

NORTH CAROLINA BAR ASSOCIATION

seeking liberty + justice

34th Annual North Carolina/South Carolina Labor & Employment Law Program



LIVE

Friday–Saturday,
October 12–13, 2018
Renaissance Asheville Hotel
31 Woodfin Street, Asheville

REGISTER TODAY!

Save 10% if registration is
received by September 21, 2018.
www.tinyurl.com/CLE804ELL

11.5
HOURS

TOTAL CLE CREDIT
for NC and SC

2.0
HOURS

**Ethics/Professional
Responsibility (NC)**
(SC: 3.5 Hours LEPR credit)

**Includes Section Annual
Meetings for North Carolina
and South Carolina**

AVAILABLE FORMATS



PROGRAM SUMMARY

This program features practical topics that focus on complex legal issues in the Labor and Employment Law field and current trends such as social media ethics and #MeToo. We have excellent substantive updates regarding the Supreme Court of the United States, the Fourth Circuit and the North and South Carolina state law—all presented by leading employment law practitioners in their own entertaining and educational way.

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

WHAT PEOPLE ARE SAYING...



Excellent topic choices and extremely knowledgeable panelists.



Good program! Expectations were high and they were met. I've attended many times and intend to continue.



Always a great CLE for employment practitioners. This one did not disappoint.

– Attendees, *32nd Annual NC/SC Labor & Employment Law*

REGISTER TODAY!

Online: www.tinyurl.com/CLE804ELL | **By phone:** 800.228.3402

By mail: Attn: Accounting–NCBA, 8000 Weston Parkway, Cary, NC 27513

STEP 1: Tell us who you are. (Please print clearly.)

Print Full Name: _____

Address: _____

City, State and ZIP: _____

Daytime Phone Number: _____

Email Address: _____

NC State Bar No. (Required for MCLE Credit): _____

STEP 2: Select your tuition rate. (Register early and save 10%. Payment must be received three (3) weeks prior to program date to qualify for the early rate.)

All Attendees: \$550 / \$495 *Early*

CLE Premier Pass: \$0

STEP 3: Select your learning format.

Live (804ELL) Video Replay (See below.)

Video Replay registration (if selected).

Video Replays are scheduled for this program. The agenda may not include certain breakouts/tracks shown at the original program. For a list of dates and locations visit www.tinyurl.com/CLE804ELL, and indicate your choice below.

Location: _____ Date: _____ Code: _____

STEP 4: Complete your payment information.

(Registration is complete only after payment is processed. Please print clearly.)

I am registering for this program at the tuition rate checked above.

Enclosed is a check, payable to NCBA. Please charge my credit card.

Card Number: _____ Exp. Date: _____

Total Amount: _____ Signature: _____

Discounts are available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 800.228.3402 for details.

AGENDA

FRIDAY, October 12, 2018 | 7:45a.m. – 5:30 p.m.

- | | | | |
|-------|---|-------|---|
| 7:45 | Registration and Continental Breakfast | 12:45 | Networking Lunch |
| 8:25 | Welcome and Opening Remarks | 1:45 | ADA and FMLA
Bills and Shetterly |
| 8:30 | Fourth Circuit Update and Fourth Circuit Update Panel
Clarke, Coghurn and Elliot | 2:45 | “Time Up” and “#MeToo” – Considerations of the Benefits and Ethics of an Early Private Settlement that Avoids Litigation and Public Disclosure*
Colclough, Gray and Pauling |
| 10:00 | Break | 3:45 | Break |
| 10:15 | Social Media Discovery, Ethical Rules and Constraints on Plaintiff and Defense Lawyers*
Groesser, Kornbluth and Zyglist | 4:00 | The Art of Negotiations
McCarley |
| 11:15 | Supreme Court Review and Supreme Court Review Panel
Earp, Floyd, Harkavy and Lyon | 5:30 | Adjourn |
- * Indicates portions providing Ethics/Professional Responsibility credit

SATURDAY, October 13, 2018 | 7:15a.m. – 12:30 p.m.

- | | | | |
|-------|--|-------|---|
| 7:15 | Continental Breakfast | 10:50 | South Carolina Employment & Labor Law Section Annual Meeting
Ashley Kutz Kelley, Chair
Womble Bond Dickinson (US) LLP
Charleston, SC |
| 8:00 | Breakout Sessions
(please select one) <ul style="list-style-type: none">• NLRB Traditional Labor Update
Meares, Merrell and Pande• Wage and Hour Update
Edwards and Lay | 11:05 | Breakout Sessions
(please select one) <ul style="list-style-type: none">• North Carolina State Law and Federal District Court Update
Essary and Wetsch• South Carolina State Law and Federal District Court Update
Manning |
| 9:00 | Break | 12:35 | Adjourn |
| 9:10 | Implicit Bias Keynote speaker:
Benjamin D. Reese Jr. | | |
| 10:40 | Break | | |
| 10:50 | North Carolina Labor & Employment Law Section Annual Meeting
Michael A. Kornbluth, Taibi
Kornbluth Law Group PA, Durham,
2018-2019 Section Chair, presiding | | |

