

# 16<sup>th</sup> Annual WSBA Labor and Employment Conference

**Original Program Date:** November 14, 2019

**Available Media Types:** Video and Audio MP3

---

## REPORTING YOUR CREDIT

This on-demand seminar was originally presented as a live seminar and webcast on November 14, 2019, in Seattle, WA. If you attended the live seminar or webcast and reported CLE credits, you cannot also report credits from watching or listening to this recording.

## DESCRIPTION

You will not want to miss this CLE full of lively and informative panels, including an ethics presentation geared toward labor and employment practitioners. Also featured is a panel on weaving together the changing legal landscape on family and medical leaves. Don't miss the update on strategies for handling changes to Washington's non-compete laws. We round out the program with a nuts and bolts on formulating settlement agreements and dealing with union counsel.

## AGENDA

### 1 **Employment Law Year in Review**

This session will cover significant federal and state caselaw from the past year that affect labor and employment law practitioners.

*Kelby Fletcher - Stokes Lawrence, Seattle, WA*

*Lindsay Halm - Schroeter Goldmark & Bender, Seattle, WA*

*Moderator: Aviva Kamm - Stokes Lawrence, Seattle, WA*

### 2 **My oh my! What's new with noncompetition covenants - one hundred grand and much, much more.**

In 2019, Washington's legislature substantially reformed noncompetition covenant law. The new chapter, RCW 49.62, takes effect on January 1, 2020 and it operates retroactively. We will illuminate the legislative reforms, offer drafting tips for new agreements, identify covenants that fall below the new standards, and detail the dire consequences of failing to comply with the statutory requirements.

*Jesse Wing - MacDonald Hoague & Bayless, Seattle, WA*

*Lawrence Cock - of counsel to Corr Cronin, LLP, Seattle, WA*

*Moderator: Bradley Medlin - Robblee Detwiler PLLP, Seattle, WA*

*Agenda continues on the next page.*

- 3 Ethics in Employment Cases: A View from the Bench**  
This session will focus on ethics and evidence including the obligation to produce evidence and the destruction or falsification of evidence; ethics and the use of social media for jury research; and ethics and clients including the “preparation” of a client for testimony and withdrawing when a client is lying.  
*Judge Michelle Peterson – United States District Court, Seattle, WA*  
*Judge James Robart – United States District Court, Seattle, WA*  
*Moderator: Shelly Shapiro – Seattle, WA*
- 4 Designing Compliant and Effective Leave Policies**  
FMLA, Washington Paid Family and Medical Leave, Washington and municipal paid sick leave laws, and the ADA—can an employer’s leave policy really comply with them all? In this panel, experienced counsel and a benefits specialist will discuss time-off policies and the challenge to comply with the patchwork of leave laws, protect employees’ rights, and still make business sense.  
*Pam Salgado – Littler Mendelson, Seattle, WA*  
*Jean Shearer – The Partners Group, Seattle, WA*  
*Sean Phelan – Frank Freed Subit & Thomas, Seattle, WA*  
*Moderator: Shannon Lawless – Ryan, Swanson & Cleveland, Seattle, WA*
- 5 Drafters’ Lab: Reviewing Fundamental Provisions in Settlement Agreements**  
Reducing a settlement agreement to writing is often the final step in resolving a case. Understanding the written terms of the deal and whether particular provisions should be included are necessities for all lawyers. Join two distinguished practitioners as they review the fundamental terms of a settlement agreement.  
*Michael Subit – Frank Freed Subit & Thomas, Seattle, WA*  
*Kellie Tabor – Littler Mendelson, Seattle, WA*  
*Moderator: Jamal Whitehead – Schroeter Goldmark & Bender, Seattle, WA*
- 6 Identifying and Addressing Implicit Bias in the Legal Profession**  
As employment lawyers, we are growing accustomed to advising our clients about implicit bias in the workplace. But we know that implicit bias is also pervasive within the legal profession. This panel will explore how implicit bias manifests both in the law office and the court room. How does implicit bias impact our interactions with co-workers, clients, opposing counsel, jurors, and the court? We will discuss strategies for identifying and addressing implicit bias in our law practice.  
*Lauren Parris Watts – Hessel Fettermann LLP, Seattle, WA*  
*Sadé A. Smith – Smith Law, LLC, Seattle, WA*  
*Moderator: Jillian Cutler – Frank Freed Subit & Thomas, Seattle, WA*
- 7 I’m Aggrieved: Grievance, Lawsuit, and/or Settling my Discrimination Claims**  
Hear from three practitioners on effectively navigating discrimination claims in the union environment. This panel will explore where plaintiff, union, and management attorneys intersect and diverge from investigation, to grievance settlement, and more.  
*Carson Flora – SEIU 1199NW, Renton, WA*  
*Carolyn Ladd – The Boeing Co., Seattle, WA*  
*Carrie Blackwood – Barron Smith Daugert PLLC, Bellingham, WA*  
*Moderator: Jacob Metzger – Douglas Drachler McKee & Gilbrough LLP, Seattle, WA*