

# Representing Federal Employees: Navigating A Complex Landscape



**NEELA** Advocates for  
Employee  
Rights <sup>SM</sup>  
National Employment Lawyers Association

October 17-18, 2014

The Sphinx Club

Washington, DC

## Join Us!

**Representing Federal Employees: Navigating A Complex Landscape** will provide practical tips and strategies to help you traverse the intricate labyrinth of regulatory, procedural, and substantive laws facing your federal employee clients. This two-day seminar is designed for lawyers who currently represent, or would like to represent, federal employees. It will provide you with the tools needed to advocate for and enforce federal employees' rights before the Equal Employment Opportunity Commission (EEOC), Merit Systems Protection Board (MSPB), and in court. Panels of experts from the bench, bar, and key government agencies will discuss a wide range of cutting edge topics, such as security clearances, compensatory damages, election of remedies, settlement, class actions, emerging LGBT issues, and whistleblower rights. Primer panels on administrative practice before the EEOC and MSPB will introduce new practitioners to federal sector adjudication at these agencies. Esteemed treatise authors, Peter B. Broida and Ernest C. Hadley, will open the seminar with "MSPB And EEOC Case Law Update." Former Securities & Exchange Commission lawyer Gary Aguirre will deliver the Keynote Address and discuss his experience as a federal employee whistleblower. Interactive roundtable box lunch discussions on the second day will offer seminar participants an opportunity to share their own strategies and tips on representing federal employees and to ask questions in informal discussion groups led by facilitators. NELA is pleased to include in the registration fee the new Third Edition of the highly acclaimed *Federal Employees Legal Survival Guide: How to Protect & Enforce Your Job Rights* by the lawyers of Passman & Kaplan, PC.

## About NELA

The National Employment Lawyers Association (NELA) is the largest professional membership organization in the country comprised of lawyers who represent workers in labor, employment, and civil rights disputes. NELA advances employee rights and serves lawyers who advocate for equality and justice in the American workplace. The more than 4,000 members of NELA and its 69 circuit, state, and local Affiliates are committed to working on behalf of those who have been treated illegally in the workplace.

## Registration

The early-bird registration fee for the seminar is \$575 for NELA members and \$825 for non-members. **Registration forms must be received via facsimile, email, or completed online on or before September 15, 2014 to qualify for this rate.** From September 16 to October 6, 2014 the registration fee is \$625 for NELA members and \$875 for non-members. Registration after October 6, 2014 and on-site (subject to space availability) is \$725 for NELA members and \$975 for non-members. A reduced fee of \$525 is available to NELA paraprofessional members and NELA members who are staff attorneys of legal services, public interest, and government organizations who register by October 6, 2014; registration after October 6 and on-site (subject to space availability) is \$575. A special rate of \$275 will be offered to NELA Law Student Members. Daily registration of \$375 is offered for Friday, October 17 and Saturday, October 18 to NELA members only. The full registration fee includes attendance, the seminar manual on CD-ROM, a copy of *Federal Employees Legal Survival Guide*, two continental breakfasts, a luncheon, a box lunch, refreshments, and a reception. Daily registration fees include attendance for the registered day, the seminar manual on CD-ROM, a copy of *Federal Employees Legal Survival Guide*, and all scheduled food functions. Attendance on a daily registration basis will be strictly enforced.

## Cancellation Policy

Cancellations for the seminar must be submitted in writing to NELA. **Registrants who cancel in writing on or before September 26, 2014 will receive a refund minus a \$50 administrative charge.** Those who cancel after this date and no-show registrants will not receive a refund, but will be mailed the seminar manual on CD-ROM and the *Federal Employees Legal Survival Guide*. You may notify NELA of your cancellation via facsimile ((866) 593-7521) or email (nelahq@nelahq.org).

## Directory Of Participants

Participants who register on or before September 26, 2014 will be listed in the "Directory of Participants" for the seminar.

## Payment

Registration fees and purchase of the seminar manual on CD-ROM can be paid by credit card (Discover, MasterCard, or VISA), or check made payable to NELA. You may register and purchase the seminar manual online at [www.nela.org](http://www.nela.org). Receipt of registration forms will be confirmed via email for individuals who provide an email address, otherwise confirmations will be sent via facsimile.

