Age and Wage: Employment Law for the General Practitioner

March 27, 2015 | 9:00 a.m.-4:30 p.m.
6.0 General CLE Credits | WSBA Activity ID #396611

Agenda

8:30 a.m.-9:00 a.m. Registration

9:00-9:45 a.m. Session 1: The Expanding Emergence of Age Discrimination Litigation: The Aging Workforce
Speaker: Nancy Buonnano Grennan, Human Relations Director, King County
  • Overview of recent case law

9:45-10:30 a.m. Session 2: Older Workers Rights and Remedies: State vs. Federal Law Litigation
Speaker: Lindsay Halm, Schroeter Goldmark and Bender
  • Best reasons to take your case to state court
  • Best reasons to take your case to federal court

10:30-10:45a.m. Q & A with Speakers

10:45-10:55 a.m. Break

Speaker: Sue-Del McCulloch, McCulloch Law Office
  • Appealing a summary judgment at the trial court and Court of Appeals
• Burden-shifting and stray comments as an element of the appeal

11:40 a.m.-12:25 p.m.  Session 4: Age/Wage: The Boundaries of Discrimination  
Speaker: Kelby Fletcher, Stokes Lawrence  
• Disparate impact age bias  
• Same actor defense  
• The Stray Comment doctrine after Scrivener v. Clark College

12:25-12:35 p.m.  Q & A with Speakers

12:35-1:30 p.m.  Lunch (on your own)

1:30-2:15 p.m.  Session 5: Choosing the Court for Your Case — State v. Federal in Wage Claims Litigation  
Speaker: Marc Cote, Terrell Marshall Daudt & Willie PLLC  
• Best reasons to take your case to state court  
• Best reasons to take your case to federal court

2:15-3:00 p.m.  Session 6: Becerra v. Expert Janitorial - Employee misclassification and Joint Employer Status  
Speaker: Adam Berger, Schroeter Goldmark and Bender

3:00-3:15 p.m.  Q & A with Speakers

3:15-3:30 p.m.  Break

3:30-4:15 p.m.  Session 7: The FLSA, Wage Violations and SCOTUS: Recent History and a Peek into the Future  
Speaker: Evan Nordby, Adjunct Professor, Seattle University School of Law  
• Alvarez v. IBP Inc.  
• Genesis Health Car V. Symszyk  
• Sandifer v. US Steel  
• Integrity Staffing Solutions v. Busk  
• Kasten v. Saint-Gobain Performance Plastics Corp

4:15-4:20 p.m.  Q & A with Speaker

4:20 p.m.  Evaluations and Adjournment
Faculty Biographies

Adam Berger
Adam J. Berger is a shareholder in the Seattle law firm of Schroeter Goldmark & Bender, where his practice focuses on representation of plaintiffs in medical negligence, toxic tort, and other claims resulting in serious personal injury and wrongful death. He also represents plaintiffs in individual and class actions arising from wage and hour violations and consumer fraud. Mr. Berger is a magna cum laude graduate of Harvard College and received his J.D. from Yale Law School. Following law school, he clerked for the Honorable Mark L. Wolf of the United States District Court for Massachusetts and then served as a litigation attorney for Earthjustice (formerly Sierra Club Legal Defense Fund) in Seattle for eight and a half years. Mr. Berger is one of the lawyers profiled in Morrison & Chin, Beyond the Big Firm: Profiles of Lawyers Who Want Something More (Wolters Kluwer 2007). In 2013, Mr. Berger, along with three other members of his firm, received the Washington State Bar Association’s Award of Merit for their pro bono representation of Governor Christine Gregoire in defense of the constitutionality of the federal Affordable Care Act. Mr. Berger has participated as faculty at NITA’s Building Trial Skills Northwest Program since 2008.

Mr. Berger is a member of the Washington State Association for Justice, the American Association for Justice, the Washington Employment Lawyers Association, and an emeritus member of the William L. Dwyer American Inn of Court.

