NEW!
ADVANCED!
An intensive seminar for the *experienced* employment law attorney.

Advanced Employment Issues

Become a more valuable partner to your client with a more sophisticated understanding of cross-practice issues.

Friday, January 29, 2010
Minnesota CLE Conference Center

Seventh Street & Nicollet Mall
Third Floor City Center
Minneapolis

Video replay details inside.

Enhance your legal analysis and strategic decision-making – and become a more valuable partner to or advocate for your client – by better understanding complex cross-practice issues.

- **6 intensive sessions** with concrete advice where employment law intersects with other practice areas – executive compensation, employee benefits, OSHA, bankruptcy, taxation of settlements and awards, and intellectual property.
- Plus **3 fast-paced "10 tips" sessions** to provide you with insights from corporate attorneys on contract negotiation, data privacy, and handling government enforcement – a chance for exposure to importable ideas from **experienced in-house counsel** outside the usual employment-law-CLE circle.
- Walk away with **NEW** information and resource material.
- Benefit from **tag-team teaching** that leverages the complementary expertise of the experienced attorney co-presenters – one an employment attorney, the other an attorney in the intersecting practice area.
- **Get advanced level education** – and answers regarding specific, important issues.
- Learn from – and engage in Q&A with – **a talented faculty** drawn from both in-house and private practice, plaintiff and defense counsel.
- **And more!**

Schedule

8:30 – 8:50 a.m.
CHECK-IN & CONTINENTAL BREAKFAST

8:50 – 9:00 a.m.
WELCOME & INTRODUCTION
BY COURSE CHAIRS

– *David M. Wilk*
Course Co-Chair
Larson • King; Saint Paul

– *James M. Zappa*
Course Co-Chair
3M Company; Saint Paul

Answering Difficult Questions in 6 Areas of Cross-Practice Concern for the Experienced Employment Attorney – Concrete Advice BEYOND the Basics

Each session will focus on a significant set of issues where employment law intersects with another practice area, analyze and provide practice tips for handling those issues and – as applicable – highlight today's enforcement/ litigation concerns in that area.

1 Employee Benefits

9:00 – 10:00 a.m.

- What are the potential risks of having separate benefits offerings for different worker categories?
- What are the regulatory compliance implications (e.g., IRS, DOL) and private enforcement opportunities (e.g., litigation) when employers reduce the costs of employer-provided benefits (e.g., reducing or eliminating benefits, cost shifting to employees) or when employers make workforce adjustments (e.g., termination incentives, reductions in hours, layoffs, facility closures)?
- When is a severance "custom" a severance "plan" for ERISA purposes?
- What are the rules that must be followed in providing benefits information electronically?

– *Darcy L. Hitesman*
Hitesman and Associates, P.A.; Maple Grove

– *Laurie Willard Olson*
ADC Telecommunications; Eden Prairie

10:00 – 10:05 a.m.
BREAK

2 Executive Compensation

10:05 – 11:05 a.m.

- What are the options for structuring severance pay to avoid 409A?
- What restrictions does 162(m) impose on payment of performance-based pay in the case of a termination during the performance period?
- What impact does a post-termination consulting relationship have on payment of deferred compensation?
- Can I provide for lifetime medical benefits in an employment or separation agreement?
- How do I determine whether my client is a "specified employee" of a public company subject to a six-month delay in payment of deferred compensation?
- Are tax gross-up provisions still acceptable in employment agreements?

– *Randy L. Gegelman*
Faegre & Benson LLP; Minneapolis

– *James G. Ryan*
Ryan Law Firm; Minneapolis

11:05 – 11:15 a.m.
BREAK

10 TIPS

11:15 – 11:30 a.m.

10 LEGAL PRACTICE TIPS:

When Government Enforcement Agencies Come Knocking

– *Richard G. Erstad*
VP, General Counsel & Secretary
Hawkins Inc.; Minneapolis

3 OSHA

11:30 a.m. – 12:30 p.m.

- New developments: What is next on the horizon for OSHA?
- When should an attorney be present during an OSHA inspection?
- Should your client refuse entry and, if so, how?
- What role does OSHA play in other employment litigation?
- How does OSHA interrelate with other employment laws like workers' compensation and the ADA?