## Continuing Legal Education Credit

Registrants who wish to receive credit towards mandatory continuing legal education requirements or specialist certification should supply the necessary forms to the Registrar at the time of the seminar. NELA will provide certificates of attendance for the seminar, but registrants will be responsible for submitting the appropriate documents to their jurisdictions and for any filing fees associated with their CLE applications. **Representing Federal Employees: Navigating A Complex Landscape** has been approved for 12.75 credits (based on 60 minutes) by the State Bar of California. NELA certifies that the seminar conforms to the standards for approved activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education. NELA is an approved continuing legal education provider in California, Oklahoma, Pennsylvania, South Carolina, and Vermont. To contact your CLE administrator for more information about your local rules, please visit [www.clereg.org/index.asp](http://www.clereg.org/index.asp).

## Seminar Location

All presentations and events for **Representing Federal Employees: Navigating A Complex Landscape** will be held at **The Sphinx Club** located at 1315 K Street, NW in Washington, DC. The Sphinx Club is adjacent to the **Hamilton Crowne Plaza Washington**, the host hotel for the seminar.

## Hotel Accommodations

The **Hamilton Crowne Plaza Washington** is the host hotel for the seminar. The hotel is located at 1001 14th Street, NW in Washington, DC. A limited block of rooms has been reserved at the Hamilton Crowne Plaza Washington at the rate of \$229 for single or double occupancy (plus applicable taxes). To make hotel reservations, call the Hamilton Crowne Plaza Washington at (877) 622-1970. To ensure that you receive the group rate, identify yourself as part of the "National Employment Lawyers Association" room block. A credit card or deposit equal to one night's stay is necessary to guarantee hotel reservations. Registrants are responsible for their hotel reservations. **Reservations must be made no later than Tuesday, September 30, 2014 by 5:00 p.m. Eastern in order to receive the group rate.** The group rate will be honored three days prior to and after the seminar dates based on availability.

Hotel guests who check-out prior to their reserved check-out date will be charged an early departure fee equal to one night's room and tax. You may cancel your reservation 24 hours prior to arrival without penalty.

## Federal Employees Legal Survival Guide: How to Protect & Enforce Your Job Rights

Passman & Kaplan, PC is pleased to offer NELA members who wish to purchase copies of *Federal Employees Legal Survival Guide*, which retails for \$29.95 (plus shipping and handling), a discounted price of \$25.00 (plus shipping and handling). Bulk sales are available at \$20.00 (plus shipping and handling) for 10 or more copies. To order, contact Passman & Kaplan, PC at [inquiry@passmanandkaplan.com](mailto:inquiry@passmanandkaplan.com) or (202) 789-0100. *Federal Employees Legal Survival Guide* also will be available for sale at the seminar. (Please note that the book is included in the registration fee for seminar attendees and you do not have to purchase the book unless you want additional copies.)

## Seminar E-Manual

The written materials for the seminar will be offered in electronic format (online and on CD-ROM). All registered participants will be able to access the written materials for the seminar before, during, and after the seminar. This format allows you access to the latest information, whether you are in the office or traveling. It also enables you to review the written materials prior to the seminar in order to maximize your learning experience.

- ▶ **Prior to the seminar**, registered participants will receive an email announcing when the written materials are available online for download. You may print them out in advance at your convenience. The seminar materials will be posted online and available for download by 5:00 p.m. Pacific on Monday, October 6, 2014. The email announcement will refer you to a link to a secure area on NELA's website to review and download the written materials.
- ▶ **On-site**, at registration, you will receive the written materials for the seminar on CD-ROM. Insert the seminar manual on CD-ROM into your laptop to follow along during the seminar, or visit the hotel's business center to print the materials on-site (at your own expense).
- ▶ **After the seminar**, written materials (including supplemental materials received after the seminar) will be available online to registered participants for a limited time.

Please note that hard copies of the seminar's written materials will not be provided, so be sure to bring your printed copies if you wish to use them for taking notes. Seminar participants are encouraged to bring their laptops with their downloaded seminar materials and to access the seminar manual on CD-ROM (to be provided on-site). Internet access will not be available in the meeting rooms. Visit [www.nela.org](http://www.nela.org) for the answers to "Frequently Asked Questions" (FAQs) about NELA's eco-friendly CLE programs.



