

JacksonLewis

Perspectives:
Emerging
Dimensions of
Workplace Law

Corporate
Counsel
Conference

2020 • Beverly Hills



Address today's complexities. Anticipate tomorrow's challenges.

As business professionals focused on the workplace, we have a unique vantage point into the human condition. It is our privilege to do work that affects real people. It is our calling to craft policies that achieve the delicate balance between supporting diverse workers and the businesses that employ them.

CCC2020 offers interactive panels, in-depth workshops and inspiring keynote speakers that will challenge your perceptions, encourage you to see with empathy and allow you to view the workplace through lenses as complex as the people you employ.

CONFERENCE DETAILS

Tuesday, March 3 – Thursday, March 5, 2020

[Beverly Wilshire, A Four Seasons Hotel](#)

9500 Wilshire Blvd.

Beverly Hills, CA 90212

REGISTRATION

Please contact CCC@jacksonlewis.com for more information on the conference fees and registration.

Conference Agenda

Keynote Speakers



Sekou Andrews

Poetic Voice, CEO/Founder, SekouWorld, Inc.

With a unique ability and power, Sekou grabs the audience through an emotional and intellectual connection while packing his performance with takeaways on the power of storytelling and the need to stay ahead of your industry’s emerging trends.



Erik Wahl

Artist and Author The Art of Vision

Erik Wahl’s on-stage painting seamlessly becomes a visual metaphor to the core of his message, encouraging organizations toward profitability through innovation and superior levels of performance.

TUESDAY, MARCH 3

12:00 – 1:00 p.m.	Lunch
1:00 – 4:00 p.m.	Pre-Con
7:00 – 9:00 p.m.	Welcome Reception

WEDNESDAY, MARCH 4

6:00 – 6:45 a.m.	Optional Activity: JL Soul Cycle Private Class
7:30 – 8:00 a.m.	Registration and Breakfast
8:00 – 8:30 a.m.	CCC Kickoff
8:30 – 9:30 a.m.	Keynote 1
9:30 – 10:30 a.m.	Plenary Panel 1
10:45 – 12:45 p.m.	Rapid Fires
12:45 – 1:45 p.m.	Networking Lunch
2:00 – 3:00 p.m.	Breakout Session 1
3:15 – 4:15 p.m.	Breakout Session 2
4:30 – 5:30 p.m.	Breakout Session 3
5:30 – 7:00 p.m.	Break
7:00 – 10:00 p.m.	Offsite Dinner

THURSDAY, MARCH 5

6:00 – 6:45 a.m.	Optional Activity: Brisk Walking Tour of Rodeo Drive
7:30 – 8:00 a.m.	Breakfast
8:00 – 9:00 a.m.	Plenary Panel 2
9:15 – 10:15 a.m.	Breakout Session 4
10:30 – 11:30 a.m.	Breakout Session 5
11:45 a.m. – 1:00 p.m.	Lunch and Keynote 2
1:00 – 1:15 p.m.	Closing

Pre-Conference Programming

Everything You Need to Know About Class Actions, But You Should Not Be Afraid to Ask

When it comes to Class and Collective Actions, the exposure is always in the sum, not the parts. These are the lawsuits where one small error can result in millions of dollars of uninsured exposure. What seems insignificant if asserted by just one person becomes a massive hit to the company's bottom line when asserted by thousands. One day your earnings for the quarter are exceeding all expectations and just the next you are reporting to your board a significant uninsured exposure and responding to negative publicity.

Preventing and minimizing the havoc, expense and negative publicity of class and collective actions requires strategy, focus, vision, creativity and diligence. This session will review new trends and challenges facing employers. Attendees will learn key strategies for avoiding and defending class actions.

