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

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

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)

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)

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)

12:00 p.m.-1:15 p.m. Luncheon
Introduction: Marshall B. Babson (Hughes Hubbard & Reed)

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)

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)

Reception & Dinner (special registration required)

5:30 p.m.-7:00 p.m. Reception
### 7:00 p.m. – 9:00 p.m.
A Celebration of the Contributions of Peter Hurtgen to the Field of Labor and Employment Law

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

### Friday, June 1, 2007

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

### Overall Moderator: Jeffrey Kohn (O’Melveny & Myers)

### 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)

### 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

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

### 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)