## Purchasing Seminar E-Manual & Audio Recordings

The seminar manual on CD-ROM for **Representing Federal Employees: Navigating A Complex Landscape** is available for separate purchase for \$100 per copy for NELA members and \$250 per copy for non-members. To order, complete the registration form on page 9 of this brochure.

Hungry Mind Recordings will professionally record the seminar. Individual audio MP3 files and CDs will be available for purchase on-site. Audio recordings and accompanying written materials of all sessions will be available for online purchase at [www.nela.org](http://www.nela.org) after the seminar.

# The Employee Rights Advocacy<sup>®</sup> INSTITUTE For Law & Policy

## The Employee Rights Advocacy Scholarship Program

The Employee Rights Advocacy Scholarship Program is a project of The Employee Rights Advocacy Institute For Law & Policy (The Institute), NELA's public interest organization. NELA and The Institute are committed to ensuring that NELA's nationally renowned continuing legal education programs are accessible to those who would otherwise not be able to attend without financial assistance. In this regard, we encourage applications for full or partial scholarships from legal services, public interest, and private lawyers who represent workers. Based on financial need, scholarship awards will cover the cost of the seminar registration fee, hotel expenses (room and tax for a maximum two-night stay), and/or transportation.

To apply for a scholarship, send a letter on your employer's letterhead describing: (1) your interest in attending the seminar, (2) the nature of your legal practice or the legal services you provide, (3) the workers you represent, (4) the need for financial assistance, (5) how this program relates to your practice and/or the clients you serve, and (6) any other information you wish us to consider. **Requests must be accompanied by a completed scholarship application** (see page 10 of this brochure) **and a registration form** (see pages 8–9 of this brochure). **Applications must be received no later than Friday, September 5, 2014.** Send scholarship applications to The Employee Rights Advocacy Institute For Law & Policy via facsimile ((866) 593-7521) or email ([info@employeerightsadvocacy.org](mailto:info@employeerightsadvocacy.org)).

### Please note the following:

- Preference will be given to applicants who provide direct legal services to workers.
- Scholarships are not transferable.
- All applicants will receive notification that their application has been received, and whether it has been granted or denied. Those receiving scholarships will be sent written confirmation at least three (3) weeks in advance of the seminar. Applicants who do not receive notification two (2) weeks before the seminar should contact NELA to inquire about the status of their application. Scholarships will not be awarded retroactively, and applications will not be considered after the deadline of September 5, 2014. Incomplete applications will not be considered. Scholarship recipients will receive payment after submitting receipts for eligible expenses. Scholarship recipients who do not attend the seminar will forfeit their scholarship award.

**We welcome your financial support of The Institute's Employee Rights Advocacy Scholarship Program. Your contribution toward making NELA's renowned continuing legal education programs more accessible to employee advocates is deductible as a charitable donation to the extent provided by law. Please see page 9 of this brochure to make your gift, or contact Leah A. Hofkin, NELA and The Institute's Director of Development (Tel: (415) 296-7629; Email: [lhofkin@employeerightsadvocacy.org](mailto:lhofkin@employeerightsadvocacy.org)).**

NELA and The Employee Rights Advocacy Institute For Law & Policy gratefully acknowledge Bloomberg BNA, the Kazan, McClain, Abrams, Fernandez, Lyons, Greenwood, Oberman, Satterley & Bosl Foundation, Inc., NELA members, and other individuals for their generous support of The Employee Rights Advocacy Scholarship Program.

# Representing Federal Employees: Navigating A Complex Landscape

## FRIDAY, OCTOBER 17, 2014

**7:00–9:00 a.m. Registration & Continental Breakfast**

**8:45–9:00 a.m. Welcome & Opening Remarks**  
David L. Lee, NELA President & Roberta L. Steele, NELA Program Director

**9:00–10:30 a.m. MSPB & EEOC Case Law Update**  
Moderator: Kristin D. Alden  
Speakers: Peter B. Broida & Ernest C. Hadley  
Peter B. Broida and Ernest C. Hadley, who literally wrote the book on *EEOC and MSPB Litigation* with Gary Gilbert and William Wiley, are among the most recognized names in federal sector employment law. They will provide updates on significant developments in the law affecting practice before the Equal Employment Opportunity Commission and the Merit Systems Protection Board, including relevant decisions from the U.S. Court of Appeals for the Federal Circuit.

