

An aerial photograph of Miami, Florida, showing a dense urban skyline with numerous high-rise buildings along the coast. A large body of water, likely a bay or river, runs through the center of the city, with a bridge crossing it. The sky is clear and blue, and the water is a vibrant turquoise color. The overall scene is bright and sunny, suggesting a clear day.

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The 2018 Jackson Lewis

Corporate Counsel Conference

Please join us for our annual review of cutting-edge workplace law developments. As a special feature, we will address the impact of high-profile sexual harassment claims in the workplace with our guest speaker, Ana Navarro.

Mandarin Oriental Hotel
MIAMI, FLORIDA

Wednesday, March 14 –
Friday, March 16

Up to 12 CLE credits available.

CONFERENCE SCHEDULE

WEDNESDAY, MARCH 14

7:00 - 9:00 p.m. Welcome reception on the beach (Dress code: Beach chic. Shoes optional.)

THURSDAY, MARCH 15

8:00 - 9:00 a.m. Breakfast and registration

9:00 - 9:30 a.m. Welcome remarks

9:30 - 10:30 a.m. **Panel Discussion #1:** The Speak Out Evolution from *Ms. Magazine* to #MeToo: What Employers Should Do Now

10:30 - 11:30 a.m. Keynote Speaker: Ana Navarro

11:45 - 12:45 p.m. Workshop #1

12:45 - 1:45 p.m. Lunch

1:45 - 2:45 p.m. Workshop #2

3:00 - 4:00 p.m. Workshop #3

6:00 - 10:00 p.m. Cocktails and dinner

FRIDAY, MARCH 16

7:30 - 8:30 a.m. Breakfast

8:30 - 9:45 a.m. **Panel Discussion #2:** The Evolving Workplace: A Look at the Changing Workplace from 2008 to 2028

10:00 - 11:00 a.m. Workshop #4

11:15 - 12:15 p.m. Workshop #5

12:15 - 1:15 p.m. Lunch Speaker: Robert Costa

1:30 - 3:00 p.m. General session and conclusion

JOIN JACKSON LEWIS AS WE EXAMINE AND INFORM ON THE SIGNIFICANT LEGISLATIVE AND REGULATORY DEVELOPMENTS IN WORKPLACE LAW AND CHALLENGES FACING ALL EMPLOYERS IN 2018

This program will feature a robust discussion about the recent increase in sexual harassment claims in Silicon Valley, Washington, Hollywood and beyond. We will also address recent trends in workplace law and significant changes currently impacting the Supreme Court and federal administrative agencies.

HIGHLIGHTS

THURSDAY, MARCH 15

Keynote Speaker

Ana Navarro, Nicaraguan-American Political Strategist and Commentator.



Special Event: A Taste of Miami – come experience the excitement and spice of Miami culture through food, spirits and live music.

FRIDAY, MARCH 16

Lunch Special Guest Speaker

Robert Costa, National political reporter for *The Washington Post*, political analyst for NBC News and MSNBC, and moderator of “Washington Week”.



GENERAL SESSIONS THURSDAY, MARCH 15

KEYNOTE SPEAKER: ANA NAVARRO

10:30 - 11:30 a.m.

Ana Navarro is a Nicaraguan-American Political strategist and commentator for various news outlets, including CNN, CNN en Español, ABC News, Telemundo, and The View. Having emigrated to Miami in 1980 to escape the Sandista revolution, it is no surprise that she is passionate about and has represented private and public clients on federal issues, particularly related to immigration, trade and policy affecting Central America. In 2001, she served as Ambassador to the United Nation's Human Rights Commission and was a strong advocate for the condemnation of the Government of Cuba for human rights abuses. Ms. Navarro will comment and share her views on the #MeToo movement and its impact on our nation—from Hollywood to Washington D.C.

OUR THURSDAY PANEL DISCUSSION

The Speak Out Evolution from Ms. Magazine to #MeToo: What Employers Should Do Now

10:30 - 11:30 a.m.