California Under the Looking Glass: Pressing Issues Facing Employers

California has long been recognized as a leader in the charge toward employee-friendly legislation and regulations. Precedent continues to be set here causing Californian employers to face a barrage of new and unforeseen challenges exposing them to risk and potential litigation. During this program, attendees will immerse themselves in three of the most pressing issues changing the face of labor and employment law:

- The California Consumer Privacy Law (CCPA);
- California's aggressive wage and hour laws; and
- California's expansive disability and leave protections.

Californian employers will receive information they need now about these laws, which may change the way they do business in California. Employers outside of the state will have the benefit of advance notice of what may be on the employment law horizon and learn about tactics to stay ahead of the curve.



Rapid Fires

- **Does It Pay to Analyze Pay?** The What and Why of Conducting a Pay Equity Audit
- **Avoiding E-Discovery Sanctions:** What You Can't See Can Hurt You
- **Who Let the Dogs Out?** Unleashing Creativity to Handle Today's Accommodation Challenges
- **Trying Cases in California:** Why They Should Be Viewed Differently
- **Foresight Is Better Than Hindsight:** Top 10 Things You Need to Know Before Picking a Jury
- **Arbitration Trends:** What Is In? What Is Out? In 2020, What Still Matters?
- **No Room for a Different View:** Preventing and Responding to Serious Workplace Threats
- **Managing Restructurings and Reductions in Force Around the Globe:** Seeing the Bigger Picture Beyond the United States

Plenary Session

Employers' Obligations Seen Through the Lens of the Gig Economy

Companies like Uber, Airbnb and WeWork are changing how employers interact with their workforce. "Employees" themselves are driving how and where they work. What are the implications and consequences for the employer community? This panel discussion will address the wide-ranging impacts of the gig economy and the inexorable move away from traditional work environments on hiring, misclassification and independent contractors, cultural issues and union organizing.

Breakout Sessions

Technology Is Fueling Changes to How We Work – Are You Keeping Pace?

There is no doubt that the rapid advancements of technology have created an inordinate number of workplace benefits for employers and employees alike in the areas of performance, collaboration and efficiency – to name a few. However, the introduction of any new technology comes with the need to carefully navigate challenges and avoid dangerous pitfalls. This interactive presentation will explore the latest workplace technological advancements including the following:

- Compensability issues raised by mobile scheduling devices;
- Compensability of nonexempt employees' access to technology away from the workplace;
- Reimbursements for mobile devices and how to calculate the proper amount of reimbursement; and
- Privacy issues.

Attendees will learn how to take advantage of these tools while employing the proper safeguards to protect their companies.

A Day in the Life of 2020 Culture Management

Today's organizational leaders are tasked with creating and maintaining a vibrant, productive workforce. They are expected to foster team building, a healthy culture and low-risk work environments – while at the same time running a successful business. This interactive session will explore the world of in-house counsel, who learn through their workplace journey how to be better leaders. Attendees will gain insights into successfully resetting workplace culture and fostering a more welcoming, collaborative environment. Watch and learn how you can do the same.

How to Move Diversity and Inclusion from the Sidelines to Front and Center and Achieve Tangible Results

In 2020, diversity and inclusion is no longer an emerging buzzword. Actualizing diversity and inclusion is an integral part of how businesses run their organizations globally. However, the best intentions now often run into legal constraints governing the workplace, requiring employers to push the envelope at times to achieve greater engagement and accomplish established goals. This session will address how to develop pronounced leaders, identify and remove unconscious bias barriers and implement systemic changes within the workplace to achieve these goals. We will also address how to assess the maturity of these initiatives and how to promote a culture of inclusion and belonging.

Marijuana Trends Toward the Mainstream – Make Sure You Have a Game Plan to Respond

Laws permitting the use of marijuana and CBD products for both medical and recreational purposes — that only a short time ago were presumed dead on arrival in legislative committee — are being passed by state and local governments at a surprisingly fast pace. Several court decisions have rejected employers’ arguments that marijuana cannot be tolerated because it is illegal under federal law. These decisions are creating serious concerns as employers still utilize drug testing to ensure workplace safety while at the same time try to avoid disability discrimination claims from applicants and employees who use marijuana for medical reasons. This session will provide strategies on how to negotiate these seemingly contradictory issues, give insight into why the courts are now ruling in favor of marijuana users and ensure your company has policies that will weed out the drug users while accommodating the disabled.

