

Alerts & Publications

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Labor & Employment 2011 Review

January 23, 2012

Throughout 2011, our labor and employment lawyers were called upon as thought leaders to provide their insight on the most pressing issues facing today's employers - from emerging issues in wage and hour law triggered by the digital age to new precedent regarding the Computer Fraud and Abuse Act. The following is a compilation of the articles and presentations prepared by our attorneys in 2011. We continue to work on new articles and presentations to be published and presented throughout 2012. As always, if you have any questions or would like to discuss further, please feel free to contact us. We wish you a productive and happy new year.

WAGE AND HOUR	Date
Partner Apalla U. Chopra (LA) and counsel Adam P. KohSweeney authored an article entitled, "Non-Exempt Employee Compensation: Traps For The Unwary," for <i>Bloomberg Labor & Employment Reports</i> . Click here to view article.	December 5, 2011
Partner Apalla U. Chopra (LA) spoke on "Adapting to the Growing Number and Diversity of Wage and Hour Claims, including Off-the-Clock Claims: Social Media, Blackberry, Donning and Doffing and Beyond" at ACI's 13th National Forum on Wage & Hour Claims And Class Actions. Click here to view presentation materials.	September 20-21, 2011
Partner Apalla U. Chopra (LA) and counsel Adam P. KohSweeney (SF) authored an article entitled, "Strategic Issues Related to Employee Exemption Review," for <i>Bloomberg Labor & Employment Reports</i> . Click here to view the article.	August 8, 2011
Associate Tanya Guzman (LA) authored an article "Wage	July/August

and Hour Law: The Compensability of Employee Commute Time," for <i>California Minority Counsel Program e-Newsletter</i> . Click here to view the article.	2011
Partner Apalla U. Chopra (LA) and counsel Adam P. KohSweeney (SF) authored a client alert entitled, "California Supreme Court Rules State Overtime Provisions and the UCL Apply to Certain Work Performed By Non-Residents." Click here to view article.	July 1, 2011
Partner Adam Karr (NB) spoke on "Strategies for Settlement of Individual and Wage & Hour Class Actions" at Bridgeport's annual Mid-Year Wage and Hour Litigation Conference. Click here to view presentation materials.	June 3, 2011
Partner Apalla U. Chopra (LA), counsel Adam P. KohSweeney (SF), associate Usama Kahf (LA) authored a client alert entitled "Amendments to FLSA Regulations To Take Effect on May 5, 2011." Click here to view article.	May 4, 2011
Partners Jeff Kohn (NY) and Mark Robertson (NY) and associate Sloane Giddon (NY) authored an article entitled "New York State Department of Labor Issues Guidance on New York State Wage Theft Prevention Act." Click here to view article.	April 5, 2011
COMPUTER FRAUD ABUSE ACT	Date
Partner Eric Amdursky (SV) spoke on the "Computer Fraud and Abuse Act" at the California Employment Law Council's Quarterly Meeting. Click here to view presentation materials.	September 23, 2011
Partners Darin Snyder (SF), Eric Amdursky (SV), associate Justin Walker (SV) authored a client alert entitled, "Ninth Circuit Rules That Employers' Computer Use Policies Can Support Claims Under the Computer Fraud and Abuse Act." Click here to view article.	May 4, 2011
Partner Mark Robertson (NY) authored an article entitled, "A Helpful Decision Regarding the CFAA," for in <i>Appellate Law360</i> and <i>Employment Law360</i> . Click here to retrieve article from <i>Law360</i> .	January 25, 2011
Partner Mark Robertson (NY) and associate Natasha Waglow (NY) authored an article entitled, "Dual Views of CFAA in NY," for in <i>Appellate Law360</i> and <i>Employment Law360</i> . Click here to retrieve article from <i>Law360</i> .	January 10, 2011
CLASS ACTION LITIGATION AND ARBITRATIONS	Date
Partner Apalla U. Chopra (LA) authored a chapter on "Class Action Litigation and Arbitration After Wal-Mart v. Dukes and AT&T v. Concepcion" for PLI's California Employment Law Update 2011. Click here to view article.	November 9, 2011
Partners Apalla U. Chopra (LA) and Adam Karr (NB) and counsel Christopher D. Catalano (DC) and Ryan Rutledge (NB) authored a client alert entitled "Supreme Court Ruling Enforces Arbitration Agreements That	May 2, 2011

