

ALI-ABA Telephone Seminar
Blogging in the Workplace

January 30, 2008
Live Telephone/Audio Webcast

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PROGRAM

All Times Eastern Daylight

12:00 noon **Introductions**

Blogging in the Workplace – *panel discussion*

Questions and Answers

1:30 p.m. **Employment Law Update**

2:00 p.m. **Adjournment**

PROGRAM SCHEDULE

	Eastern	Central	Mountain	Pacific	Alaska	Hawaii
National Teleseminar/Webcast	12:00 noon	11:00 a.m.	10:00 a.m.	9:00 a.m.	8:00 a.m.	7:00 a.m.
Adjournment	2:00 p.m.	1:00 p.m.	12:00 noon	11:00 a.m.	10:00 a.m.	9:00 a.m.

SCOPE AND PURPOSE

Blogging by current and former employees has dramatically increased in the past few years, and raises a host of legal issues. Our unique teleseminar is designed to identify the issues, analyze them in terms of applicable state and federal law, and propose best practice solutions. We have gathered a faculty of experienced practitioners as well as a law professor who have confronted these issues over the past several years.

Level: Intermediate

Suggested Prerequisite: Limited experience in legal practice in subject matter.

Educational Objectives: Development of proficiency in performance of intricate and complex legal tasks within a narrow area, provision of information on recent legal developments; maintenance of professional competence as a practitioner.

Total 60-minute hours of instruction: 2.0 **Total 50-minute hours:** 2.4

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PLANNING CHAIRS

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FACULTY

Lawrence Savell, Esquire

Chadbourne & Parke LLP
30 Rockefeller Plz
New York, NY 10112-0002

FACULTY BIOGRAPHIES

Planning Co-Chairs

Robert B. Fitzpatrick, Washington, D.C.
Robert B. Fitzpatrick, PLLC

Robert Brian Fitzpatrick is the principal in the law firm of Robert B. Fitzpatrick, PLLC in Washington, D.C. where he represents clients in employment law and employee benefits matters. Mr. Fitzpatrick has concentrated his practice in employment law disputes for over thirty-five years and has been described by the National Law Journal as being among the top employment lawyers in the country and by Washingtonian Magazine as "tops in employment law" in the Washington, D.C. area. He was also included in the 2006 edition of *The Best Lawyers in America*.

Mr. Fitzpatrick is an active member of the American Bar Association (ABA) and the District of Columbia Bar, being a frequent speaker at Bar meetings and a participant in the activities of several sections of the ABA and the D.C. Bar. He has been Co-Chairman of the ABA's Committee on Individual Employee Rights and Responsibilities of the Labor and Employment Law Section; Co-Chairman of the Steering Committee of the Labor Relations Section of the D.C. Bar; Chairman and founder of the D.C. Bar's Committee on Individual Employee Rights and Responsibilities; Chairman of the Federal Bar Association's Labor Law and Labor Relations Section; Chairman of the FBA's Committee on Equal Employment Opportunity; and Chair of the Employer-Employee Relations Committee of the Torts and Insurance Practice Section of the ABA. He has been a member of the Class Action Task Force of the Torts & Insurance Practice Section of the ABA and served as a member of the Long Range Planning Committee of ABA's Torts and Insurance Practice Section from 1993 to 1996. He is an active member of the Section of Dispute Resolution of the ABA and of the International Employment Law Committee of the International Law & Practice Section of the ABA. He has been the Chair of the Alternative Dispute Resolution Committee of the ABA's Section of Individual Rights and Responsibilities.

Frank C. Morris, Jr., Washington, D.C.
Epstein Becker & Green, PC

FRANK C. MORRIS, JR. is a member of the firm in the Litigation practice and heads the Labor and Employment practice in the Washington, D.C. office, and is the co-chair of the firm's Disability Law Group.

Mr. Morris' experience includes:

- Advising clients on and litigating employment, labor, disabilities, non-compete, confidentiality, benefits, information access and privacy law, wage and hour and general litigation matters in the state and federal courts and administrative agencies
- Representing and advising clients, including Audit Committees, in Sarbanes-Oxley and other whistleblower litigation and conducting investigations
- Representing clients in negotiations, arbitrations and mediations

- Mediations - serving as a mediator in various disputes
- Successfully trying various jury and bench trials, including particular expertise in handling expert witnesses and class and collective action litigation
- Electronic platform, Internet, Wireless and E-mail policy and litigation
- Representing builders, owners, managers, architects and lenders in fair housing, fair credit, and ADA matters
- Litigating Supreme Court and Court of Appeals cases raising issues under Title VII, the ADEA, ERISA, Executive Order 11246, the National Labor Relations Act, the Freedom of Information Act, the Privacy Act, the ADA and the Rehabilitation Act.