Neither the law prohibiting sexual harassment nor the conduct that constitutes sexual harassment has changed. What has changed is the sheer number of those who speak out and the volume with which they do so, amplified by social media. While the focus to date has been on celebrities, public figures and business leaders, next up in the “speak out evolution” is likely a movement from #MeToo to #IHeard, #ISaw and #IWitnessed and an uptick in claims against employers and individuals outside the public eye. It is this next phase of the “speak out evolution” – which has already begun – for which employers must be prepared. A panel of outside and in-house legal, human resources and public relations professionals will discuss what employers should do—and what they should do differently now—in terms of harassment prevention, training and remediation.

GENERAL SESSIONS FRIDAY, MARCH 16

OUR FRIDAY PANEL DISCUSSION

The Evolving Workplace: A Look at the Changing Workplace from 2008 to 2028

8:30 - 9:45 a.m.

Workplaces have always been influenced by issues that arise outside the four walls of the office. Now, more than ever, the impact of politics, protests (like in the NFL) and other outside activities, enhanced by the use of social media and often strongly polarized opinions, mandate that employers be proactive in understanding the legal maze surrounding these issues. Join us for a lively panel discussion in which we will discuss the evolving workplace including practical ways to address the exercise by employees of constitutionally protected rights, the importance of diversity to an organization, the National Labor Relations Act (NLRA), and the many whistleblower protection laws.

Rapid Fire Sessions: The Times They Are A Changin'—Again

1:30 - 3:00 p.m.

From sexual harassment to workplace violence to a legalized marijuana market economy, 2017 was a year of significant societal and legal change. In 2018, employers must be prepared to respond to seismic shifts in how to manage employees at a time when economic growth is perhaps more than ever becoming dependent on cultivating and retaining talent. Our rapid fire sessions will put you on the path to compliance and keep you in the know.

- The Future of Class Action Waivers is Now: The Supreme Court Speaks
- Crisis Control: Proactive Steps to Avoid Workplace Violence
- The New Labor Board: Will the Pendulum Swing Back?
- The ICE Crackdown: Its Impact on You
- Purple Haze: Separating Fact from Fiction in Today's Marijuana Environment

Lunch with Robert Costa, journalist and national political reporter for *The Washington Post*, political analyst for NBC News and MSNBC, and moderator of “Washington Week”

12:15 - 1:30 p.m.

Mr. Costa will offer a comprehensive overview of the current political landscape and the latest issues facing the country in light of the Trump Administration and its effect on the workplace.

BREAKOUT SESSIONS

THURSDAY, MARCH 15
FRIDAY, MARCH 16

11:45 a.m. – 12:45 p.m. • 1:45 – 2:45 p.m. • 3:00 – 4:00 p.m.
10:00 – 11:00 a.m. • 11:15 a.m. – 12:15 p.m.

Class and Collective Actions: Navigating Through the Storm

Join us for a cutting-edge analysis of the Supreme Court's most recent class action decisions and emerging trends. We will offer practical advice on prevention measures, as well as what to do if your company is hit with a potentially crippling lawsuit. We will also discuss the status of the controversial Fairness in Class Action Litigation Act and the impact of potential future amendments to Rule 23.

When the In-House Lawyer is the "Whistleblower"

Defending "whistleblower" retaliation claims brought by in-house counsel brings many unique hurdles. This session will cover ethical—and other limitations—on in-house counsel's ability to acquire, produce and/or use privileged and confidential information; application of the Rules of Professional Conduct and other attorney ethical obligations; legal issues regarding protected activity; and potential discovery-related issues. We also will provide practical considerations for litigating and resolving such claims.

Familiar Problems, New Solutions: An Examination of the Next Generation of Leave Challenges and Opportunities

As federal leave management legislation stalls, multi-state employers are increasingly challenged by a "new federalism" in which states and localities are enacting much broader leave and accommodation protections to fill the gaps. Meanwhile, federal courts are increasingly divided on the scope of ADA leave obligations. This session will analyze the challenges presented to multi-state employers who must grapple with developing integrated disability and absence management programs that are agile enough to address these evolving federal and state legal developments and, at the same time, protect your company.

