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- Practical guidance on the ***McDonnell Douglas* burden-shifting framework** in light of ***Olds v. City of Moorhead***
- Understand **free speech at work** in both the public and private sector, including what is and is not allowed
- The latest on **AI and Attorney Ethics**
- And More!

THURSDAY, NOVEMBER 19, 2026
Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370; Minneapolis

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View the Online Replay on Wednesday, December 9, 2026.

SPECIAL BONUS

In-person attendees will receive a hard copy of Minnesota CLE's new 2026 *Employee Speech Protections* Summary Guide™



SCHEDULE | *Designed for Experienced Labor & Employment Lawyers*

8:30 – 9:00 a.m. CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:05 a.m. WELCOME & INTRODUCTION

9:05 – 9:35 a.m.

New Developments at the NLRB in 2026 – General Counsel Carey's Priorities, Initiatives and Public Service Commitment

Laural Wagner, career employee at the National Labor Relations Board, recently appointed to the position of Associate General Counsel in the Office of the General Counsel, sits down for a fireside chat to discuss cases and issues that impact practitioners and their clients (both union and non-union alike) on a daily basis. She'll talk about General Counsel Carey's priorities and initiatives, including recent briefs to the Board which may impact issues such as severance agreements, work rules, employee outbursts in the workplace and the new (old) legal analysis that may apply, the permissibility of captive audience meetings, as well as her ongoing commitment to reduce the case backlog and provide service to the public.

– *Laural S. Wagner*
Nichole L. Harville

9:35 – 10:05 a.m.

New Developments at the EEOC – The 2026 EEOC Update

Get insight about how the EEOC's National Enforcement Plan priorities are reflected in the EEOC's current litigation, and a case roundup of "hot topics" such as PWFA, anti-DEI, and religious discrimination, and application of the "some harm" standard in Muldrow.

– *Dara S. Smith*

10:05 – 10:20 a.m. BREAK

10:20 – 11:30 a.m.

Recent Regulatory, Procedural, and Enforcement Shifts Impacting the Practice of Labor and Employment Law Before Key Federal Agencies

Join local agency leaders for an advanced discussion of shifts impacting the practice of labor and employment law. This session will focus on shifting priorities and changes in administration, including enforcement, that may impact practicing before the EEOC, DOL, and/or the NLRB.

– *Cherie A. Doak*
Jennifer A. Hadsall
Kristin Tout
Justin D. Cummins, moderator

11:30 a.m. – 12:45 p.m. LUNCH BREAK *(provided by Minnesota CLE)*

FUN, FOOD & FOGO!
Join fellow attendees at Fogo de Chão for a complimentary lunch, conveniently located in the same building as the Conference Center. Enjoy more than 40 selections from Fogo's Market Table, refreshing beverages, and casual conversation with colleagues in a relaxed setting.

12:45 – 1:45 p.m.

BREAKOUT SESSIONS

101

An Advanced and Practical Discussion with the Public Employment Relations Board

The Public Employment Relations Board (PERB) is the state entity that receives, investigates, and decides unfair labor practice (ULP) charges in the public sector. Get the latest information on the ULP complaint process, the most common types of unfair practices, and how to avoid common errors when filing PERB charges.

– *Jess Anna King*
David M. Aron
Brendan D. Cummins, moderator

102

McDonnell Douglas Under Review: The Future of Burden-Shifting in Minnesota and Beyond

For more than 50 years, the *McDonnell Douglas* burden-shifting framework has shaped employment litigation. With Minnesota courts confronting the framework directly and recent Supreme Court opinions dropping hints about its continued viability, this panel will discuss where *McDonnell Douglas* stands today, the arguments for keeping or rethinking it, and what may come next for employment litigation in Minnesota and beyond. This discussion will offer practical takeaways for seasoned employment practitioners navigating these developments in early case assessment, discovery strategies, summary judgment, and trial.

– *Celeste E. Culberth*
Kurt J. Erickson
MacKenzie L. Hertz, moderator

1:45 – 1:55 p.m. BREAK

1:55 – 2:55 p.m.

Free Speech at Work: Distinguishing Protected Activity, Formulating Sound Responses, and Mitigating Risk

The legal frameworks governing employee speech determine when it is protected and when discipline is defensible, with key distinctions between the public and private sectors. Get guidance for assessing high-risk speech incidents, documenting decision-making, and enforcing workplace policies consistently.

– *Michael J. Moberg*
Richard A. Konkoly-Thege

2:55 – 3:55 p.m.

AI and Attorney Ethics: Navigating Professional Responsibility in 2026

1.0 ethics credit applied for

Artificial intelligence is reshaping the delivery of legal services and creating new ethical challenges for attorneys and law firms. This presentation will examine how the Rules of Professional Conduct apply when lawyers use AI for drafting, research, client communication, workflow management, and decision-making support. Topics will include attorney competence, confidentiality safeguards, supervision of AI-generated work product, verification obligations, bias concerns, cybersecurity risks, and maintaining independent professional judgment. The session will provide practical guidance and risk management strategies lawyers can immediately apply within their practices.

– *Todd C. Scott*

3:55 – 4:00 p.m. BREAK

4:00 – 4:50 p.m.

An Advanced and Practical Discussion with Key Minnesota Agency Leaders

Join key agency leaders for an advanced discussion of important developments and priorities affecting the practice of labor and employment law involving Minnesota agencies.

– *Jessica L. Grosz*
Evan M. Rowe
Penelope J. Phillips, moderator

COURSE INFORMATION

LIVE IN PERSON
Thursday, November 19, 2026
Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370
Third Floor City Center, Minneapolis

ONLINE REPLAY
Wednesday, December 9, 2026
View online at www.minncle.org
Online replay includes all sessions. A moderator will be available to answer questions by email.

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CREDITS
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THE 2026

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