**10:30–10:45 a.m. Break**

**10:45 a.m.–12:00 p.m. Concurrent Sessions**

### **Federal Sector 101: MSPB Basics**

Moderator & Speaker: Daniel T. Raposa  
Speakers: Wynter P. Allen & Paula Dinerstein  
Litigating a case before the Merit Systems Protection Board requires a practitioner to have knowledge of a variety of substantive legal and procedural elements unique to this administrative tribunal. Designed for the beginning-to-intermediate employment law practitioner, or the practitioner who practices primarily with cases in the private sector, this panel will address a panoply of useful topics for lawyers taking cases to the MSPB. Among the topics to be discussed are MSPB jurisdiction; deadlines; filing an MSPB appeal; discovery and evidentiary strategies; preparation for hearing and hearing strategy; and election of remedies.

### **EEOC Class Actions**

Moderator & Speaker: Bryan J. Schwartz  
Speakers: Heidi Burakiewicz, John Mosby & David Weiser  
The Equal Employment Opportunity Commission provides a class action mechanism designed to facilitate impact litigation against the federal agencies, which are supposed to be model employers when it comes to non-discrimination. Featuring veteran EEOC class action litigators, this panel will address a wide range of important issues in class discrimination complaint litigation for federal workers, including recognizing possible class issues; when to raise class allegations; the certification standard at the EEOC; how to obtain pre-certification discovery; class definition as to the scope of the class; and class settlement.

**12:00–1:30 p.m. Luncheon & Keynote Address By Gary Aguirre**  
Gary Aguirre is best known as the Securities Exchange Commission lawyer who pushed back when the SEC's hierarchy decided to give preferential treatment to a prominent Wall Street banker. After a very successful 27-year career as a trial lawyer in California, Mr. Aguirre joined the SEC in 2004, where he headed an insider trading investigation of Pequot Capital Management, formerly the world's largest hedge fund. Fired for his so-called insubordination, Mr. Aguirre would prove to the satisfaction of two Senate Committees, a federal court, and three federal agencies that the SEC had acted unlawfully. His story has been told in a 108-page Senate report, a dozen books, national and international television, and hundreds of news articles, including one on the front page of *The New York Times*. Now in private practice, Mr. Aguirre represents whistleblowers and victims of securities fraud and market abuse.

**1:45–3:00 p.m. Concurrent Sessions**

### **Federal Sector 101: EEOC Basics**

Moderator: Andrew J. Perlmutter  
Speakers: Wendy Musell & Kenneth Wu  
Veteran practitioners before the Equal Employment Opportunity Commission will provide answers to your questions about the federal sector EEO process covering EEO counseling, EEO investigations, deadlines, damages, exhaustion pitfalls and tolling, basic EEOC hearing procedures, work samples, and more. Panel members also will share their experiences on establishing a successful practice serving federal employees in the EEOC and the Merit Systems Protection Board fora. If you think you want to represent federal employees before EEOC administrative judges, or have already started doing so and have some questions, this session is for you.

### **The Increasing Role Of Security Clearances & National Security Issues**

Moderator & Speaker: Lynne Bernabei  
Speakers: Leslie McAdoo Gordon & Elizabeth L. Newman  
The presentation will examine the security clearance process for government employees and government contractors. Speakers will discuss the effect of recent events (e.g., Edward Snowden's situation and the D.C. Navy Yard shooting) on employees needing security clearance and other security determinations; the increasingly challenging landscape for government contractor employees requiring security determinations of any level; *Kaplan v. Conyers*, which created a broad national security exception that precludes Merit Systems Protection Board review for federal employees in an expanding category of "non-critical sensitive" positions; and special considerations that an attorney must take into account when his or her client is alleging a pattern of discrimination, part of which involves a security clearance, as set forth by the D.C. Circuit in its two recent decisions in *Rattigan v. Holder*.



