the material using their own experiences. A great experience.

Donald Karl, Central Michigan Labor Council, Grand Rapids
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APRIL 20–21, 2017
The Inn at St. John’s, Plymouth

Level: Basic/Intermediate/Advanced
CLE: 7.5 | HRCI: 7.5 | SHRM: 7.5

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2  Call (with credit card)
   877-229-4350

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   877-229-4351

4  Mail (form with payment)
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   Ann Arbor, MI 48109-1444

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B. Institute Registration  |  Pick One

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$345 ICLE Partner
$395 HR Professionals
$195 New Lawyer (0–3 Years in Practice P7400+)
$295 per Lawyer (4+ Lawyers from the Same Firm)²
FREE Judges (Limit 40)²

C. Materials Format  |  Institute Registrants Pick One

FREE Print Handbook and Electronic Materials
Save $25 Electronic Materials Only³

D. Networking Event  |  Optional

☐ FREE Special Roundtable Lunch: Networking and Marketing
   (Limit 75, lunch included)

E. Can’t Attend the Institute?

Non-Registrants—Purchase the Electronic Materials and Select Recordings.

☐ $195 Non-ICLE Partners
☐ $136.50 ICLE Partners

F. Payment Info  |  Calculate Total and Select Check/CC

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Institute Materials for Non-Registrants (Box E) $_____
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Prices guaranteed until 04/21/17. ¹Please attach additional sheet listing lawyers attending. ²Current sitting state court judges (limit 40) attend free and must complete order form or call ICLE to register. ³Registrants will receive the print handbook and electronic materials if a format is specified. Select “electronic materials only” discount or enter SAVE25 online to save $25 off registration fee. Materials will be posted online before the seminar. Complete seminar policy: www.icl.org/info/seminarpolicies. Cancellation policy: For a full refund, notify ICLE by 04/06/17. Registrants who cancel after that date will be charged a $60 cancellation fee. No refunds will be issued after 04/13/17. Persons with disabilities or dietary restrictions: For special arrangements, please contact ICLE no later than seven days before the seminar.

This program has been approved for 7.5 general recertification credit hours toward PHR, SPHR and GPHR recertification through the Human Resource Certification Institute (HRCI). You will receive the program ID number on-site to include on your recertification application form. The use of this seal confirms that this activity has met HR Certification Institute’s® (HRCI®) criteria for recertification credit pre-approval. For more information about certification or recertification, please visit www.hrci.org.

The Institute of Continuing Legal Education is recognized by SHRM to offer Professional Development Credits (PDCs) for the SHRM-CP™ or SHRM-SCP™.