Preclude Class Action Procedures.” Click here to view article.	
SOCIAL MEDIA	Date
Partner Mark Robertson (NY), counsel Ryan Rutledge (NB), and associate Lauren Elkerson (NB) authored an article entitled, “The Law of the Lawyer -- Considerations for Drafting Social Media Policies,” for <i>The Practical Lawyer</i> . Click here to view article.	August 2011
Partner Mark Robertson (NY), counsel Ryan Rutledge (NB), and associate Lauren Elkerson (NB) authored an article entitled, “Defusing Workplace Time-Bombs -- Considerations for Drafting Social Media Policies,” for ALI-ABA. Click here to view article.	June 2011
HUMAN RIGHTS LAW	Date
Partner John Laco (LA) and counsel Bob Nicksin (LA) authored a client alert entitled “California Transparency in Supply Chains Act of 2010.” Click here to view article.	November 16, 2011
Partner Mark Robertson (NY) and associate Sloane Giddon (NY) authored an article entitled, “Trendsetting: NYC’s Human Rights Law,” for <i>New York Law360</i> and <i>Employment Law360</i> . Click here to retrieve article from <i>Law360</i> .	March 16, 2011
EMPLOYMENT COUNSELING	Date
Counsel Adam P. KohSweeney (SF) spoke on “The Strategic Value of Employee Handbooks, Job Descriptions and Performance Evaluations” at the Employer’s Group Workplace and Law Update. Click here to view presentation materials.	December 1, 2011
Partner Apalla U. Chopra (LA), counsel Michael Garrison (LA), and associate Rahi Azizi (LA) authored a client alert entitled, “Governor Brown Signs New California Legislation Affecting Employers.” Click here to view article.	November 10, 2011
Counsel Michael Garrison (LA) spoke on “Costliest Termination Mistakes and How to Avoid Them: Leaves, Workers’ Comp, Disabilities, And More!” at the Employer’s Group Workplace and Law Update. Click here to view presentation materials.	November 2011
Counsel Adam P. KohSweeney (SF) spoke on “The Ins & Outs and Dangers of Self-Audits” at Bridgeport’s 7th Annual Wage and Hour Litigation Conference. Click here to view presentation materials.	October 13-14, 2011
Throughout 2011, partners Apalla U. Chopra (LA), Adam Karr (NB), Jeff Kohn (NY), Mark Robertson (NY), Eric Amdursky (SV) and counsel Adam P. KohSweeney (SF) spoke to multiple groups, including the Greater Los Angeles Association of Legal Administrators and the LA County Bar Association, on “Precedents and Predictions: A Review of 2010’s Significant Labor and Employment	2011

Law Developments and What to Expect in 2011.” Click here to view presentation materials.	
TRADE SECRET AND NON-COMPETE	Date
Partner Adam Karr (NB) spoke on “Criminal and Multi-Jurisdictional Trade Secret and Non-Compete Issues” at Bridgeport’s Litigating Trade Secret and Employee Mobility Claims Conference. Click here to view presentation materials.	June 24, 2011
Partners Apalla U. Chopra (LA) and Eric Amdursky (SV) spoke on “Trade Secrets in the Workplace: Protecting Trade Secrets and Preventing Misappropriation and Restrictive Covenant Claims” at the California Employment Law Council’s Quarterly Meeting. Click here to view presentation materials.	January 28, 2011
AMERICAN WITH DISABILITIES ACT	Date
Partners Apalla U. Chopra (LA), Mark Robertson (NY), and Michael G. McGuinness (LA) presented on “Navigating the New Federal Regulations under the Americans with Disabilities Act.” Click here to view presentation materials.	June 2011
NONPROFITS AND SMALL BUSINESS	Date
Partner Mark Robertson (NY) and associates Anthony DiLello (NY) and Sloane Giddon (NY) spoke on “Employment Law for Nonprofits and Small Businesses” at the Legal Aid Society. Click here to view presentation materials.	March 8, 2011
NATIONAL LABOR RELATIONS ACT	Date
Counsel Michael Garrison (LA) spoke on “Trying a 10(j) Case—Process, Procedure and Insights—Part II,” at ABA’s 5th Annual Labor and Employment Law Conference. Click here to view article.	November 2-5, 2011
CRIMINAL LAW	Date
Partner Adam Karr (NB) spoke on “Not So Usual Suspects - You and Your Client” at ABA’s 5th Annual Labor and Employment Law Conference. Click here to view presentation materials.	November 2-5, 2011