

ACI's 14th National Forum on

WAGE & HOUR

CLAIMS AND CLASS ACTIONS



JANUARY 30-31, 2012 • HYATT REGENCY MIAMI • MIAMI, FL

A unique opportunity to hear how judges interpret arguments in the wage & hour context. Hear from:



Hon. George Caram Steeh III
U.S. Dist. Ct., E.D. Mich.



Hon. Lee Yeakel
U.S. Dist. Ct., W.D. Tex.



Hon. Robert B. Collings
U.S. Dist. Ct., D. Mass.



Hon. Jeanne J. Graham
U.S. Dist. Ct., D. Minn.



Hon. Mildred E. Methvin
U.S. Dist. Ct., M.D. Pa.



Hon. Richard A. Kramer
Super. Ct., San Francisco Co.

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A. Wage & Hour Litigation Focus on the Hotbed of California

B. 2 HOURS OF CLE
ETHICS CREDIT: Ensuring Confidentiality in the Litigation of Wage & Hour Claims

FEATURING IN-HOUSE INSIGHTS FROM LEADING COMPANIES, INCLUDING:

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Northrop Grumman
Bayer

Benefits of attending include critical information on:

- Department of Labor and enforcement update: responding to changing wage & hour federal and state priorities and investigations
- Case study on *Wal-Mart v. Dukes*: implications and strategies for defending against FLSA collective actions and state law wage and hour class actions
- Class Certification: clarifying what's now required to get classes certified (including notice & court approval) to combat the use of class claims as a tool for early settlement
- Hybrid Claims: countering your adversary's attempts to get both opt in and opt out benefits
- Defining "On the Clock" in a digital 24/7 work world
- Defending and managing claims involving meal breaks and rest periods
- Case study on *AT&T Mobility v. Concepcion*: how to use the case and its progeny as a tool for avoiding class treatment and preventing litigation
- Attorney's Fees: how courts are interpreting the issue of how much and what to consider in granting fees
- Classification/Misclassification of Employees: using lessons learned from recent rulings by courts and DOL to avoid critical misclassifications
- View from the Plaintiff's Bar: adjusting your litigation strategies in light of new and innovative wage & hour claims

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The wage & hour landscape has been turned upside down post-*Wal-Mart v. Dukes* and *AT&T Mobility v. Concepcion*. Your colleagues and clients will be in Miami in late January to hone their skills needed to succeed in this rapidly expanding and evolving area of law, adapt to emerging regulations and changing enforcement priorities, and respond to new and innovative claims. Join them to ensure that you are prepared to navigate and defend against the leading type of class action in the country.

The sheer number of wage and hour claims and class actions across the country is staggering. Wage and hour class actions are the leading type of class action nationwide – and by a large margin. With so many of these cases getting certified and succeeding at trial, compliance and prevention are equally important to trial strategy. The Obama administration continues to send a strong signal that it is making wage and hour enforcement a priority, and it is clear that preventing, managing, and defending these claims remains a key issue for companies.

It is with this in mind that ACI has developed its 14th National Forum on Wage and Hour Claims and Class Actions, the nation's premier conference for in-house counsel, labor and employment attorneys, and class action lawyers. We have assembled an extraordinary faculty of attorneys from the nation's top firms, a full panel of distinguished jurists, and in-house counsel from *CBS, Bank of America, IBM, Ryder System, Bayer, Citigroup, Canam Steel, Family Dollar Stores, Northrop Grumman, Interval International, Coca Cola, Ally Financial, PSEG, DHL, Viacom, Paychex, DIRECTV, and many others*. Our unparalleled faculty will provide you with expert advice, insider strategies, and comprehensive updates on all of the latest developments, including:

- Complying with and responding to changing Wage & Hour Federal and State Priorities and Investigations
- Clarifying the standards and requirements for class certification in light of *Wal-Mart v. Dukes*
- Using *AT&T Mobility v. Concepcion* and arbitrations agreements as a tool to avoid class treatment
- Determining when employees are “on the clock” and avoiding overtime claims in the digital work world
- Examining recent rulings by courts and the DOL to ensure proper classification

Don't forget to also sign up for the pre- and post-conference **MASTER CLASSES**:

A. Wage & Hour Litigation Focus on the Hotbed of California

January 31, 2 p.m. – 4 p.m.