**3:00–3:15 p.m.**

**Break**

**3:15–4:45 p.m.**

**Meet The Heads Of Agencies Responsible For Enforcing Federal Employee Rights**

Moderator: Joseph V. Kaplan

Speakers: The Honorable Jacqueline A. Berrien,\* Chair, Equal Employment Opportunity Commission, The Honorable Susan Tsui Grundmann,\* Chair, Merit Systems Protection Board, The Honorable Carolyn N. Lerner,\* Special Counsel, Office of Special Counsel & The Honorable Carol Waller Pope,\* Chair, Federal Labor Relations Authority

Heads of the agencies most relevant to federal sector practitioners will join us for an interactive session to present us with their visions for their agencies, discuss elements of their strategic plans affecting federal employees, and share the challenges they face in light of limited resources that prevent them from keeping pace with the demand for services. NELA members will have the opportunity to pose questions and convey concerns about their interactions with these agencies.

**5:00–7:00 p.m.**

**Reception**

**SATURDAY, OCTOBER 18, 2014**

**7:00–9:00 a.m.**

**Registration & Continental Breakfast**

**9:00–10:30 a.m.**

**A View From The Bench & Bar**

Moderator: Edward H. Passman

Speakers: Neil C. Bonney, The Honorable Jeremiah J. Cassidy, The Honorable Gladys O. Collazo & Debra L. Roth

This panel of esteemed administrative judges and practitioners will discuss the challenges faced by each in the day-to-day handling of federal employee agency cases and engage in a dialogue about potential solutions to the issues and difficulties they encounter that at times can seem intractable.

**10:30–10:45 a.m.**

**Break**

**10:45 a.m.–12:00 p.m.**

**Concurrent Sessions**

**Maximizing Compensatory Damages**

Moderator: Lynette A. Whitfield

Speakers: Gary M. Gilbert & Adria S. Zeldin

Veteran NELA practitioners will discuss best practices for maximizing awards of compensatory damages. Topics will include how to ascertain your clients' damages effectively, when to use lay witnesses, when expert witnesses should be used, and a review of the issues that move the Equal Employment Opportunity Commission to award damages of the highest amounts.

**Election Of Remedies**

Moderator: Denise M. Clark

Speakers: Susan E. Jewell & Robert C. Seldon

Thorny election of remedies issues permeate federal sector practice. This panel will explore many different types of elections that may need to be made when litigating an employment rights case on behalf of a federal employee. Issues to be explored are navigating mixed cases (discrimination claims that are appealable to the Merit Systems Protection Board), negotiated grievances, ADEA exhaustion, EPA claims, and special processes for legislative and judicial branch employees. They also will answer questions such as: What happens when the wrong choice has been made? Will tolling apply? What if the agency misled an employee? What if it also seems like a whistleblower case? In addition, our experts will review strategy considerations and substantive authority to help guide you in assessing the elections and hurdles faced only by a federal employee.

**12:00–1:00 p.m.**

**Roundtable Box Lunch Discussions**

Seminar participants will have an opportunity to share their own strategies and tips on representing federal employees over lunch in informal discussion groups led by facilitators. Potential topics include attorneys' fees, federal sector USERRA, "so you want to be a federal-sector practitioner," Privacy Act causes of action, and defending federal employees in criminal investigations among others.

**1:15–2:30 p.m.**

**Concurrent Sessions**

**Emerging Issues In Protections For LGBT Employees**

Moderator & Speaker: Louis Lopez

Speakers: The Honorable P. David Lopez & Sharon McGowan

This presentation will examine recent efforts by federal agencies to combat LGBT discrimination in the federal workforce, including the effect of *U.S. v. Windsor* on benefits issues, the Equal Employment Opportunity Commission's decision in *Macy v. Holder*, the Office of Personnel Management's guidance on the employment of transgender individuals in the federal workplace, the Office of Special Counsel's role in combatting sexual orientation discrimination, and strategies for representing LGBT employees in the federal workplace.

**Key Issues In Retirement, Disability Retirement & Workers' Compensation**

Moderator: Michael L. Spekter

Speakers: Steven E. Brown & Zachary L. Wright

When your client suffers a disability, you need to know what options to explore and recommend. This session will discuss how to balance between Office of Personnel Management retirement, Social Security Disability, and workers' compensation. Panel members will address how to apply for these programs, the appeal process, the pros and cons of available options, the interplay with reasonable accommodations, and how to leverage these options in settlement.

2:30–2:45 p.m.

#### Break

2:45–4:00 p.m.

