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May 31-June 01, 2007

New York University 60th Annual Conference on Labor  
Center for Labor and Employment Law  
NYU School of Law

## RETALIATION and WHISTLEBLOWERS

### Conference Venue

All sessions will be held in Lipton Hall, D'Agostino Hall, NYU School of Law, 108 West Third Street.  
14 hours of CLE credit including 2 hours of ethics/professionalism

Thursday, May 31, 2007

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**8:00 a.m.-8:30  
a.m.** Registration; Breakfast Reception

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**8:30 a.m.** Welcome  
Prof. Samuel Estreicher (Program Chair, Dwight D. Opperman Professor of Law  
& Director of the Center for Labor and Employment Law at NYU School of  
Law; Of Counsel, Jones Day)

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**8:45  
a.m.-10:15  
a.m.** Part One. Anti-Retaliation Under Federal and State Discrimination & Wage-Hour  
Laws; Implications of Burlington Northern v. White

**Moderator:** Michael I. Bernstein (Bond Schoeneck & King)

**Presenters:** Zachary Fasman (Paul Hastings): protection of opposition clause  
activity

Wayne N. Outten (Outten & Golden): protection of participation clause activity

**Commentator:** Mindy Farber (Farber Rubin)

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**10:30  
a.m.-12:00  
p.m.** Part Two. Developments in the State and Federal Whistleblower Protection Laws

**Moderator:** Frederick Braid (Holland & Knight)

**Presenters:** Ethan Brecher (Liddle & Robinson); Whistleblower Claims Before  
the NASD and the NYSE  
Michael A. Curley (Morgan Lewis): State Whistleblower Laws

Eric Taussig: Federal Whistleblower Laws  
**Commentators:** Charles G. Fournier (NBC Universal)  
Eugene S. Friedman (Friedman & Wolf)

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**12:00**

**p.m.-1:15 p.m.**

Luncheon

**Speaker:** Hon. Jonathan L. Snare, Acting Solicitor, U.S. Dept. of Labor

**Introduction:** Marshall B. Babson (Hughes Hubbard & Reed)

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**1:15 p.m.-2:45**

**p.m.**

Part Three. Developments under the Sarbanes-Oxley Act

**Moderator:** Michael Delikat (Orrick Herrington)

**Presenters:** Wendy Butler and Willis Goldsmith (Jones Day) & Preston Pugh (GE Healthcare): Investigating and Defending a SOX Whistleblower Claim

John Fullerton (Sullivan & Cromwell): Scope of Protected Activity Under SOX

**Commentator:** Jonathan Ben-Asher (Beranbaum Menken Ben-Asher & Bierman)

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**3:00 p.m.-5:00**

**p.m.**

Part Four. Anti-Retaliation Protections under the NLRA and Collective Bargaining Agreements

**Moderator:** Daniel Clifton (Lewis, Clifton & Nikolaidis)

**Presenters:** Daniel O’Gorman (Ford & Harrison): Rights of Non-Unionized Workers

G. Peter Clark (Kauff, McClain & McGuire): No-Suit Covenants

**Commentator:** Laurence Gold (Bredhoff & Kaiser)

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**Reception & Dinner (special registration required)**

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**5:30 p.m.-7:00**

**p.m.**

Reception

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**7:00 p.m. –** A Celebration of the Contributions of Peter Hurtgen to the Field of Labor and  
**9:00 p.m.** Employment Law

After-Dinner Remarks: Richard L. Trumka, Secretary Treasurer, AFL-CIO

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Friday, June 1, 2007

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**8:00 a.m.-8:30**  
**a.m.** Breakfast

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**Overall Moderator:** Jeffrey Kohn (O'Melveny & Myers)

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**8:45**  
**a.m.-10:30**  
**a.m.** Part Five. Government Whistleblowers; Implications of Garcetti v. Cebalos  
**Moderator:** Lloyd Chinn (Proskauer Rose)  
**Presenters:** William Herbert (Civil Service Employees Assn.)  
Hon. Barbara J. Sapin (Merit Systems Protection Board)  
**Commentator:** Robert Herbst (Beldock Levine & Hoffman)

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**10:45**  
**a.m.-12:00**  
**p.m.** Part Six. Developments under State Wrongful Discharge Law  
**Moderator:** Pearl Zuchlewski (Kraus & Zuchlewski)  
**Presenter:** Dean Stewart Schwab (Cornell Law)  
**Commentator:** TBA

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**12:00**  
**p.m.-1:15 p.m.** Luncheon: Hon. Wilma Liebman (National Labor Relations Board): Reflections  
on an Aging Federal Agency

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**1:30 p.m.-3:00**  
**p.m.** Part Seven. Ethical Issues for In-House Employment and Transactional Lawyers  
**Presenter:** Dennis Duffy (Baker & Botts; former corporate counsel, Time  
Warner)  
**Commentator:** Darnley Stewart (Bernstein Litowitz, Berger & Grossmann)

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[http://editweb.law.nyu.edu//centers/labor/conferences/2007/annualconferenceonlabor/ECM\\_DLX\\_008936](http://editweb.law.nyu.edu//centers/labor/conferences/2007/annualconferenceonlabor/ECM_DLX_008936)

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