B. 2 HOURS OF CLE ETHICS CREDIT: Ensuring Confidentiality in the Litigation of Wage & Hour Claims, January 31, 4 p.m. – 6 p.m.

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WHO YOU WILL MEET

- ✓ In-House Employment Counsel
- ✓ Outside Counsel practicing in the areas of:
 - Labor and Employment Law
 - Employment Discrimination
 - Class Actions
- ✓ Human Resources Professionals



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7:20 Registration and Continental Breakfast

8:00 Co-Chairs' Welcoming Remarks



Reginald Johnson
Senior Counsel
Family Dollar Stores, Inc.



Ariel D. Cudkowicz
Partner
Seyfarth Shaw LLP

8:05 In-House Roundtable: Preventing and Managing Wage & Hour Claims/Class Actions

Panel 1 8:05 – 9:05	Panel 2 9:05 – 10:05 (10:05 – 10:10 a.m. coffee break)	Panel 3 10:10 – 11:10
<p><i>Mark W. Engstrom</i> Senior Vice President and Associate General Counsel CBS Corporation</p> <p><i>Mary Ulmer Jones</i> Associate General Counsel Bank of America</p> <p><i>Baba Zipkin</i> Senior Counsel Human Resources Law Group IBM Corporation</p> <p><i>Drema Kalajian</i> Labor and Employment Attorney Ally Financial Inc.</p> <p><i>Bart C. Barre</i> Senior Counsel Northrop Grumman Corporation</p> <p><i>Reginald Johnson</i> Senior Counsel Family Dollar Stores, Inc.</p> <p><i>William Klemick</i> Senior Counsel Bayer Corporation</p>	<p><i>Elana Krieger</i> Vice President/Counsel Employment, Compensation & Benefits Viacom Inc.</p> <p><i>Warren Jackson</i> Senior Vice President and Associate General Counsel DIRECTV</p> <p><i>Bradley Paskievitch</i> Senior Legal Counsel Labor & Employment DHL</p> <p><i>Yvette Politis</i> Associate General Counsel Reed Elsevier PLC</p> <p><i>J. Beth Moscarelli</i> Corporate Counsel Paychex, Inc.</p> <p><i>Sandra Doreson</i> Corporate Counsel Solae, LLC</p>	<p><i>Joseph P. Moan</i> Senior Managing Counsel The Coca-Cola Company</p> <p><i>Joseph F. Accardo Jr.</i> General Labor & Employment Counsel PSEG</p> <p><i>Andrew H. Smith</i> Director, Associate General Counsel Citigroup Inc.</p> <p><i>Mary Cheddie</i> Senior Vice President Human Resources Interval International</p> <p><i>Heather Gatley</i> Associate General Counsel and Head of Global Labor and Employment Ryder System, Inc.</p> <p><i>Ron Peppe</i> Vice President Legal and Human Resources Canam Steel Corporation</p> <p><i>Tammy Finley</i> Vice President, Employment Counsel Advance Auto Parts Inc.</p>
<p><u>Panel 1 Moderator:</u></p> <p><i>Catherine Conway</i> Partner Akin Gump Strauss Hauer & Feld LLP</p>	<p><u>Panel 2 Moderator:</u></p> <p><i>Julie A. Totten</i> Partner Orrick, Herrington & Sutcliffe LLP</p>	<p><u>Panel 3 Moderator:</u></p> <p><i>Allan Bloom</i> Partner Paul Hastings LLP</p>