#### Concurrent Sessions

##### Motions Practice At The EEOC

Moderator: Jonathan C. Puth

Speakers: Daniel A. Katz & Johnathan P. Lloyd

Most of the time, getting to a hearing or negotiating a substantial settlement agreement for your client before the Equal Employment Opportunity Commission is contingent upon first successfully navigating the agency's motions practice. This panel will address how to litigate dispositive motions successfully, including motions for summary judgment and oppositions to motions for summary judgment. Speakers will also discuss litigating successful motions for default judgment and other sanctions, particularly in situations where the EEO investigation is not completed or is incomplete, or for other discovery abuses. Lastly, the panel will touch on best practices for non-dispositive motions, such as motions to compel.

##### Successful Strategies In Settlement Negotiations

Moderator: Michelle F. Bercovici

Speakers: Joshua F. Bowers & Cathy A. Harris

In the federal sector, obtaining a successful settlement for a client can often be complex—balancing case valuation, client expectations, and goals. Expert practitioners will address the unique aspects of settlement negotiations in the federal sector, including how to use Office of Personnel Management regulations to get more value without necessarily getting the agency to pay; discussion of the value of the various fora available to practitioners, such as the Merit Systems Protection Board's Mediation Appeals Program and Equal Employment Opportunity Commission settlement judges; limits of using disability retirement and Office of Workers' Compensation Program issues in settlement negotiations; strategies for creatively achieving settlement; working with and around the Back Pay Act; timing of settlement; and maximizing recovery for your clients.

4:15–5:15 p.m.

##### Strategies For Representing Whistleblowers In The Federal Government

Moderator & Speaker: Jason M. Zuckerman

Speakers: Thomas M. Devine, Bruce Fong & The Honorable Ronald J. Weiss

After a 13-year legislative campaign, Congress finally and unanimously passed the Whistleblower Protection Enhancement Act, which broadens the scope of protected conduct under the Whistleblower Protection Act, authorizes uncapped compensatory damages in WPA actions, establishes all-circuit review, and expands Individual Right of Action rights. Our speakers will examine the impact of the WPEA, offer tips for representing whistleblowers before the U.S. Office of Special Counsel and the Merit Systems Protection Board, and discuss the role of Inspectors General in investigating whistleblower disclosures and assisting whistleblowers.

5:15 p.m.

#### Adjournment

\*Invited but not confirmed.  
Program subject to change without notice.

## Calendar of Events

Information & Registration: [www.nela.org](http://www.nela.org)



#### NELA Seminars

NELA Spring 2015 Seminar  
April 24–25, 2015  
Washington, DC

NELA Fall 2015 Seminar  
*Trial Boot Camp*  
October 15–17, 2015  
Chicago, IL

#### NELA Annual Conventions

NELA 2015 Annual Convention  
June 24–27, 2015  
Westin Peachtree Plaza  
Atlanta, GA

NELA 2016 Annual Convention  
June 22–25, 2016  
Westin Bonaventure Hotel & Suites  
Los Angeles, CA

NELA 2017 Annual Convention  
June 21–24, 2017  
Marriott San Antonio Rivercenter  
San Antonio, TX

#### NELA offers online learning programs at [www.nela.org](http://www.nela.org).

Purchase individual sessions from previous NELA CLE programs for \$25 each or purchase an entire course e-manual. Specialty bundles are also available. Each session includes audio and speaker papers in PDF format. Go to [www.nela.org](http://www.nela.org), click on the Education Tab, then SeminarWeb.

# Representing Federal Employees: Navigating A Complex Landscape

## Program Committee

Kristin D. Alden, The Alden Law Group, PLLC, Washington, DC\*\*  
Susan E. Jewell, The Law Office of Susan Elizabeth Jewell, Portland, OR\*\*  
Joseph V. Kaplan, Passman & Kaplan, PC, Washington, DC\*\*  
Daniel T. Raposa, Passman & Kaplan, PC, Washington, DC\*\*  
Bryan J. Schwartz, Bryan Schwartz Law, Oakland, CA\*\*  
Roberta L. Steele, National Employment Lawyers Association, San Francisco, CA  
Jason M. Zuckerman, Law Office of Jason M. Zuckerman, PLLC, Washington, DC\*\*