Spotlight Pay Equity: Navigating the “New Rules” in the Equal Pay Minefield

The spotlight on #EqualPay continues to shine bright, resulting from an increased focus on pay practices from the media, employees, shareholders and competitors. More than ever before, organizations are under significant pressure to explain what they are doing to address the pay gap. In this session, we will discuss the currently charged atmosphere surrounding pay equity, the status of state equal pay laws and how a single claim—in the absence of proactive approach and planning—can quickly morph into a class action. Using case-based scenarios, attendees will hear practical advice, as well as best practices and key takeaways on how employers can navigate the equal pay minefield.

Consumer Privacy Seen Through the CCPA – What You Need to Know as Well as Best Practices and Compliance Strategies

The California Consumer Privacy Act (CCPA) is one of the most significant pieces of privacy legislation in the United States, affecting businesses inside and outside of California. The CCPA includes numerous consumer and employee rights and presents substantial, challenging compliance obligations for organizations. The CCPA will reshape how we think about privacy in California and beyond its borders like no other law that has come before it. This session will examine what businesses need to know about the CCPA to ensure compliance and avoid costly litigation.

How Workplace Dynamics Are Shaping Ethics for In-House Counsel in 2020

Ethical obligations of in-house counsel are perhaps one constant in the dynamic world of legal jurisprudence. Conflicts of interest, the “no contact” rule, the attorney–client privilege and work product doctrine have been and are a part of everyday decision-making. Rather, the changing dynamics of the workplace require that counsel re-think how to apply ethics considerations to rapidly evolving norms. During this interactive session, attendees will act out scripted scenes to facilitate discussion around the Rules of Professional Conduct, as well as recent court decisions and ethics opinions on these topics, to help attorneys stay within the boundaries of the law.

Do Your I-9 Records Accurately Reflect Your Employees? A Behind the Scenes Look at the Life Cycle of I-9 Audits and Raids

The number of I-9 audits and worksite raids continues to soar across the country as the government extends its focus beyond undocumented workers and onto the companies that employ them. An I-9 audit can result in large fines and a reduction in your workforce if undocumented workers are found. Perhaps more crucial and potentially damaging, a raid can also result in criminal charges being brought against the company and its owners or managers. Join this session to discuss the traps and hazards that companies face every step of the way and learn how to prepare action plans to ensure the best possible outcome even when an audit is unavoidable.

Internal Complaints and Litigation Strategy Viewed Through a Kaleidoscope of State and Federal Harassment Law

The #MeToo movement spawned a flurry of state and local legislation affecting how employers manage sexual harassment at all stages of employment. The result has been a patchwork of employer obligations that can be confusing and expose organizations to unwanted risk and liability. This session will provide an overview of the legislative changes and a case study demonstrating the potential impact of these legislative changes on the everyday workplace.

Judgment Call – ADA Interactive Process Before Disciplinary Action for Performance?

Employers often face situations where employee performance issues are caused directly by a medical condition. But what if the employee never sought an accommodation under the ADA? Does the employer have to engage in an interactive dialogue to explore accommodations before dealing with the performance issue? In the post ADAAA world, there is no black or white answer. When dealing with underperforming employees, employers must consider many medical conditions as potentially ADA qualifying and subject to accommodation while simultaneously minimizing the risk of a “regarded as disabled” claim. Using case studies, this session will explore what factors to consider when faced with this decision and how best to address the subject to avoid potential pitfalls.

