

24th Annual North Carolina/South Carolina Labor and Employment Law Update and Annual Meeting



LIVE PROGRAM

Fri.–Sat., Oct. 17–18

Grove Park Inn Resort & Spa
Asheville

NC CLE Credit: 11.0 Hours

Includes 1.0 Ethics/Professionalism

SC CLE Credit: This program has been approved for 11.0 MCLE credit hours including 1.0 LEPR hour by the South Carolina Supreme Court Commission on CLE and Specialization. This program has also been approved by the Commission for 11.0 hours of CLE Specialty credit for Employment & Labor Law Specialists.

Plus 3 Video Replays

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Fall is around the corner, and once again, the Labor and Employment Law Sections of the North Carolina Bar Association and the South Carolina Bar combine forces for the annual premier employment law CLE in the Southeast. Many of the usual suspects return, including Jon Harkavy (Supreme Court Update) and Robin Shea (NC Update). VIP presenters include Professor Eric Schnapper, from the University of Washington, who speaks on his recent arguments and experiences before the U.S. Supreme Court, and Geoff Weirich, who addresses implications of the recent U.S. Supreme Court *Sprint* decision. In addition to updating you on the most recent employment law developments, we will feature two panel presentations:

- Current federal court law clerks share their insight for employment litigators
- A stimulating discussion on diversity and inclusion initiatives and their implications for employment lawyers

Planned by the NCBA Labor & Employment Law Section in conjunction with the SC Bar Employment & Labor Law Section



The Fine Print

Registration

Registrations (including door registrations) are limited to available space, which may include a live video broadcast overflow room. Registrations received the week of the program or at the door cannot be guaranteed a book.

MCLE Credit

The NC Bar Association Foundation is an accredited CLE sponsor under the MCLE Regulations promulgated by the NC State Bar Board of Continuing Legal Education. This program is approved (but not sponsored) by the Board for the designated number of CLE hours. This program likewise has been approved by the South Carolina Supreme Court Commission on CLE and Specialization. The NCBAF is also an accredited sponsor for MCLE in other states. It is the responsibility of each attorney to maintain a record of his/her attendance at CLE programs for the NC State Bar annual report and the South Carolina Supreme Court Commission on CLE and Specialization. MCLE credit is reported only if NC State Bar number and/or SC Bar number is provided.

NCBA CLE Passports

“Traditional” Passport holders exceeding the 30-hour limit for NCBA Members or the 15-hour limit for Paralegal Division Members will be charged \$75 per program. “Hybrid” Passport holders exceeding the 12-hour limit for live or video replays will also be charged \$75 per program.

Transfers

Registrants may transfer from a Live program, Video Replay, TeleSeminar or Computer Training Workshop without penalty within three working days after the program date. A registration may be transferred once. Registrants may not transfer to/from a CLE Webcast, a CLE Webinar, CLEonTheGo or a CyberCLE program unless they are “Virtual” or “Hybrid” Passport holders.

Cancellations

Cancellations must be received by 9 a.m. the third working day prior to the program to qualify for a refund (less \$25 admin. fee). Those not attending receive program materials (if included in tuition) in full consideration of tuition paid.

Inclement Weather

NCBAF makes every effort to contact registrants when a program is cancelled due to weather. If inclement weather is forecasted, but you have not heard from us, visit www.ncbar.org, call the Bar Center or contact the site location on your registration confirmation postcard. If the site is closed, the program may be rescheduled.

Agenda

Friday, Oct. 17

7:45–8:25 a.m.

8:25–8:35

8:35–9:35

9:35–9:45

9:45–10:45

10:45–11:00

11:00–12:00 p.m.

12:00–1:30

1:30–2:30

2:30–2:40

2:40–3:40

3:40–3:45

3:45–4:45

4:45–4:50

4:50–5:50

6:00–7:30

Saturday, Oct. 18

7:45–8:15 a.m.