## Faculty

Gary Aguirre, Aguirre Law, APC, Los Angeles, CA  
Wynter P. Allen, The Alden Law Group, PLLC, Washington, DC  
Michelle F. Bercovici, The Alden Law Group, PLLC, Washington, DC  
Lynne Bernabei, Bernabei & Wachtel, PLLC, Washington, DC  
The Honorable Jacqueline A. Berrien, U.S. Equal Employment Opportunity Commission, Washington, DC\*  
Neil C. Bonney, Bonney, Allenberg & O'Reilly, PC, Virginia Beach, VA  
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Peter B. Broida, Law Office of Peter B. Broida, Arlington, VA  
Steven E. Brown, Steven E. Brown, PLC, Westlake Village, CA  
Heidi Burakiewicz, Mehri & Skalet, PLLC, Washington, DC  
The Honorable Jeremiah J. Cassidy, U.S. Merit Systems Protection Board, Arlington, VA  
Denise M. Clark, Clark Law Group, PLLC, Washington, DC  
The Honorable Gladys O. Collazo, U.S. Equal Employment Opportunity Commission, Washington, DC  
Thomas M. Devine, Government Accountability Project, Washington, DC  
Paula Dinerstein, Public Employees for Environmental Responsibility, Washington, DC  
Bruce Fong, U.S. Office of Special Counsel, Oakland, CA  
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Leslie McAdoo Gordon, McAdoo, Gordon & Associates, PC, Washington, DC  
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Daniel A. Katz, Law Offices of Gary M. Gilbert & Associates, PC, Silver Spring, MD  
The Honorable Carolyn N. Lerner, U.S. Office of Special Counsel, Washington, DC\*  
Johnathan P. Lloyd, Passman & Kaplan, PC, Washington, DC  
Louis Lopez, U.S. Office of Special Counsel, Washington, DC  
The Honorable P. David Lopez, U.S. Equal Employment Opportunity Commission, Washington, DC  
Sharon McGowan, ACLU Foundation - Lesbian, Gay, Bisexual & Transgender Project, Washington, DC  
John Mosby, Law Office of John Mosby, Denver, CO  
Wendy Musell, Stewart & Musell, San Francisco, CA  
Elizabeth L. Newman, Mahoney & Jeffrey, PLLC, Washington, DC  
Edward H. Passman, Passman & Kaplan, PC, Washington, DC  
Andrew J. Perlmutter, Passman & Kaplan, PC, Washington, DC  
The Honorable Carol Waller Pope, Federal Labor Relations Authority, Washington, DC\*  
Jonathan C. Puth, Webster, Fredrickson, Correia & Puth, PLLC, Washington, DC  
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David Weiser, Kator, Parks, Weiser & Harris, PLLC, Austin, TX  
The Honorable Ronald J. Weiss, U.S. Merit Systems Protection Board, Washington, DC  
Lynette A. Whitfield, Law Offices of Lynette A. Whitfield, LLC, Rockville, MD  
Zachary L. Wright, Law Offices of Gary M. Gilbert & Associates, PC, Washington, DC  
Kenneth Wu, Lopez & Wu, PLLC, Reston, VA  
Adria S. Zeldin, Passman & Kaplan, PC, Washington, DC

\*Invited but not confirmed.  
\*\*Also a faculty member.



# Representing Federal Employees: Navigating A Complex Landscape

October 17–18, 2014

The Sphinx Club



Washington, DC

## REGISTRATION FORM

I wish to register for the National Employment Lawyers Association's 2014 Fall Seminar at The Sphinx Club. I have read and agree to all terms and conditions which are subject to seminar registration.

To join the National Employment Lawyers Association (NELA), or to renew your NELA membership, please visit [www.nela.org](http://www.nela.org) or call (415) 296-7629.

