

THE 2018 ANNUAL LABOR & EMPLOYMENT LAW SECTION'S YOSEMITE CONFERENCE

FEBRUARY 9 -10, 2018

MCLE Credits: 6.5 Hours, of which 1 Hour is in Legal Ethics

What Makes the Yosemite Conference Unique?

By Peter Rukin, Rukin Hyland

It has been said that “for everything there is a season.” Well, for 42 years, winter has been the season for the Labor and Employment Section’s Yosemite Conference. The Yosemite Conference is the Section’s flagship event, bringing together lawyers representing management, labor, employees, the public sector—as well as judges and neutrals—for two days of mind-expanding CLE and camaraderie.

What makes the Yosemite Conference unique? Certainly, Yosemite Park’s natural beauty—more breathtaking in winter than any other season—has something to do with it. The majestic backdrop will lower the blood pressure of even the most “type A” lawyer by several points. Nature walks around Mirror Lake, hikes to Yosemite Falls, ice skating, sipping hot chocolate around a roaring fire at the Majestic (Ahwahnee) Hotel, and skiing at Badger Pass are just some of the activities available before, after, or between panel sessions.

The Yosemite Conference is also marked by a special collegiality worth treasuring. For four decades, Bay Area labor and employment lawyers have taken a time-out from daily legal combat and spent a weekend each year off the grid with colleagues from the other side of the bar. This annual time together with legal adversaries and their families has contributed in no small measure to a Bay Area labor and employment bar more civil, cooperative, and engaged than its counterparts around the country. It is harder to demonize an opposing counsel once your five year olds have built a snow fort together!

Finally, there is the CLE. The Conference’s reputation and location draws thought-leading practitioners and academics together for high-level and interactive discussions around issues affecting our practice and the law.

Recent presenters have included: Judge Marsha Berzon on Justice Brennan’s labor and employment legacy; Michael Lotito and Professor Catherine Fisk on legislative priorities in the Trump Administration; Lori Andrus, Mariko Yoshihara (CELA’s legislative director) and Jeanna Steele (Sunrun’s in house employment counsel) on the Fair Pay Act; and Nayantara Mehta (National Employment Law

Project) and Neil Perry (Oracle Corporation) on the benefits and pitfalls of background checks.

You never know who will be special guests at our conference. One recent year, the entire NLRB was in attendance. Judges, Ambassadors, and Cabinet Members are among those who have given Conference attendees off the record, behind the scenes perspectives on the great issues of the day.

The Conference also has a renewed focus on programming that newer lawyers and Barristers members may find useful. For example, last year’s programming included a Barristers-led panel on civility for new practitioners.

The Yosemite Conference occupies a special place in the hearts of Section members. Join us February 9-10, 2018 to find out why. We look forward to seeing you there!

About the author:

Peter Rukin is Chair of BASF’s Labor and Employment Section. He represents employees in EEO, whistleblower, and wage and hour matters at the San Francisco firm of Rukin Hyland.



THE BAR ASSOCIATION OF
SAN FRANCISCO

WWW.SFBAR.ORG/YOSEMITE

Friday 1:00 – 1:30 p.m. | MCLE Registration

Location: The Lodge at Yosemite, Yosemite National Park, CA 95389

Friday 1:30 – 1:35 p.m. | Welcoming Remarks

PETER RUKIN

Peter Rukin is a partner at Rukin Hyland. Peter specializes in complex employment litigation, with a focus on class wage and hour litigation, equal employment opportunity claims, and the representation of executive and professional employees in employment matters. Peter is currently chair of The Bar Association of San Francisco's Labor & Employment Section Executive Committee, and a former member of the State Bar of California Labor & Employment Section Executive Committee. He is a chapter author of the CEB Treatise *California Wage and Hour Law and Litigation*, and has written numerous articles on employment issues in national and state bar publications. He is also a long-time member of the San Francisco Board of the New Israel Fund.

Friday 1:35 – 3:05 p.m. | Friday Session | MCLE : 1.5 Hours

Advanced Issues in PAGA Litigation

Fourteen years after the enactment of PAGA, there are a number of procedural "holes" left unaddressed by the PAGA statute. This panel will move past the basics of PAGA and focus on the thorny issues that arise as a PAGA action advances toward trial. These issues are relevant to both employee- and management-side practitioners.

- The potential res judicata effect of other PAGA actions covering the same time period for the same population of employees
- The rise of "PAGA only" actions, including pros and cons for plaintiffs and defendants
- Whether aggrieved employees are permitted to collect both civil and statutory damages/penalties in a PAGA action
- The impact of *Williams v. Superior Court* on discovery in PAGA cases
- Are time limits for a PAGA plaintiff to file suit after the 60-day LWDA exhaustion period expires?
- Issues impacting court approval of a PAGA settlement (especially in mixed class action/PAGA cases where the allocation to PAGA is de minimus) or instances where the court has exercised discretion to reduce PAGA penalties

Speakers

CYNTHIA RICE
Director of Litigation
California Rural Legal Assistance (CRLA)

ERIC MECKLEY
Partner
Morgan Lewis

Moderator

KORAY BULUT
Partner

YOSEMITE VALLEY LODGE

Trump Administration

Friday 3:05 – 3:20 p.m. | Break

Join other conference attendees to network and meet our sponsors.

Location: Yosemite Valley Lodge

Friday 3:20 – 4:50 p.m. | Friday Session | MCLE : 1.5 Hours

Labor and Employment Developments in the Trump Administration – One Year On

Join NLRB General Counsel Richard Griffin, EEOC Commissioner and former Chair Jenny Yang, and Ogletree Deakins partner Danielle Ochs for a discussion of regulatory policies and trends at the federal level.