Proactive Strategies for Reducing Exposure to Wage & Hour Claims

- Drafting employment agreements that adequately protect the employer's interests
- Use of employment agreements as effective tools to reduce exposure to wage and hour claims
- Implementing and enforcing policies and practices that will protect employers, both locally and nationally
- Best practices for conducting internal audits
- Reliance on independent contractors; sales representative exemptions; joint employer liability; off-the-clock risks

Preparing for Audits and Working with Outside Counsel

- Best practices for preparing for federal and state audits in light of enhanced enforcement efforts
- Factors to consider when deciding whether to hire outside counsel or stay in-house
- Determining whether to utilize national counsel
- Coordinating your defense, both inside and outside the company

Managing Costs

- Managing costs in high stakes wage & hour claims
- Managing complex litigation on a realistic and accurate budget
- Narrowing the size of classes for more manageable discovery
- Utilizing experts in an efficient manner

11:10 **Department of Labor and Enforcement Update: Responding to Changing Wage & Hour Federal and State Priorities and Investigations**



David S. Fortney
Shareholder
Fortney & Scott, LLC
(Former Acting Solicitor of Labor at the DOL)



Paul DeCamp
Partner
Jackson Lewis LLP
(Former Administrator of the U.S. Department of Labor's Wage and Hour Division)



David Grant
Partner
Baker & Hostetler LLP
(Former attorney in the Fair Labor Standards Division of Office of the Solicitor at the DOL)



Gregory F. Jacob
Partner
Winston & Strawn LLP
(Former Solicitor of Labor at the DOL)

Emerging areas of focus for the Department of Labor's (DOL) Wage & Hour Division, including:

- Scrutiny of independent contractor classification, including DOL's new enforcement initiative with the IRS
- The newest developments in resolving claims by the Wage & Hour Division, including demands for liquidated damages and limited releases in DOL-supervised settlements
- Tipped employees and notice requirements

New developments under the Obama Administration

- Staying on top of changing regulations and policies
 - Plan/Prevent/Protect initiative – the announced record keeping rules and implementing requirements to disclose to workers their status
 - ABA "Bridge to Justice" initiative
- Effects of DOL's increased focus on amicus curiae briefs
- Working with the DOL to cure minor violations
- Complying with a Department of Labor Investigation

Relying on Administrator Interpretations in lieu of opinion letters

- Deciphering shifting DOL norms and guidelines
- Complying with increased requirements for diligent and accurate record keeping

12:10 **Case Study on *Wal-Mart v. Dukes*: Implications and Strategies for Defending Against FLSA Collective Actions and State Law Wage and Hour Class Actions**



Joseph M. Sellers
Partner
Cohen Milstein Sellers & Toll PLLC



Allan G. King
Shareholder
Littler Mendelson, PC



Justin M. Swartz
Partner
Outten & Golden LLP

This past summer, after the Ninth Circuit certified the largest civil rights class action in U.S. history, the Supreme Court ruled that the certification of the nationwide class of female employees was not consistent with Federal Rule of Civil Procedure 23(a). This panel will analyze how this landmark decision will affect class certification in the wage and hour context, and explore how the decision and its progeny will shape collective actions under the FLSA. The topics to be discussed include:

- Status and future of lower court decisions post-*Wal-Mart*
- Effect on standards in certification of a Fair Labor Standards Act (FLSA) collective action
 - Reexamining discovery, motion papers, and presentation of a class claim
 - Comparison of standard to class certification in employment discrimination cases
- *Wal-Mart* as a tool for the defense
- Plaintiff's bar strategy changes in light of *Wal-Mart*
- The use of representative testimony in collective action

12:55 **Networking Luncheon for Speakers and Delegates**

1:55 **Class Certification: Clarifying What's Now Required to Get Classes Certified (Including Notice & Court Approval) to Combat the Use of Class Claims as a Tool for Early Settlement**