– *Jeffrey M. Tanenbaum*
Nixon Peabody LLP; San Francisco

An advanced seminar tailored for the *experienced* employment law attorney – advisors and litigators, in-house and private practice.

12:30 – 1:15 p.m.
LUNCH (on your own)

4 Intellectual Property

1:15 – 2:15 p.m.

- What specific provisions to protect IP should employers include in confidentiality agreements that employees, contract workers and consultants sign?
- What specific steps are employers taking to protect their IP in today's social media context?
- What must employers do when they suspect that a current or a departing employee has taken intellectual property?
- What can employers do to prevent damage after intellectual property has been removed and disclosed?
- What strategic considerations should employers take into account when evaluating whether to file suit against former employees for misappropriation of intellectual property?

– *Karen D. McDaniel*
Merchant & Gould P.C.; Minneapolis

– *David M. Wilk*
Larson • King; Saint Paul

10 TIPS

2:15 – 2:30 p.m.

10 LEGAL PRACTICE TIPS:

Corporate Data Privacy & Security

– *Brad Bolin*
Global Information Policy Counsel
Best Buy; Richfield

2:30 – 2:45 p.m.
BREAK

5 Tax Treatment of Employment Case Settlements & Awards

2:45 – 3:30 p.m.

- When may attorneys' fees be deducted from gross income, and is that deduction "above" or "below" the line?
- When can the proceeds of a settlement or verdict be excluded from gross income for tax purposes?
- Does it matter whether an insurance company pays the settlement on behalf of the employer?
- What types of penalties might the IRS seek, and against whom, for the wrongful misclassification of damages?
- How are the proceeds of a settlement or verdict reported to the IRS and the State of Minnesota?

– *T.J. Conley*
The Law Office of T.J. Conley; Minneapolis

– *Thomas M. Regan*
Regan Tax Law; Minneapolis

10 TIPS

3:30 – 3:45 p.m.

10 LEGAL PRACTICE TIPS:

Contract Negotiation Strategy

– *Brian Beutner*
CEO
mPay Gateway, Inc.; Minneapolis

6 Bankruptcy

3:45 – 4:30 p.m.

- What is the Automatic Stay and how does it affect employment law claims and litigation?
- How is a claim affected by the claimant's bankruptcy?
- What is the scope of a bankruptcy discharge and how does it affect one's liability for a claim?
- What are the special provisions in the bankruptcy law regarding employee claims?
- Practical tips for those who appear only infrequently in bankruptcy court.

– *Eric J. Sherburne*
Stein & Moore, P.A.; Saint Paul

– *Steven Andrew Smith*
Nichols Kaster PLLP; Minneapolis

Course Information

LIVE PRESENTATION

Minneapolis – 1/29/10
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center

VIDEO REPLAYS

Video replay times may differ from the live presentation due to abbreviated lunch and break periods. Check-in and start times are as indicated below.

Minneapolis – 2/16/10
Minneapolis – 3/3/10
(Registration 8:30; Replay 9:00)
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center

CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.25 CLE credits.** The maximum amount of total credits any attendee may claim is 6.25.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact us as soon as possible. Contact Minnesota CLE at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

CANCELLATION POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a $25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the materials for 50% of the full retail price.

QUESTIONS?

Call Minnesota CLE at **651-227-8266** or **800-759-8840.** Or, visit us on the web at **www.minncle.org.**

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REGISTRATION / ORDER FORM

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Friday, January 29, 2010
Minnesota CLE Conference Center 558-10 Imp

PLEASE "✓" APPROPRIATE BOX BELOW:

LIVE (1/29/10):
☐ $285 MSBA member ☐ $285 paralegal ☐ $345 standard

VIDEO REPLAY (2/16/10):
☐ $255 MSBA member ☐ $255 paralegal ☐ $315 standard

VIDEO REPLAY (3/3/10):
☐ $255 MSBA member ☐ $255 paralegal ☐ $315 standard

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I cannot attend. Please send me:

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