Using Data Science to Develop Best Practices for Managing the Workplace and Defining Claims

With the proliferation of powerful HRIS and other recordkeeping systems, modern employers possess data. When leveraged properly, that data can offer incredible insights for managing the workplace, as well as defending claims. From predicting attrition and setting pay to conducting more effective investigations and constructing litigation strategy, employers’ data use practices must continually evolve to avoid workplace surprises. A multidisciplinary panel of attorneys and a data science professional will offer strategies for identifying, maintaining and generating the “right” data, anticipating inquiries, selecting analytical methodologies and avoiding common pitfalls.

Class Actions in the Golden State – What’s Trending in California and Across the Country

California laws and regulations create challenges for organizations in and out of the state – as often the legal sun rises in the west. Legislation such as the Private Attorneys General Act (PAGA) removes barriers to bringing forth legal action and has given way to a proliferation of litigation. This session outlines new class and PAGA litigation trends, as well as pending legislation that affects employers across a broader geographic scope. Attendees will come away with practical strategies for preserving reputation and limiting exposure.

Spotlight: California’s Vibrant Wage and Hour Laws

California has long been recognized as having some of the most comprehensive wage and hour laws in the country. Employers in the state face several new and emerging challenges exposing them to risk and litigation. From independent contractors to pay practices, employers are constantly navigating new, complicated laws and regulations in this area, which carry class action implications with them. This session will address hot areas and new developments in California wage and hour laws and provide recommendations for compliance.

Avoiding the Next Wave of ERISA Class Action Litigation

A committed and unrelenting group of class-action plaintiffs’ lawyers often drives nearly all of the cutting-edge ERISA class-action litigation around the country. Studying corporate regulatory filings, industry developments and social trends, this group works methodically to create the next wave of ERISA litigation. In this session, attendees will learn current and evolving trends in ERISA litigation and determine whether your retirement or other employee-benefit plan might be next on the

docket. Employers will come away with a practical understanding of important considerations for plan-design and plan-governance procedures, with an eye toward reducing exposures to fiduciary or other ERISA claims.

The Optics of Corporate Counsel as the Potential Whistleblower in the #MeToo Era

The #MeToo movement has revamped how organizations conduct internal investigations. Corporate counsel charged with the ethical obligation to zealously represent their client – the organization – may have to address #MeToo workplace issues of sexual harassment or systemic discrimination. This dynamic potentially creates a scenario where whistleblower claims originate from a true “insider,” the corporate counsel. This session will examine this new reality, related ethical issues and the best practices to manage circumstances surrounding corporate counsel as a potential whistleblower.

When Labor Intersects Immigration: The Rise of Worker Centers and Immigration Enforcement

Businesses operate in an era of heightened anxiety regarding the lawful status of their employees. Worker Centers have emerged, offering employees protection from employers responding to “no match notices” or ICE visits. Although Worker Centers appear to be a good idea, in reality they raise labor issues by potentially leading the employees in a series of work stoppages, demonstrations and civil disobedience, followed by the filing of Unfair Labor Practice Charges at the NLRB and discrimination charges at the EEOC. This session will provide best practices for employers to minimize the potential for such scenarios and teach them how to effectively and lawfully manage the challenges presented by Worker Centers, which are currently not governed under the same rules as unions.

Add your perspective.

Registration

The registration fee for CCC2020 is \$695 per attendee. The registration fee includes resource materials, meals and associated activities. The fee must be paid in full at registration.



Hotel Reservations

[Beverly Wilshire, A Four Seasons Hotel](#)

9500 Wilshire Blvd.

Beverly Hills, CA 90212

Hotel room reservations are the responsibility of the registrant, and rooms must be booked separately from the conference registration.

Continuing Legal Education

This program may qualify for up to 12 hours of Continuing Legal Education (CLE) credits, depending on the jurisdiction. Jackson Lewis is an accredited provider of CLE in California, Missouri, Nevada, New York, Pennsylvania and Texas.

For information about the firm's financial hardship policy, please contact Adrienne Reiff at (267) 319-7834 or Adrienne.Reiff@jacksonlewis.com.

For further information about CCC2020, please contact CCC@jacksonlewis.com.

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