Timothy Cobelan
Partner and Founder
Cohelan Khoury & Singer



Reed Russell
Partner
Phelps Dunbar LLP



Douglas Weiner
Senior Trial Counsel
Epstein Becker Green, PC



Michael J. Mueller
Partner
Hunton & Williams LLP

- Prevalence and volume of cases filed under the Fair Labor Standards Act
- State of Circuit courts' decisions regarding certification, including issues of:
 - Notice
 - Conditional approval
 - Second-stage review
 - Class claims as a tool for early settlement
 - Lack of administrative requirements for preliminary consideration of a class
- Using Rule 68 to defeat certification
 - How an offer of judgment or settlement to a class member affects the class
 - Does this moot the collective action
 - Whether to make the offer for other reasons
- Risk evaluation amidst a certification influx: weighing whether to settle
 - Cost benefit analysis
 - Importance of preservation or change in a business practice

2:55 **Hybrid Claims: Countering Your Adversary's Attempts to Get Both Opt In and Opt Out Benefits in Class Claims**



Charles Edwards
Member
Womble Carlyle Sandridge & Rice, PLLC



David Long-Daniels
Shareholder
Greenberg Traurig, LLP



Ari Karen
Principal
Offit Kurman PA



Pamela Moore
Partner
McCarter & English LLP

- Clarifying the Circuit split regarding whether a federal collective action and state class action can be maintained in the same lawsuit
 - Recent decisions, including *Salim Shahriar et. al. v. Smith & Wollensky (2nd Cir.)*
- Strategic response to plaintiffs increasingly bringing claims under both federal and state provisions to get the benefit of a state law, even where an employer’s policy is structured under federal law
- Opt out vs Opt in: the inherent differences in forming a class in class action and collective action claims
 - Structuring litigation under Rule 23 and the FLSA
 - Key strategy for opt in and opt out
 - Managing post-litigation issues
- Issues arising out of differing federal and state statutes of limitations
- Non-wage class claims in FLSA litigation
 - Challenges faced when common law or other non-wage claims are brought as a basis for Rule 23 class assertions

3:55 **Afternoon Coffee Break**

4:00 **Defining “On the Clock” in a Digital 24/7 Work World**



Rob Crandall
Partner
Resolution Economics LLC



Robert Riordan
Partner
Alston & Bird LLP



Kyle A. Ferachi
Member
McGlinchey Stafford PLLC



Sherril M. Colombo
Partner
Wilson Elser Moskowitz Edelman & Dicker LLP



Gary Friedman
Partner
Weil, Gotshal & Manges LLP

In today’s technology friendly society, employees are constantly available and in touch. Because of the prevalence of Blackberries, and other smart phones, laptops, and e-mail, workforces are connected 24/7. While the prevalence of technology is in many ways beneficial, it also raises various complicated wage and hour issues, such as: How can employers manage the work of their non-exempt employees before they arrive at and after they leave the office? Are employers on notice of, and thus required to pay for, overtime worked beyond employees’ scheduled work hours? What constitutes pre-shift or post-shift work that is “suffered or permitted”? What work is either ancillary or de minimis? This session will answer these and various other questions created by the 21st century workplace, and provide strategies for implementing and maintaining policies and procedures to prevent issues associated with unpaid overtime. Topics include:

- Minimizing and Controlling the dangers of “Smart Phone claims”
 - Evaluating the benefits of non-exempt employees having mobile devices versus the liability risks
 - Proactive measures to reduce the challenges in proving that the company was unaware of employees working off the clock
 - Requiring accurate hour reporting through strict reporting policies
 - Forbidding work related mobile activity and other off the clock work
 - Defending against claims that an employee’s “technological footprint” puts an employer on notice
 - Creating, distributing, and enforcing reporting policies
 - Using the technological footprint to verify or refute a claim

- Weighing the benefits of non-exempt employees having mobile devices, against the potential liability from “off the clock” claims
- What is meant by “de minimis” time
 - How much time is acceptable for employee’s to have to log-in or access a computer or mobile device in order to be “on the clock”
 - What are the latest case law and DOL opinion letter developments concerning what constitutes “preliminary” and “postliminary” activities
- Unique litigation and counseling issues involving call center work environments
- Wage and hour issues impacting home workers, particularly for new economy companies

5:05 **Defending and Managing Claims Involving Meal Breaks and Rest Periods**



Heather Gatley
Associate General Counsel and Head of Global Labor and Employment
Ryder System, Inc.