Name That Exemption: Bolster your Wage Hour Compliance

The FLSA includes more than 30 different exemptions, from overtime to minimum wage requirements, which have been in place for over 25 years. However, employers continue to struggle with applying the existing exemptions to a rapidly changing workforce—including thousands of jobs that did not exist when the FLSA was adopted in 1938. Learn to "Name That Exemption" (and the latest court trends) with your hosts Jeff and Eric Barker, grandsons of the famous Bob Barker.

Do You Have a Bias Against Unconscious Bias? The Developing Legal and Business Focus and Why Employers Should Care About It (and the Diversity Initiative Behind It)

While racial slurs and "women's work" are thankfully less common in the 50 years since Title VII was enacted, unfortunately discrimination in less explicit forms remains, and is increasingly on the radar of the EEOC and the courts. "Implicit bias," also referred to as "unconscious bias," may expose your company to liability, especially in today's current employment environment, even when you don't know it exists. Learn about the developing role of unconscious bias and help your company avoid the unintentional discriminatory behaviors that create exposure today.

Drafting Severance Agreements and General Releases: An Interactive Workshop

Join us for a thorough analysis of commonly used language in severance agreements and general releases. We will review the latest legal and administrative developments in this area, including the implications of the new tax law, and discuss common problems and pitfalls to ensure you can talk the talk.

The Next Generation of Fiduciary Duty Claims under ERISA: What You Can Do Today to Minimize Risk and Litigation Tomorrow

This session will cover all recent developments in fiduciary litigation under the Employee Retirement Income Security Act (ERISA) and best practices fiduciaries can employ to minimize risk. The following key topics will be discussed: plan governance, delegations of authority and the fiduciary decision making process. We will also address the current focus being placed by the DOL and plaintiffs on the application of fiduciary responsibility under ERISA to issues of payments to missing participants, 401(k) investment offerings and the proper handling of claims and appeals.

Joint Employer Liability: Changes in the Courts and the Agencies

Corporations need to understand exactly how contracts with vendors, staffing agencies, PEOs and customers can impact the organization in the face of the expansion of the Joint Employer doctrine. This session will review practical and legal solutions to the expansion of the doctrine and current developments in this area, such as the current status of legislation such as the federal "Save Local Business Act," as well as the overturning of the National Labor Relations Board's *Browning-Ferris* Industries joint employer decision.

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What to Expect When Your Employee is Expecting: The New Pregnancy Rules

Are you required to provide light duty work to pregnant employees? Should you offer leave or a different position if an employee's pregnancy is affecting her job duties? Can concerned managers create liability for pregnancy discrimination? Attend this session to find out the answers to these and other questions and best practices for compliance with the new rules of pregnancy accommodation.

Have "Employees" Become Obsolete? The Challenges and Benefits of the Gig Economy

Gig workers are predicted to make up 40% of the workforce by 2020. While the flexibility and benefits for both businesses and workers are valuable, this growing segment of the workforce brings new and unexpected challenges. This workshop will help you navigate the legal maze of issues and developing law nationwide that govern temporary, independent contractor and project-based work relationships.

Ethical Challenges for In House Counsel: When is That Email Privileged?

The position of corporate counsel comes with a closet full of many hats. Advising on legal matters is only one responsibility—they are often consulted on important business decisions, as well. In light of multiple and divided responsibilities, one of the most significant aspects of this role is to understand to which communications the attorney-client privilege applies. We will review the most common attorney-client privilege pitfalls and provide practical advice and tips on how corporate counsel can help preserve this important privilege.