- Labor policy and the NLRB in 2018 and beyond
- Equal Employment Opportunity trends and hot button issues
- Judicial appointments and case developments

Speakers

RICHARD F. GRIFFIN, JR
Former General Counsel
National Labor Relations Board

JENNY R. YANG
Former Commissioner
U.S. Equal Employment
Opportunity Commission

Moderator

PETER RUKIN
Partner
Rukin Hyland

DANIELLE OCHS
Partner
Ogletree, Deakins, Nash, Smoak & Stewart

YOSEMITE VALLEY LODGE

Developments in the Administration

Friday 5:30 p.m. | Reception

Join the speakers and conference attendees for a casual post-conference reception. You can share your thoughts on the presentations and network with others. The Labor and Employment Executive Committee also be available to talk about its section and answer any questions you have about upcoming programs or how to get more involved.

Harassment and Mores in the 21st Century Workplace

This panel will discuss how social media and other forms of technology have impacted workplace behavior and perhaps changed workplace mores and interactions to a level that may reach the legal definition of harassment. We will also examine the profile that emerges from recent cases and headlines involving technology and harassing conduct and how this 21st century phenomenon can be addressed and combatted.

- Is 21st century harassment the same as what we saw on New York’s Wall Street in the 80’s and 90’s?
- Technology’s influence through email, texting and social media and how it has fueled undesirable/illegal workplace behaviors
- Social scientists’ views on how easily we can blur online fantasies with what should be actual real-life decorum, particularly in the workplace
- The profile that emerges from recent cases and headlines involving technology and harassing conduct

Speakers

THERESE LAWLESS
Partner, Lawless & Lawless

RICO ROSALES
Partner, Wilson Sonsini

MARY HANSBURY
Associate Director
Employment Law, Twitter

ROBERT SNIDERMAN, PhD
Extti Incorporated

Moderator

THEODORE BORROMEO
Assistant General Counsel, Employment and Benefits Law, McKesson Corporation

Ethical Issues in Private Mediation

Ethical Issues in Mediation is not an oxymoron. Highly experienced mediators will discuss ethical issues arising for attorneys and mediators in the course of mediation.

- Ethical responsibilities of counsel
- Ethical duties of the neutral
- Disclosure obligations
- Confidentiality
- Avoiding conflicts of interest

Speakers

MARK RUDY
Rudy, Exelrod, Zieff & Lowe

ALAN BERKOWITZ
Judicate West

Moderator

JUDY DROZ KEYES
Davis Wright Tremaine

Join other conference attendees to network and meet our sponsors.

Location: Yosemite Valley Lodge

Contrary, Controversial and Concerted: How far does section 7 go to protect employees’ speech and collective action?

- What labor law has to say about the Google memo, NFL player protests, and other current events
- Tensions between NLRA-protected speech and anti-discrimination laws
- Other issues relating to speech and concerted activity outside the organizing context

Speakers

HONORABLE JOHN M. TRUE
ADR Services, Inc.

FRED W. ALVAREZ
Jones Day

WILMA LIEBMAN
Fmr. Chair, NLRB

Moderator

PEDER THOREEN
Altshuler Berzon

Saturday 5:00 – 8:00 p.m. | Cocktail & Networking Reception

Location: Majestic Hotel behind the Great Room

Join the speakers and conference attendees for a casual post-conference reception. You can share your thoughts on the presentations and network with others. The Labor and Employment Executive Committee also be available to talk about their section and answer any questions you have about our upcoming programs or how to get more involved.

Speakers and Executive Committee Dinner at 7:00 p.m.

Thank you to the 2017 Labor and Employment Executive Committee

Koray Bulut; Mark Schickman; Norm Brand; Theodore Borromeo; Peder Thoreen; David Lowe; Noah Lebowitz; Sheila Sexton; J. Holtzman; Carmen Leon; Julius Turman; Valerie Brender and Peter Rukin

Hotel Registration

Make sure you book your room by making a reservation at www.travelyosemite.com or by calling central reservations office at 888-413-8869 regular business hours, 7am-7pm AZ time. They are open 7 days a week. Discount group code for reservations is **10QOMX**.

Special Information

- **Child Care Inquiry:** Long-time attendees may recall that we used to offer childcare on Saturday evening, so adults with young children could enjoy the reception and dinner while the kids were watching a movie or playing games in an adjacent room at the Majestic Hotel. If you, members of your firm, or colleagues would be interested in having a childcare option this year, please email prukin@rukinhyland.com and we will see what we can do.
- To receive MCLE credit, you must sign in during the designated period
- Refunds will be given up to two weeks in advance by 1/26/18, 5 p.m., less a \$75 administrative fee
- All registration prices increase by \$50 on the day of the program
- This activity is approved for Minimum Continuing Legal Education credit by the State Bar of California. BASF is a certified provider #103

Registration Form

- | | | | |
|--|----------|--|----------|
| <input type="checkbox"/> L&E Section Member | \$375.00 | <input type="checkbox"/> Government or Nonprofit | \$375.00 |
| <input type="checkbox"/> BASF Member | \$410.00 | <input type="checkbox"/> Non-Member | \$450.00 |
| <input type="checkbox"/> Enclosed is a check payable to The Bar Association of San Francisco | | | |

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The Bar Association of San Francisco
301 Battery Street, Third Floor, San Francisco, CA 94111

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Questions: email cle@sfbar.org

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