Wayne Adams
Partner
Ice Miller LLP



Penelope J. Phillips
Partner
Fellhaber Larson Fenlon & Vogt



Salvadore Simao
Partner
Ford & Harrison LLP

- What does it mean to provide a meal break and rest period
- What constitutes an interruption in an employee’s meal break
- How employers can ensure employees don’t work through provided meal break periods
 - Avoiding understaffing
 - Monitor and maintain a workforce capable of completing assigned work without using break periods
 - Utilize a clock out system, or electronic monitoring that records what time a task was completed
- How companies with multiple locations can ensure compliance with varying meal break and rest period requirements and enforcement

6:00 **Conference Adjourns**

DAY TWO | Tuesday, January 31, 2012

7:30 **Continental Breakfast**

8:00 **Case Study on AT&T Mobility v. Concepcion: How to Use the Case and Its Progeny as a Tool for Avoiding Class Treatment and Preventing Litigation**



Bart C. Barre
Senior Counsel
Northrop Grumman Corporation



Warren Jackson
Senior Vice President and Associate General Counsel
DIRECTV



Mandana Massoumi
Partner
Dorsey & Whitney LLP

This panel will take an in depth look at employment arbitration agreements, exceptions under Concepcion for purpose of enforcement of class action waivers in employment arbitration agreements, the practical fall-out and reaction of employers to Concepcion and its progeny, the

future of certifying classes after *Concepcion*, recent cases interpreting the decision, and the use of arbitration clauses with class action waivers in the wage & hour context. Topics include:

- The effect of *Concepcion* on arbitration agreements
 - *Concepcion* as a tool for defense
 - Application of *Concepcion* to pre-dispute arbitration agreements that prohibit class or collective wage and hour actions
 - Issues where the arbitration agreement is “silent” on class or consolidated arbitrations
 - Exceptions to enforcement of class action waivers in employment arbitration agreements under *Concepcion*
 - Take aways from the Supreme Court’s decisions in *Stolt-Nielson v. AnimalFeeds Int’l Corp.*, *Concepcion* and their progeny
 - Risk management and prevention
 - Restricting claims and class actions to single plaintiff litigation
 - Drafting an arbitration provision to be effective in avoiding class treatment in arbitration and in court
- Status of lower courts decisions post *Concepcion*
 - State law challenges
 - Standard of review and state specific challenges
 - Challenges to arbitrability in federal or state court based on restrictions on federal statutory rights in pre-dispute arbitration
 - Arbitration of statutory rights under collective bargaining agreement
- Potential issues arising from increased arbitration
 - Delay and appeals resulting from attempts at enforcement of arbitration provisions
 - Loss of evidence over time

8:55 **View From the Bench: Judicial Perspectives on Class Certification Issues, Settlement, the Latest Plaintiff Theories & Emerging Defenses – A Unique Opportunity to Hear How Judges Interpret Evidence/Arguments in the Wage & Hour Context**



The Honorable George Caram Steeh III
U.S. District Court Judge
U.S. District Court for the Eastern District of Michigan



The Honorable Lee Yeakel
U.S. District Court Judge
U.S. District Court for the Western District of Texas



The Honorable Mildred E. Methvin
U.S. Magistrate Judge
U.S. District Court for the Middle District of Pennsylvania



The Honorable Robert B. Collings
U.S. Magistrate Judge
U.S. District Court for the District of Massachusetts