PROGRAM DETAILS

SPEAKERS

- **Judge Henry F. Floyd**, U.S. Court of Appeals for the Fourth Circuit, Richmond, VA
- **Judge Max O. Cogburn Jr.**, U.S. District Court, Western District, Asheville
- **Jennifer L. Bills**, Noble Law Firm, Raleigh
- **Brian S. Clarke**, Western Carolina University, Cullowhee
- **Thomas M. Colclough**, EEOC, Raleigh
- **Julianna “Julie” Theall Earp**, Smith Moore Leatherwood LLP, Greensboro
- **Bartina L. Edwards**, The Law Office of Bartina Edwards, Charlotte
- **R. Michael Elliot**, Elliot Morgan Parsonage PLLC, Charlotte
- **Melissa A. Essary**, Campbell University School of Law, Raleigh
- **Angela N. Gray**, Gray Newell LLP, Greensboro
- **Brian C. Groesser**, Midkiff Muncie & Ross PC, Raleigh
- **Jonathan R. Harkavy**, Patterson Harkavy LLP, Greensboro
- **Michael A. Kornbluth**, Taibi Kornbluth Law Group PA, Durham
- **Wood W. Lay**, Winston & Strawn LLP, Charlotte
- **Daniel C. “Danny” Lyon**, Eliot Morgan Parsonage PLLC, Charlotte
- **C. Frederick W. Manning II**, Fisher Phillips, Columbia, SC
- **DeWitt F. “Mac” McCarley**, Parker Poe Adams & Bernstein LLP, Charlotte
- **Shannon R. Meares**, National Labor Relations Board (NLRB), Winston-Salem
- **John T. Merrell**, Ogletree Deakins Nash Smoak & Stewart PC, Greenville, SC
- **Trisha Pande**, Patterson Harkavy LLP, Chapel Hill
- **Corie D. Pauling**, TIAA-CREF, Davidson
- **Benjamin D. Reese Jr., Pys.D.**, Duke University Health System, Durham
- **Michael M. Shetterly**, Ogletree Deakins Nash Smoak & Stewart PC, Greenville, SC
- **Laura J. Wetsch**, Winslow Wetsch PLLC, Raleigh
- **Maureen M. Zyglis**, Parker Poe Adams & Bernstein LLP, Raleigh

SPECIAL ACCOMMODATIONS

NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

CLE SCHOLARSHIPS

CLE scholarships are available. Contact Membership Services at 800.662.7407 or email Amy Kemple at akemple@ncbar.org for more information.

HOTEL INFORMATION

Contact hotel directly for reservations at the special NCBA room rate. Rates are based on availability and rooms may sell out.

Renaissance Asheville Hotel

31 Woodfin Street, Asheville

- **Nightly Rate:** \$229
- **Reservations:** 828.252.8211 or www.tinyurl.com/NCBA-LaborLaw
- **Cutoff Date:** September 14, 2018
- Ask for NC Bar Association group rate

PLANNERS

- **James A. “Jimmy” Byars**, Nexsen Pruet, Columbia, SC
- **Jennifer K. “Jenni” Dunlap**, Parker Poe Adams & Bernstein LLP, Charleston, SC
- **J. Griffin “Griff” Morgan**, Elliot Morgan Parsonage PLLC, Winston-Salem
- **Jerry H. Walters Jr.**, Littler Mendelson PC, Charlotte

We extend our sincere gratitude to the NCBA Labor & Employment Law Section and the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the highest quality.



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NCBA is an accredited CLE sponsor under the MCLE regulations promulgated by the North Carolina State Bar Board of Continuing Legal Education.

INTRODUCING...

premier pass

The 2018-2019 CLE Premier Pass is
an exclusive NCBA member benefit
providing unlimited CLE
including access to hundreds of
On Demand programs.

www.tinyurl.com/PremierPass

REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped based on venue size and may include an overflow room with additional seating. **CHANGES TO EXISTING REGISTRATIONS:** Should an attendee need to cancel his or her registration to a Live, Webcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a \$75 administrative fee. An attendee may choose to transfer his or her registration at a program to the Live, Webcast or Video Replay format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute his or her registration to a Live or Video Replay program only. Substitution means sending another person to attend the Live or Video Replay program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 800.228.3402. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations, including On Demand registrations, cannot be cancelled, substituted or transferred once purchased. **NO-SHOWS:** Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a \$75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. **MISCELLANEOUS:** The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee's image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.