After law school, Mr. Morris joined the National Labor Relations Board in Washington, D.C., in the appellate branch of the Division of Enforcement Litigation, and handled cases in all of the United States Courts of Appeals as well as NLRB Supreme Court matters. He later entered private practice in Washington, representing private and public employers in EEO, disability, labor and general litigation matters. He also served as counsel for an employer's group, the Equal Employment Advisory Council.

Mr. Morris writes, speaks and teaches regularly on various litigation topics. He is regularly asked to share his trial expertise in various ALI-ABA programs and in the annual Georgetown University Employment Law and Litigation Update. Mr. Morris recently joined ten Federal judges on the faculty for a Georgetown-sponsored program "Litigating Employment Cases: Views from the Bench." He also co-chaired the ALI-ABA Video Law Review "How to Present and Challenge Experts: Persuading the Jury."

Mr. Morris authored the book *Current Trends in the Use (and Misuse) of Statistics in Employment Discrimination Litigation*, as well as articles on disability, equal employment, Sarbanes-Oxley, benefits and labor topics for journals, including *Employee Relations Law Journal*, *The National Law Journal* and *The Practical Litigator*. He co-chaired the Federal Judicial Center and the American Law Institute-American Bar Association Video Law Review Program on the ADA, which included over 150 federal judges among the participants. He also co-chairs the annual ALI-ABA course "Current Developments in Employment Law," 1994-present, where among other topics, he presents the Electric Platform, ADA and FMLA updates and analysis. He co-chairs ALI-ABA's new and acclaimed monthly teleseminar/webinar series on current employment law and litigation topics. He is a member of the Editorial Advisory Boards of *National Disability Law Reporter* (LRP Publications) and the *Corporate Counsel's Guide to the Americans with Disabilities Act* (Business Laws, Inc.). He has addressed the trial and appellate judges of the Judicial Conferences for the Third, Fourth, Sixth, Seventh, Eighth and Eleventh Circuits on disability law and developments under the ADA and employment law.

Mr. Morris has been an adjunct professor of law since 1984 at George Washington University Law School where he teaches Discrimination Law and Claims and Litigation. He also served as a faculty member of the Cornell University of New York State School of Industrial and Labor Relations EEO Studies Program, as well as a frequent lecturer on equal employment, disabilities law, benefits, Sarbanes-Oxley and whistleblower issues, affirmative action, family and medical leave, labor relations, ADR and litigation topics for

various associations, business, educational, and other groups.

Faculty

Lawrence Savell, New York, New York
Chadbourn & Parke LLP

Practice Description

Lawrence Savell has 25 years of broad commercial and civil litigation experience, with a concentration in product liability and media law defense and counseling. He has handled cases covering a wide range of areas, including negligence, contract interpretation/breach, defamation/privacy, trademark/copyright, advertising/marketing, domain names/cybersquatting, e-commerce, employment discrimination, antitrust, insurance coverage, bankruptcy, environmental and federal constitutional law. Mr. Savell is proficient in computerized litigation document review/production and databases, Internet-based production systems, and other innovative and cost efficient litigation support technologies, as applied to both paper-based and electronic discovery.

Representative Matters

- Assisted in defense of complex products liability cases around the country and counseling of clients regarding tobacco, alcohol, pharmaceuticals and automotive components.
- Organized, supervised, and defended multimillion-page paper and electronic document reviews and productions, including privilege review and log preparation and confidentiality/trade secret analysis, in products liability and other litigation contexts.
- Served as client's primary outside counsel for design, creation, and development of company Internet litigation document website, as well as presentations to courts and opposing counsel nationwide to encourage its use as alternative to traditional discovery methods.
- Advised numerous corporate clients on legal issues relating to website design, operation, and content; custom publications and public statements; current or proposed advertising, including threatened claims by others regarding advertisements published.
- Advised and represented several national magazine publishers on broad range of legal matters, including libel, copyright, contract, domain infringement, advertising and marketing issues.
- Advised national daily trade journal on potential libel issues, performed immediate pre-publication review, and dealt with subjects' counsel during extensive series of groundbreaking investigative reports, which were subsequently awarded the Jesse H. Neal National Business Journalism Award for Excellence in News Coverage.
- Represented non-profit community music performance and education organization on a pro bono basis before World Intellectual Property Organization in recovery of domain name appropriated by cybersquatter.
- Participated in defense of publisher of prominent educational book series in federal

- court lawsuit brought by writer claiming partial authorship of volume.
- Advised corporation regarding threatened libel claim by former employee and negotiated with employee's counsel.
 - Advised domestic and international trade associations on legal issues including antitrust and regarding contemplated e-commerce undertakings.

Activities and Affiliations

Mr. Savell is a member of the Association of the Bar of the City of New York (served on Communications and Media Law Committee), the New York State Bar Association (served on Media Law Committee) and the American Bar Association.