Nancy Buonanno Grennan
Nancy Buonanno Grennan is the Human Resources Director for King County, and had previously served as the Labor Relations Manager for the County. Prior to her work here at King County, she served as the Kitsap County Administrator, responsible for the day-to-day operations under the general policy direction of the Board of County Commissioners. Nancy has a law degree from the University of Washington and a bachelor’s degree from Smith College. She started her career as a union organizer and representative for Service Employees International Union and was an intern with the National Labor Relations Board. With over twenty-five years of labor and employment experience representing both labor and management, Nancy is a frequent speaker at management conferences on a variety of topics. She lives on a small farm in Poulsbo.

Mark Cote
Marc Cote is a partner with Terrell Marshall Daudt & Willie PLLC, where he represents workers in individual and class action employment law cases. Marc regularly litigates wage and hour cases on behalf of construction workers, restaurant workers, farm workers, and other low-wage workers. In 2014, he negotiated the largest farm worker wage and hour class action settlement on record in Washington in Lopez Demetrio v. Sakuma Brothers Farms, Inc. and the largest class action settlement on record in a case under Washington’s automatic service charge disclosure statute in Romatka v. Brinker International Payroll Company, L.P. Outside of his wage and hour practice, Marc represents clients in matters involving employment discrimination, contract disputes, non-competition agreements, and severance negotiation.

Before entering private practice, he served as a law clerk to Justice Walter Carpeneti of the Alaska Supreme Court. He graduated second in his class at the University of Washington School of Law, where he served as Executive Articles Editor of the Washington Law Review. During law school, Marc served as an extern for Judge Ricardo Martinez of the U.S. District Court for the Western District of Washington.
Kelby Fletcher
Kelby D. Fletcher is a shareholder at Stokes Lawrence, P.S. He was admitted to practice in Washington in 1974. His practice consists of employment-related matters representing individuals in advice, transactions and litigation. He is a member and chair of the Amicus Committee of the Washington State Association for Justice Foundation. Kelby is also a past member and Chair of the Executive Committee of the WSBA Labor and Employment Law Section and has been honored to be a Washington “Super Lawyer” for many years. In November 2012, he was inducted as a Fellow of the College of Labor and Employment Lawyers. He is retired from the active practice of notarization—with no regrets.

Lindsay Halm
Lindsay Halm focuses her practice on ending discrimination and illegal pay practices in the workplace. She seeks justice on behalf of individuals, as well as for entire classes of workers. Lindsay also represents people who have lost family members in serious accidents and victims of sexual abuse. She is a compassionate advocate for everyday people in their struggle against more powerful interests.

Lindsay was born and raised in the Seattle area. She received her undergraduate degree from Bowdoin College in Maine and graduated with honors from the University of Washington School of Law. Before attending law school, she worked as an environmental planner on topics ranging from salmon recovery to air quality. During law school, Lindsay served on the editorial board of the Law Review, interned at the National Wildlife Federation, and joined the Innocence Project Northwest Clinic to work on behalf of the wrongfully convicted. Prior to joining SGB in 2007, Lindsay served as a law clerk to the Honorable James L. Robart in United States District Court.

Sue-Del McCulloch
Sue-Del McCulloch has had a solo practice based in Portland for ten years. She represents clients throughout Oregon and southwest Washington in employment related causes of action from contract and severance negotiations to discrimination and medical leave claims. She also practices in the area of eminent domain. Following three years as a law clerk to the Honorable Judge James A. Redden, U.S. District Judge, District of Oregon, Ms. McCulloch was an associate in the litigation department at Ramis Crew Corrigan & Bachrach and a founding partner of the employment law firm Dolan Griggs McCulloch LLP.

Ms. McCulloch attended law school at Lewis & Clark in Portland, after working as a Medical Laboratory Technician in public health. She calls on her health and science background in frequent representation of medical professionals in licensing and employment matters. As a law student, she studied international human rights at the Institute of Human Rights in Strasbourg, France, and constitutional development at Charles University in Prague.

Evan Nordby
Evan Nordby has served as an Adjunct Professor of Law at Seattle University, where he taught a seminar on the Fourteenth Amendment. He is also a trial attorney with a federal government agency in Seattle, where he handles wage and hour, workplace safety, and ERISA enforcement. Mr. Nordby has received four Secretary's Exceptional Achievement Awards for his work for the government. In law school, Mr. Nordby was an editor of the Georgetown Law Journal, President of the Georgetown Gilbert and Sullivan Society, and represented victims of domestic violence pro bono through Georgetown's Domestic Violence Clinic.