



Agenda

2010 Employment Law Workshop

Wednesday, May 19, 2010

Hot Topics: What Employers Need to Know in 2010

We could not present an employment law workshop without including our popular “Employment Law Update.” This session will cover the most important developments from the last few months and highlight some of the issues that may impact employers in 2010. For example, the increasing focus of the U.S. Department of Labor (and the plaintiffs' bar) on independent contractors; the continuing controversy over disparate impact in the wake of the U.S. Supreme Court's 2009 decision in the New Haven firefighters case; more changes to the FMLA and the ADA; and new employment laws for 2010. In addition, our comprehensive written materials will serve as an ongoing resource for employment and human resource issues. **Andrew Moriarty** and **Julie Lucht**, both partners in our Seattle office who defend and counsel employers on a wide variety of legal issues, will speak at this session.

Conducting Internal Investigations

Companies have gradually concluded that internal investigations are an effective tool to proactively discover and correct misconduct. A strong and equitable internal investigation function, coupled with a corporate culture that allows individuals to “raise their hands” when they witness misconduct, ideally situates a company to deal with difficult situations caused by inappropriate activity. At the same time, developing and managing an internal investigations program that works is rife with unique challenges. One of our panelists for this session will be Perkins Coie Chicago Partner **Patrick Collins**. Before joining Perkins Coie in 2007, Patrick served as Assistant U.S. Attorney for 12 years in Chicago, the last four of which were as a supervisor in the corruption unit of U.S. Attorney Patrick Fitzgerald. During his tenure, Patrick spearheaded the eight-year Operation Safe Road investigation and led the prosecution team in the six-month trial and conviction of former Illinois Governor George Ryan. Joining Patrick will be **Fred Rivera**, a partner in the Investigations & White Collar Defense practice in our Seattle office. Prior to joining Perkins Coie, Fred was a trial attorney in the Civil Rights Division of the U.S. Department of Justice and, more recently, spent two years as the head of investigations at Fannie Mae.

Compensation Claims in Wage-Hour Litigation

Employers throughout the United States have struggled for several years with a remarkable wave of class action litigation challenging employers' pay practices and seeking to recover millions of dollars in damages awards. Verdicts and settlements have exceeded \$100 million in liability, and the wave shows no sign of slowing or abating. Savvy employers often review their compensation statistics internally with counsel and statistical experts to ensure that pay practices are fair, legal, and able to withstand legal assault. **Jeff Hollingsworth**, who chairs the Perkins Coie Employment Class Action team, has represented a variety of national clients (including Starbucks, Smart & Final, Les Schwab, Boeing, and OfficeMax) in litigation across the country. Jeff will be joined by economist **Michael Ward, Ph.D.** Mike works with outside counsel to help companies review compensation practices to ensure that they are fair, accurate,

and defensible. Before joining Welch Consulting in Los Angeles, he was a senior economist at RAND Corporation, directing federally funded research on women's employment patterns and wages, job turnover rates for young men, the U.S. private pension plan system, and the earnings and retirement decisions of older workers. In this panel discussion, Jeff and Mike will review methods of statistical analysis, common pitfalls, and how best to structure—and defend—your pay practices. **Counsel from a major international retailer** will join Jeff and Mike to talk about his experience with this issue.

Employer Privacy Challenges with Social Networking

Employees who routinely utilize Twitter, Facebook, LinkedIn, or the many other social media websites present employers with unique challenges. This session will focus on potential privacy pitfalls in investigation of employee use of social media sites. We will also look at privacy considerations when developing internal employee social networking platforms. Perkins Coie Seattle employment lawyer **Linda Walton** will be the moderator for this session and will be joined by **Susan Lyon**, a former Microsoft legal team member and now a leading privacy lawyer in the Perkins Coie Privacy & Data Security Practice. We also welcome **Lorene Novakowski**, a partner with Fasken Martineau, one of Canada's leading law firms, and a preeminent privacy expert in Canadian privacy issues. An **executive from a well-known social networking company** will join our discussion, adding another viewpoint to this important issue.