



Oregon Law Institute  
of Lewis & Clark Law School

*2004 Annual*

# Employment Law Update

**T**his year's annual employment law update offers the latest case law and statutory developments, valuable practice tips, and legal analysis of issues affecting employment law practice in Oregon by some of the most knowledgeable and experienced practitioners in this area.

**If you are a business attorney, general practitioner, employment lawyer, or HR professional, don't miss this opportunity to hear about the latest legal trends and practice strategies in employment law.**

**Friday,  
June 11, 2004**

Oregon Convention Center  
777 NE Martin Luther King,  
Jr. Blvd.  
Portland, Oregon

**5.5 General and 1 Ethics**  
MCLE Credits

# SCHEDULE

8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:25 WELCOME AND INTRODUCTION

8:30 - 9:30 **Highlights, Trends, and Important Case Decisions**

The Supreme Court has been very active in employment and labor law over the last year, as has the Ninth Circuit. Come and hear the latest changes in the law.

– *Richard F. Liebman*

9:30 - 10:30 **Analysis of Retaliation Claims and Litigation**

- Causation is key
- How does an adverse employment action compare to a tangible job detriment and why are courts so confused about this?
- Policies, practice, and what causes big damage awards
  - *Stephen L. Brischetto*
  - *Corbett Gordon*

10:30 - 10:45 BREAK

10:45 - 11:45 **Avoiding Ethical Blunders**

- The ethics of ending representation
- Ex-parte communications with employees
- Representing multiple defendants
- Talking to the press
  - *Bradley F. Tellam*

11:45 - 1:00 LUNCH (on your own)

1:00 - 2:45 **Advising Clients on the Latest Employment Law Issues**

- Same sex marriage and sexual orientation protections
- Crime victim leave and other new leave law issues
- Dealing with violence, threats, fear and discrimination in the post-9/11 workplace
- The role of attorney-client privilege in personnel decisions
- Creating the documentary trail in a reduction in force
- Investigating discrimination complaints
- Non-competition enforcement
  - *Paul C. Buchanan*
  - *Eileen Drake*
  - *Dana L. Sullivan*

2:45 - 3:00 BREAK

# SCHEDULE (cont.)

3:00 - 3:30

## **Tax and Reporting Requirements for Verdicts and Settlements**

- Exclusion of contingent legal fees from plaintiff's income
- Exclusion of designated medical reimbursement costs from plaintiff's income
- Income deduction for payments by defendants  
– *Joseph Wetzel*

3:30 - 4:15

## **Getting the Wage and Hour Laws Right**

- Minimum wage and overtime requirements
- Exemptions
- Deductions
- Final paychecks  
– *Karen L. O'Connor*

4:15

ADJOURN

# Program Faculty

## **Stephen L. Brischetto**

*Attorney at Law*

## **Paul C. Buchanan**

*Stoel Rives LLP*

## **Eileen Drake**

*PCC Structural, Inc.*

## **Corbett Gordon**

*Fisher & Phillips LLP*

## **Richard F. Liebman**

*Barran Liebman LLP*

## **Karen L. O'Connor**

*Barran Liebman LLP*

## **Agnes Sowle**

*Program Co-Planner*

*Multnomah County Attorney's Office*

## **Dana L. Sullivan**

*McKanna Bishop Joffe & Sullivan LLP*

## **Bradley F. Tellam**

*Program Co-Planner*

*Barran Liebman LLP*

## **Joseph Wetzel**

*Wetzel DeFrang & Sandor*

## **LIVE PRESENTATION**

**Portland – 6/11/04**

Oregon Convention Center

777 NE MLK Jr. Blvd.

## **MCLE CREDIT**

*2004 Annual Employment Law Update*

will receive **5.5** General and **1** **Ethics**

MCLE credits.

## **PROGRAM TAPES**

Even if you cannot attend, you can still get the program on audiotape or videotape. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase the tapes at 50% off the full retail price.

## **QUESTIONS?**

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at [oli@lclark.edu](mailto:oli@lclark.edu); or visit our Web site at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli).

## **VIDEO REPLAYS**

Please register at least one week prior to the replay date.

**Bend – 6/25/04**

**Replay 8:30 a.m.**

Bryant Lovlien & Jarvis

591 Mill View Way

**Eugene – 6/18/04**

**Replay 8:30 a.m.**

Harrang Long Gary & Rudnick, P.C.

360 East 10th Avenue, Ste. 300

**Medford – 6/18/04**

**Replay 8:30 a.m.**

Offices of Claudette Yost

916 W. 10th Street

**Pendleton – 6/24/04**

**Replay 9:00 a.m.**

Corey, Byler & Rew

222 S.E. Dorion

**Portland – 6/30/04**

**Replay 9:00 a.m.**

Oregon Law Institute

Gus J. Solomon Courthouse,

620 S.W. Main St., Suite 706

# 2004 Employment Law Update

Friday, June 11, 2004

Name \_\_\_\_\_ OSB No. or Profession \_\_\_\_\_

Firm/Organization \_\_\_\_\_

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Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail \_\_\_\_\_

Please "✓" appropriate box below:

- Live presentation
- Video replay. Location: \_\_\_\_\_ Date: \_\_\_\_\_

## TUITION

*(Prices apply to live and video replays.)*

- \$159 "Early Bird" tuition (received by June 7, 2004).
- \$119 "Early Bird" tuition for new attorneys (admitted 2003-2004), paralegals, or secretaries (received by June 7, 2004).
- \$ 15 OLI Annual Pass holder (Annual Pass No. \_\_\_\_\_).
- \$ 20 Add to above tuition if registration received after June 7, 2004.

## BOOK AND TAPE ORDERS

*I am unable to attend. Please send me:*

- Audiotapes and course book, at \$169 per set.
- Videotapes and course book, at \$299 per copy.
- Course book only, at \$49 per copy.
- Deduct 50% from order if you are an OLI Annual Pass holder (Pass No. \_\_\_\_\_)
- \$7.00 Note: Add \$7.00 shipping & handling fee to above book and tape orders.

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Check out our website at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli)  
or email us at [oli@lclark.edu](mailto:oli@lclark.edu).**

**CONFIRMATION:** Confirmation will be sent via e-mail or fax.**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by June 8, 2004.**NEED ASSISTANCE:** If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.**TUITION ASSISTANCE:** A limited number of scholarships are available based on financial need. Contact OLI.