8:15–9:15

Registration and Continental Breakfast

Welcome and Introductions • *Pauling, Rothstein and Wall*
Supreme Court Update • *Harkavy*

A Review of Labor and Employment Law Decisions of the U.S. Supreme Court since October 2007

Transition Break

Breakout Session

Electronic Discovery in Employment Cases • *Montgomery*
Practical tips as well as a review of case law interpreting and implementing the civil procedure rules regarding electronic discovery.

or

FMLA Military Leave – 26 Weeks, Really? • *Tighe*

A detailed look at recent legislative amendments providing for extended FMLA leave for military service personnel and a review of the proposed changes to the regulations.

Break

Breakout Session

North Carolina Case Update • *Shea*

or

South Carolina Case Update • *Rothstein*

Lunch (on your own)

***Ethics for the Employment and Labor Lawyer** • *Cherry*

Certain ethical predicaments have a tendency to surface in labor and employment law litigation. This meaningful consideration of those recurring problems will provide the practitioner with the knowledge and tools required to navigate those issues safely.

Transition Break

District Court Law Clerks Panel on Lawyer Dos and Don'ts in Labor and Employment Cases • Panelists: *Grigg, Hodges and Magee*

Current federal career law clerks share their insight and knowledge of civil procedure and local court rules, and their experience on what works, and what to avoid, while litigating in United States district courts.

Transition Break

Strategies for Addressing “Me-Too” Evidence – A Marathon Rather Than a Sprint • *Weirich*

The recent U.S. Supreme Court decision *Sprint v. Mendelsohn* may have posed more questions about the admission of so-called “me-too” evidence than it answered. Practical tips and strategies, with an emphasis on the law in the Fourth Circuit.

Break

General Session

The New Look of Diversity – Advising Business Clients on the Evolution in Diversity Initiatives – Panel Discussion • *Lawrence-Hardy, McCloskey and Moomaw*

From transgender awareness to supplier diversity risk issues to reverse discrimination claims, knowledge of emerging legal trends in the diversity sphere is critical for employer and employee advocates. This panel will explore current challenges and opportunities facing diversity and inclusion efforts in employment.

Reception

Brought to you by the North Carolina Bar Association Foundation CLE
www.ncbar.org/CLE

- 9:15–10:15 Breakout Session
Issues Facing Corporate Counsel - Reductions in Force and Family Responsibilities Discrimination • Fink, Pauling and Wooten
 Our country's current economic challenges present an unfolding array of employment law issues, particularly relating to RIFs, leaves of absence and caregiver responsibilities. This segment will review evolving legal trends, underscored by the hands-on perspective of in-house counsel of two large companies in North Carolina.
- or
- EPLI Issues – Typical Policies, Terms Coverages, and Claims Handling • Stephenson**
 Employment Practices Liability Insurance, or EPLI, now represents one of the fastest growing segments of the insurance industry. Every lawyer practicing today in the area of employment law needs a basic understanding of EPLI coverage issues in order to best serve their respective clients. This presentation will discuss the parts of an EPLI policy, key definitions, coverages and exclusions, and some differences between policies.
- 10:15–10:30 Break
- 10:30–11:30 **Experiences at the U.S. Supreme Court • Schnapper**
 Professor Schnapper provides insights into the U.S. Supreme Court's upcoming docket and shares his experience in over 70 cases in the U.S. Supreme Court, including many of the recent seminal cases in employment law, such as *Sprint v. Mendelsohn*; *Burlington Northern Santa Fe Railway v. White*; *Kolstad v. ADA*, *Oncale v. Sundowner Offshore Oil*, *Faragher v. Boca Raton* and *Burlington Industries v. Ellerth*.
- 11:30–11:40 Transition Break
- 11:40–12:40 p.m. Breakout Session
NLRB Update • Stublely
 A review of the past year's leading NLRB and court decisions treating issues arising under the National Labor Relations Act
- or
- Trends in Punitive Damages • Seiner**
 A discussion of recent court cases and principles impacting punitive damages in the employment discrimination context, and what employment law litigators can take away from these trends.
- 12:40–12:55 South Carolina Bar Labor and Employment Law Section Annual Meeting
- 12:50–1:00 North Carolina Bar Association Labor and Employment Law Section Annual Meeting
- * Indicates portion providing Ethics/Professionalism credit.