Meet The New Business Partner That Is Changing The Way Employers Conduct Business: Using Data Analytics to Manage Today's Workplace

Employers possess a wealth of data about their employees and workforce practices that, when leveraged properly, can inform business decisions, streamline operations, support efficient use of resources and even limit potential liability. From predicting attrition rates and identifying talent, to assessing employment engagement and focusing training and development efforts, workplace analytics is—and should—impact the way employers conduct business. Join us as we help identify the data your organization holds that can help drive business decisions and operations, offer best practice tips for building an analytics platform, and discuss the legal considerations of using analytics to manage the workplace.

Your Company Has Been Hacked: An Interactive Data Breach Simulation

In 2018, data breaches have become a "when"—not an "if"—new business reality. Our interactive session, inspired by actual events, will take attendees through a simulation of the discovery, investigation and response by an organization to a cyberattack which potentially compromised customer/client and/or employee personal data. We will address a wide range of considerations that organizations must consider when their systems have been breached. All attendees will receive a sample breach response checklist.

Trends in International Workplace Law: Nationalism, Data Protection and More

We are in the midst of transformational change in employment law in many countries, as the current U.S. debate between globalists and nationalists is mirrored throughout the globe, and governments continue to combat slow growth and wage stagnation. Some of these changes mitigate the traditional ex-U.S. restrictions on employer flexibility, while others add entirely new complexities. In this workshop, we will use hypothetical scenarios to review some of the major developments of the past year, including Brexit and major labor/employment law reforms in France, Brazil, Puerto Rico and other countries in Latin America and Asia. We will also provide an update on the new General Data Protection Regulation going into effect in the EU in May 2018.

Executing Confidentiality Provisions in the #MeToo Environment

Confidentiality agreements have come under increased scrutiny since the October 2017 *The New York Times* article discussing the alleged sexual misconduct by Hollywood producer Harvey Weinstein and the apparent decades long pattern of using nondisclosure agreements and confidential, out-of-court settlements to prevent such allegations from surfacing. Lawmakers in several jurisdictions are seeking to void such non-disclosure and confidentiality agreements. This segment will address strategies for keeping legally binding agreements confidential.

The **Jackson Lewis Corporate Counsel Conference** is designed for corporate counsel with employment, labor, benefits and immigration law responsibilities. It is an ideal opportunity to interact with fellow in-house attorneys and highly-skilled practitioners in workplace law.

ABOUT JACKSON LEWIS

Jackson Lewis P.C. is a law firm with more than 800 attorneys in major cities nationwide serving clients across a wide range of practices and industries. Having built its reputation on providing premier workplace law representation to management, the firm has grown to include leading practices in the areas of government relations, healthcare and sports law. The firm's commitment to client service, depth of expertise and innovation draws clients to Jackson Lewis for excellent value-driven legal advice.

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THE 2018 CORPORATE COUNSEL CONFERENCE

Mandarin Oriental
500 Brickell Key Drive • Miami, Florida
(305) 913-8288
Wednesday, March 14 – Friday, March 16

Conference Fees

The \$695 registration fee includes resource materials, meals and associated activities. The cost for a spouse or guest to attend is an additional \$500. The fees must be paid in full at registration. Jackson Lewis reserves the right to limit attendance or deny registration at its discretion.

Hotel Reservations

Hotel room reservations are the responsibility of the registrant, and they must be booked in addition to the conference registration.

REGISTER ONLINE FOR THE CONFERENCE AT:

www.jacksonlewis.com/cc2018

For further information, please contact:
Ramlah Bari, Events Manager
(703) 483-8377 | Ramlah.Bari@jacksonlewis.com

CONTINUING LEGAL EDUCATION

This program may qualify for up to 12 hours of Continuing Legal Education (CLE) credits, including up to one credit of Diversity & Inclusion, depending on jurisdiction. Registrants seeking financial assistance should contact Adrienne Reiff at Adrienne.Reiff@jacksonlewis.com. *Jackson Lewis is an accredited provider of CLE in California, Missouri, Nevada, New York, Pennsylvania and Texas.*

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