The Honorable Jeanne J. Graham
U.S. Magistrate Judge
U.S. District Court for the District of Minnesota



The Honorable Richard A. Kramer
California Superior Court Judge
San Francisco County Superior Court

Moderator:



Karen Corman
Partner
Skadden, Arps, Slate, Meagher & Flom LLP

10:25 **Morning Coffee Break**

10:30 **Attorney’s Fees: How Courts Are Interpreting the Issue of How Much and What to Consider in Granting Fees**



Mark J. Neuberger
Of Counsel
Foley & Lardner LLP



John J. Myers
Member
Eckert Seamans Cherin & Mellott, LLC



Richard D. Tuschman
Partner
Duane Morris LLP

- Are attorney’s fees cut off when the defendant pays all damages outside of a settlement?
 - Payment of claimed wages owed as a method to cutoff fees
 - Using offers of judgment and settlement to limit attorney’s fees
 - Addressing the possible Circuit Split
 - The effect of *Dionne v. Floormaster Enterprises, Inc.* and its progeny, including *Klinger v. Phil Mook Enterprises*
- Are courts following the law when approving the fee aspect of settlements?
 - When judges decide attorney’s fees, what factors are being considered?
 - How will a court assess fees when reviewing a proposed FLSA settlement?
- Ethical issues arising in fee negotiation
 - Expert witness fees under the FLSA
 - The Civil Rights Act of 1991 and its inapplicability to the FLSA

11:25 **Classification/Misclassification of Employees: Using Lessons Learned from Recent Rulings by Courts and DOL to Avoid Critical Misclassifications**

Andrew H. Smith
Director, Associate General Counsel
Citigroup Inc.



Ariel D. Cudkowicz
Partner
Seyfarth Shaw LLP



John F. Tocci
Partner
Tocci, Goss & Lee, PC



Lawrence Peikes
Partner
Wiggin & Dana LLP

- Independent contractor claims
 - Navigating differing definitions under the FLSA, IRS, and other state and federal statute
 - Increased DOL interest in independent contractor cases
 - Best practices for utilizing independent contractors
 - Joint Employment Concerns
 - Which company controls the independent contractor
 - Risks and protective measures for larger companies
 - Recent cable company cases: Who is responsible for unpaid waged and overtime when larger cable companies hire outside workers and smaller companies?
- Tipped employees
 - Improper tip pooling: the restaurant industry’s major battles
 - Increased litigation involving tip credit
 - New DOL regulations regarding notice of payment of tip credit and direct wages
- Exemptions
 - How the DOL defines exempt employees in regard to sales representative and administrative employee activity

- Determining executive, administrative, and professional exemption status under the FLSA and other state laws
- Which industries are most affected, and why?
 - Pharmaceutical Sales and the Recent Circuit Split
 - *Christopher v. SmithKline Beacham* (9th Circuit)
 - *Smith v. Johnson & Johnson* (3rd Cir.)
 - *In re Novartis Wage and Hour Litigation* (2nd Cir.)
 - *Jirak v. Abbott Labs* (7th Cir.) (appeal pending)
 - *Palacios v. Boehringer Ingelheim Pharm.* (11th Cir.) (anticipated appeal)
 - Commission based Employees

12:25 **The View from the Plaintiff's Bar: Adjusting Your Litigation Strategies in Light of New and Innovative Claims**



Shanon J. Carson
Shareholder
Berger & Montague, PC



Michele Fisher
Partner
Nichols Kaster, PLLP



Gary F. Lynch
Partner
Carlson Lynch Ltd.