Planners

- Corie Pauling, TIAA-CREF, Charlotte, NC
- David E. Rothstein, Burnette & Rothstein PA, Columbia, SC
- Jonathan Wall, Robertson Medlin & Blocker PLLC, Greensboro, NC

Speakers

- Mary L. "Molly" Hughes Cherry, Nexsen Pruet, Charleston, SC
- Brian S. Clarke, Littler Mendelson PC, Charlotte, NC
- Eric M. Fink, Associate Professor of Law, Elon University School of Law, Greensboro, NC
- David L. Grigg Jr., Career Law Clerk to Honorable Carl Horn III, United States Magistrate Judge (WDNC), Charlotte, NC
- Jonathan R. Harkavy, Patterson Harkavy LLP, Greensboro, NC
- Shiva V. Hodges, Career Law Clerk to Judge Joseph F. Anderson, Jr., United States District Court for the District of South Carolina, Columbia, SC
- Allegra J. Lawrence-Hardy, Sutherland Asbill & Brennan LLP, Atlanta, GA
- Patricia Wilson Magee, Career Law Clerk to Honorable Frank D. Whitney, United States District Court Judge, (WDNC), Charlotte, NC
- Frank J. McCloskey, Vice President, Georgia Power, Atlanta, GA
- Sarah M. Montgomery, Haynsworth Sinkler Boyd PA, Columbia, SC
- Michael E. Moomaw, Ph.D., Southern Regional District Director, APT Metrics, Decatur, GA
- David E. Rothstein, Burnette & Rothstein PA, Columbia, SC
- Professor Eric Schnapper, University of Washington School of Law, Seattle, WA
- Joseph A. Seiner, Assistant Professor of Law, University of South Carolina School of Law, Columbia, SC
- Robin E. Shea, Constangy Brooks & Smith LLC, Winston-Salem, NC
- Jeremy A. Stephenson, Hedrick Gardner Kincheloe & Garofalo LLP, Charlotte, NC
- Mark M. Stublely, Ogletree Deakins Nash Smoak & Stewart PC, Greenville, SC
- J. Hagood Tighe, Fisher & Phillips LLP, Columbia, SC
- C. Geoffrey Weirich, Paul Hastings Janofsky & Walker LLP, Atlanta, GA
- Candice S. Wooten, RJ Reynolds Tobacco Co., Winston-Salem, NC

Video Locations

To qualify for the Early Bird (🐦) tuition, registration must be received one week prior to program date. Early registration is required to ensure a book at video locations. NC State Bar rules require a minimum number of pre-registered active State Bar members. The NCBAF reserves the right to cancel any video program prior to the program date if registrations do not meet the NC State Bar requirement. Some sites require additional registration or evaluation forms. Visit <http://www.ncbar.org/cle/programs/videoReplays.aspx> to confirm video replay registration and program start times.

CLE credit hours at Video Replays are subject to change.

Cary — Tues.–Wed., Jan. 6–7, 2009 – NC Bar Center

8000 Weston Parkway • Dorsett Auditorium • Site Contact: CLE Department (919) 677-8745 or (800) 228-3402

(🐦 Dec. 30, 2008) #511BAR

Charlotte — Wed.–Thurs., Jan. 21–22, 1009 – Charlotte Convention Center

501 South College Street • Room 214 • Site Contact: Elizabeth Wehrheim • Site Phone: (704) 339-6000

(🐦 Jan. 14, 2009) #511CHA

Winston-Salem — Wed.–Thurs., Jan. 14–15, 2009 – Forsyth Technical Community College

1300 Bolton Street • Room 36 • Site Contact: Nell Perry or Ronnie Thompson
(336) 631-1320 or (336) 631-1167

(🐦 Jan. 7, 2009) #511WIN

Hotel

Contact hotel directly for reservations & guest services • Rates based on availability • Occasionally room blocks fill before cutoff date • To guarantee your room at this special rate, contact the hotel today and mention you are with the NC Bar Association

