

17th Annual Employment Law Update: April 5

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| Registration and Fees for Live Program | Program Materials |
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| MSBA Member <input type="checkbox"/> \$215 | <i>Please select your choice of materials</i> |
| Human Resource Professional..... <input type="checkbox"/> \$195 | Program coursebook via web link <input type="checkbox"/> \$ 0 |
| CLE Club Member <input type="checkbox"/> \$145 | Program coursebook via hardcopy*... <input type="checkbox"/> \$ 30 |
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| Non-Member <input type="checkbox"/> \$295 | * In order to have your textbook available at the program, we must receive your registration 7 working days before the program. If we receive your registration after the 7 days , we will send your coursebook after the program . |
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| Pennsylvania (live program only)..... <input type="checkbox"/> \$ 25 | |
| Legal Support Staff/Paralegal <input type="checkbox"/> \$155 | |
| MSBA Student Member <input type="checkbox"/> \$ 40 | |
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| <i>From now through Sept. 30, 2018</i> | |
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HOW TO REGISTER FOR THE LIVE PROGRAM:

- Online:**
1. Log into your website account at www.mainebar.org. If you do not know your login credentials, please call the MSBA.
 2. Under **CLE/Education**, click **Register for CLE**.
 3. Locate this program in the Community Calendar and click on the program to register.

Mail: Maine State Bar Association
 P O Box 788, Augusta, ME 04332-0788

Phone: 207-622-7554 | 1-877-622-7554

Fax: 207-623-0083

Email: cle@mainebar.org



17th Annual Employment Law Update

Sponsored by the Labor & Employment Law Section

LIVE PROGRAM

April 5, 2018

Hilton Garden Inn, Freeport

LIVE WEBCAST

April 5, 2018

CLE CREDITS

5.75, including 1.0 ethics



This program has been approved for practice and procedure credit under Maine's reciprocal admission rule.



Program Chairs

Kristin L. Aiello, Esq.
*Disability Rights Maine
Augusta*

Peter C. Felmly
*Drummond Woodsum
Portland*

Schedule and Faculty

8:00 REGISTRATION

8:30 JUDICIAL SETTLEMENT CONFERENCES AND MEDIATIONS: BEST PRACTICES FOR ACHIEVING A FAVORABLE SETTLEMENT FOR YOUR CLIENT IN EMPLOYMENT CASES

A panel of experienced neutrals will discuss best practices for judicial settlement conferences and mediations in employment law cases, including preparing your client and engaging them in the process, deciding who to bring and what materials to share with the neutral, developing and modifying negotiation strategies, using the neutral to help manage difficult clients, and confirming the essential settlement provisions

Magistrate Judge John C. Nivison, U.S. District Court for the District of Maine, Bangor

Jerrold A. Crouter, Esq., Drummond Woodsum, Portland

Maria C. Fox, Esq., MittelAsen LLC, Portland

9:30 SEXUAL HARASSMENT UPDATE IN THE WAKE OF A WAVE

Whether or not sexual harassment is actually on the rise, the #MeToo movement and a doubling in sexual harassment complaints filed with the Maine Human Rights Commission since 2015 reflect a trend worthy of attention. This panel will discuss a wide range of hot topics in the sexual harassment arena, including recent developments in the law, the extent to which “real life” resembles or differs from the allegations and scandals dominating the headlines, preventing and responding to retaliation, and proposed changes to the bar rules. The panel will also cover settlement of sexual harassment claims, including the pros and cons of confidentiality, generally and specifically in light of recent changes in the law.

Robert C. Brooks, Esq., Verrill Dana LLP, Portland

Elizabeth L.J. Burnett, Esq., Ociepka & Burnett PA, Belfast

Chad T. Hansen, Esq., Maine Employee Rights Group LLC, Portland

Katharine I. Rand, Esq., Pierce Atwood LLP, Portland

10:45 BREAK

11:00 WHAT'S NEW (AND NOT SO NEW) WITH AMERICANS WITH DISABILITIES ACT: UPDATES, RECURRING ISSUES, AND INTERSECTION WITH OTHER LAWS

Through real-world examples and interactive discussion, this session will explore common pitfalls employers and employees face as they navigate the complex legal framework for workers with disabilities, serious health conditions, and caregiver responsibilities. The panelists will provide updates on recent developments in ADA, MHRA, and FMLA coverage, including the Law Court's recent decision in *Carnicella v. Mercy Hospital*. This session will also address recurring issues affecting both employers and employees and will explore the dreaded ADA/FMLA/workers' compensation triangle.

Carol J. Garvan, Esq., Johnson Webbert & Young LLP, Augusta

Anne-Marie L. Storey, Esq., Rudman Winchell, Bangor

Shiloh D. Theberge, Esq., Littler Mendelson, Portland

Valerie Z. Wicks, Esq., Johnson Webbert & Young LLP, Augusta

12:15 LUNCH (INCLUDED)

1:00 ANOTHER YEAR, ANOTHER LANDSCAPE

Once again, 12 months have passed, leaving us with a shifting picture of employee rights and employment discrimination law. In the last year we saw employers' obligations to provide leaves of absence as reasonable accommodations for employees with disabilities narrowed; the Maine Human Rights Act further limited employment discrimination by “employers”; tax reform impacted settlements; recreational marijuana was legalized; and the federal government sought to roll back legal protections for gender identity. In this session, the panelists will survey these developments and other court decisions, legislation, and administrative actions that altered the legal landscape this past year.

John P. Gause, Esq., Eastern Maine Law LLC, Bangor

Peter D. Lowe, Esq., Brann & Isaacson LLP, Lewiston

2:15 BREAK

2:30 THE ETHICS

Join us on the MSBA red carpet for an interactive session as our straight-from-Hollywood (well, the Hollywood Casino maybe) panelists navigate the rules of professional responsibility and other ethical dilemmas that arise in the practice of employment law with fact patterns that will address conflicts of interest, contact with represented parties, inadvertent disclosure, and other current ethical topics.

Alan P. Kelley, Esq., Board of Overseers of the Bar, Augusta

Stacey D. Neumann, Esq., Murray Plumb & Murray, Portland

Thad B. Zmistowski, Esq., Eaton Peabody, Bangor

3:30 ADJOURN

Cancellation Policy for the Live Program

Full refunds will be given to those cancellations received by 4:30 p.m., 5 working days prior to the program. Registrants who cancel after this deadline but prior to the program date will be charged an administrative fee of \$15 per credit hour, but may choose to receive either the seminar video package (if applicable) for self-study credit or a credit towards another seminar for the remaining balance. A link to download and print the materials will be sent to those who fail to cancel in advance. Call 1-877-622-7554 with questions.

How to Register for the Live Webcast

1. Type mainebar.org in your browser.
2. Under **CLE/Education** click **Register for CLE**.
3. Locate this program in the Community Calendar and click on the program to register.

You will access this CLE program through a third-party website, which will require a username and a password. **Please note that your MSBA login credentials will not work on this website.**

You will receive a confirmation via email. Program materials will be uploaded to your registration account when they are available.

If you register for this webcast and are unable to view it on the day of the live presentation, you will receive a link following the webcast and will have three months from the date of the live presentation to view the program. Please note if you view the webcast after the program date, the seminar qualifies for self-study credits.

Credits will be reported by the MSBA according to recorded attendance for the webcast.