- Plaintiff attorneys' perspectives on the top 10 risk factors in FLSA litigation
- Hot cases and industries ripe for wage and hour litigation
 - Which claims are popular
 - Which industries are most susceptible
 - What makes a claim attractive to plaintiff attorneys
- Implications of recent Supreme Court decisions
 - How is the plaintiffs' bar succeeding in getting wage and hour class actions certified after *Wal-Mart v. Dukes*
 - The pros and cons of arbitrating wage and hour claims from the plaintiffs' viewpoint, in light of *AT&T Mobility v. Concepcion*
- Trial analysis:
 - Discussion of recent cases where plaintiff's counsel succeeded and did not succeed at trial
 - What worked and did not work for the court or jury

1:15 **Networking Luncheon for Master Class A Participants**

MASTER CLASS A | Tuesday, January 31, 2012 | 2:00p.m. – 4:00p.m.

Wage & Hour Litigation Focus on the Hotbed of California



Mandana Massoumi
Partner
Dorsey & Whitney LLP

In regards to wage and hour litigation, California is a leader. The volume of cases in CA courts is unprecedented, and the regulations continue to evolve and grow. As the FLSA is only one piece of the puzzle, it is imperative that companies with a California presence ensure that their wage and hour policies do not run afoul of the myriad of regulations in California. One size might not fit all as it relates to prevention and litigation strategies in California. In this master class, participants will receive in-depth and California specific insights on:

- Updates on recent case law, legislation, and trends in wage order claims in California (e.g. suitable seating and vacation pay)
- Analyzing the voluminous and narrow wage and hour laws specific to California



Karen Corman
Partner
Skadden, Arps, Slate, Meagher & Flom LLP

- Which industries are most susceptible to wage and hour claims in California?
 - A look at which employees are filing the most wage and hour claims and what they are claiming (N. CA, S. CA)
- Which claims are most frequent and which see the most success?
- Litigation involving Private Attorney General's Act
 - (PAGA) claims - Impact and scope of *Wal-Mart v. Dukes* and *AT&T Mobility v. Concepcion* on PAGA claims
- The impact of *Brinker Restaurant Corp. v. Superior Court* on the provision of meal periods in California
- Remaining questions after *Sullivan v. Oracle Corp.*

MASTER CLASS B | Tuesday, January 31, 2012 | 4:00 p.m. – 6:00 p.m.

2 Hours of CLE-Ethics: Ensuring Confidentiality in the Litigation of Wage & Hour Claims

Speakers TBA – check back for more details at AmericanConference.com/WageandHour

This invaluable session, featuring 2 hours of CLE-ETHICS, is designed to hone the advocacy skills of both seasoned and up and coming wage and hour practitioners. Gain insights and strategies on class member and ex-parte communications, and ensure your mastery of proper solicitation of clients and potential class members.

- Attendees will gain instrumental information on:
 - Confidentiality of collective actions under the FLSA
 - Class member communications

- Obtaining pre-certification information for the putative class
- Ex-parte communications
- Appropriate communication when attempting to convey information about claims to the class
- Proper Solicitation of Clients
- Remedies for ethical violations

WAGE & HOUR

CLAIMS AND CLASS ACTIONS

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Registration Fee

The fee includes the conference, all program materials, continental breakfasts, lunches and refreshments.

Payment Policy

Payment must be received in full by the conference date. All discounts will be applied to the Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organization.

Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **American Conference Institute (ACI)** in writing up to 10 days prior to the conference date and a credit voucher valid for 1 year will be issued to you for the full amount paid, redeemable against any other ACI conference. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the conference date. ACI reserves the right to cancel any conference it deems necessary and will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by ACI for changes in program date, content, speakers, or venue.

Hotel Information

American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly and mention the "ACI Wage & Hour" conference to receive this rate:

Venue: Hyatt Regency Miami
Address: 400 SE Second Avenue, Miami, FL 33131
Reservations: 888-421-1442

Incorrect Mailing Information

If you would like us to change any of your details please fax the label on this brochure to our Database Administrator at 1-877-927-1563, or email data@AmericanConference.com.

5 Easy Ways to Register

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New York, NY 10010
- PHONE** 888-224-2480
- FAX** 877-927-1563
- ONLINE**
AmericanConference.com/wageandhour
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