The Grove Park Inn Resort & Spa 290 Macon Avenue • Asheville

Rates: \$293 single/double
Reservations: (800) 438-5800 or (828) 252-2711
Mention group number 520911
Cutoff Date: Sept. 6

The NCBA CLE has obtained this special room rate by contracting a total meeting package at the Grove Park Inn Resort & Spa. We must meet certain minimum hotel room requirements or face attrition and/or meeting room rental charges. To continue to provide reasonable CLE registration fees, we need your help. Please take advantage of this negotiated room rate.



The Grove Park Inn Resort & Spa is one of the South's most venerable and famous grand resorts. Built in 1913 from granite stones mined from Sunset Mountain, the resort overlooks the Asheville, N.C., skyline and provides guests with majestic views of the legendary Blue Ridge Mountains.

For decades, the Inn has been a favorite year-round destination for both leisure and business guests as the resort continues to lure future generations to its magical

mountainside splendor. Its splendid views, old world charm, peerless amenities, and a long tradition of exceptional service and Southern hospitality make it a place to savor as one of the most enduringly original and exciting resorts in America.

Print Full Name _____
 Firm/Agency Name _____
 Street Address _____
 PO Box _____
 City/State/Zip _____
 Daytime Phone/Daytime Fax _____
 E-mail Address _____

for MCLE Credit list both:


NC State Bar No. _____ NCBA No. _____

Check if any information has changed

> Program Choice

Registration must be received one week prior to program date for Early Bird tuition


Live Program

Oct. 17-18, 2008 Asheville #511ELL
 ( Oct. 10)

Video Plays

Jan. 6-7, 2009 Cary #511BAR
 Jan. 21-22, 2009 Charlotte #511CHA
 Jan. 14-15, 2009 Winston-Salem #511WIN

> Tuition

	Early Bird Rec'd  1 week before program	Regular Rec'd less than 1 week before program
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The following categories include the MCLE fee and materials.

<input type="checkbox"/> NCBA Member Only	\$375	\$425
<input type="checkbox"/> SC Bar Member Only	\$375	\$425
<input type="checkbox"/> NCBA and SC Bar Member	\$375	\$425
<input type="checkbox"/> Non-Member	\$375	\$425
<input type="checkbox"/> CLE Passport Participant	No Charge	

The following categories do not include any MCLE fee. You must attend to receive the materials.

<input type="checkbox"/> Judge (NCBA Member)	\$25
<input type="checkbox"/> Law Professor (NCBA Member, full-time at ABA accredited law school)	\$25
<input type="checkbox"/> NCBA Law Student Division Member	\$25
<input type="checkbox"/> NCBA Paralegal Student Member	\$25

> Can't Attend?

Buy the Materials!

Add 6.75% Sales Tax to all items except books ordered before the live program date. Please allow 2-4 weeks from live program date or order date for delivery.

Book Order—Member \$145.75
 Book Order—Non-Member \$165.75
 Book Order—CLE Passport Participant \$103.75
 DVD \$245.75
 DVD & book \$365.75

> Payment Options *Registration is processed only after payment is received*

Total \$ _____
 Check Enclosed *Payable to NC Bar Foundation* Visa/MC/AmEx
 Acct. # _____ Exp. Date _____
 Signature _____

4 ways
to register:

Phone CLE
(919) 677-8745
(800) 228-3402
Credit card only

Web site
www.ncbar.org/CLE
Credit card only

Fax CLE
(919) 677-1774
Credit card only

Mail
Attn: Accounting • NCBAF
PO Box 3688, Cary, NC 27519

LABOR & EMPL. LAW ANNUAL MEETING Program HIGHLIGHTS

- Cutting edge materials and information from the most respected sources
- Nuts-and-bolts forms and information to develop your practice
- Networking with the Southeast's preeminent labor and employment lawyers

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