Please complete both sides of this form and return via facsimile or email to:  
National Employment Lawyers Association

Fax: (866) 593-7521

Email: [nelahq@nelahq.org](mailto:nelahq@nelahq.org)

**You are invited to register online using a  
DiscoverCard, MasterCard, or VISA at [www.nela.org](http://www.nela.org).**

Phone: (415) 296-7629

## NELA MEMBER SEMINAR REGISTRATION FEE

### Full Seminar Registration Rates

- ☐ \$575 NELA Member Early-Bird — Received via facsimile, email, or completed online on or before September 15, 2014
- ☐ \$525 Reduced Registration Legal Services/Public Interest/Government Staff Attorneys and Paraprofessionals  
Received via facsimile, email, or completed online on or before October 6, 2014
- ☐ \$625 for NELA Member Regular Registration — From September 16 to October 6, 2014
- ☐ \$725 for NELA Member Late Registration — After October 6, 2014 & On-site (subject to availability)
- ☐ \$575 Late Registration Legal Services/Public Interest/Government Staff Attorneys and Paraprofessionals — After October 6, 2014 & On-site (subject to availability)
- ☐ \$275 NELA Law Student Member

### Daily Seminar Registration Rates

Daily registration rates are only available to NELA Members.

- ☐ \$375 Friday, October 17, 2014
- ☐ \$375 Saturday, October 18, 2014

## NON-MEMBER SEMINAR REGISTRATION FEE

### Full Seminar Registration Rates

- ☐ \$825 Non-NELA Member Early-Bird  
Received via facsimile, email, or completed online on or before September 15, 2014
- ☐ \$875 Non-NELA Member Regular Registration — From September 16 to October 6, 2014
- ☐ \$975 Non-NELA Member Late Registration — After October 6, 2014 & On-Site (subject to availability)

Please list me in the "Directory of Participants" as follows (please type or print clearly).

Registration form must be received on or before September 26, 2014 to be listed in the "Directory of Participants."

Name \_\_\_\_\_

Firm/Organization/Law School \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_ State Bar No. \_\_\_\_\_

- ☐ I am planning to bring a laptop computer to the seminar.
- ☐ Please check if you are requesting CLE credit.
- ☐ Please check if you are requesting CLE credit from additional states and indicate the name(s) of the state(s): \_\_\_\_\_
- ☐ Please specify any reasonable accommodation(s) you require (advance notice is required): \_\_\_\_\_  
*I agree to assume extra charges incurred by NELA for special meal requests.*
- ☐ I wish to order vegetarian meals.
- ☐ Please designate me as a "New Member" on my name badge.
- ☐ Emergency contact information (optional): Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

### The Employee Rights Advocacy Scholarship Program

Yes! By making the following tax-deductible contribution, I wish to support The Institute's Employee Rights Advocacy Scholarship Program to ensure that NELA's 2014 Fall seminar is accessible to employee rights advocates who could not otherwise attend the seminar. Learn more below.

☐ \$50      ☐ \$100      ☐ \$250      ☐ \$500      ☐ \$1,000      ☐ Other: \$ \_\_\_\_\_

### Seminar Manual On CD-ROM

I am unable to attend NELA's 2014 Fall seminar, but wish to purchase the seminar manual on CD-ROM:

☐ NELA Member: \$100      ☐ Non-Member: \$250

### I wish to pay by:

☐ Check: Payable to the National Employment Lawyers Association  
☐ Credit Card:      ☐ Discover      ☐ MasterCard      ☐ VISA      (We do not accept American Express.)

Name On Card \_\_\_\_\_

Card Number \_\_\_\_\_

Expiration Date \_\_\_\_\_

Signature \_\_\_\_\_

Seminar Registration Fee(s) Amount \$ \_\_\_\_\_

The Employee Rights Advocacy Scholarship Program Amount \$ \_\_\_\_\_  
(Your donation is deductible as a charitable contribution to the extent provided by law.)

Seminar Manual on CD-ROM Amount \$ \_\_\_\_\_

**Total Amount Due \$ \_\_\_\_\_**

Please complete both sides of this form and return via facsimile or email to:

National Employment Lawyers Association

Fax: (866) 593-7521

Email: nelahq@nelahq.org

**You are invited to register online using a DiscoverCard, MasterCard, or VISA at [www.nela.org](http://www.nela.org).**

(We do not accept American Express.)

Phone: (415) 296-7629

A \$30 service charge will be assessed  
for all returned checks and declined  
credit card transactions.

### About The Employee Rights Advocacy Institute For Law & Policy

The Institute achieves its mission to advance justice and equality in the American workplace through a multi-disciplinary approach in combination with innovative legal strategies, policy development, grassroots advocacy, and public education. The Institute's current programmatic activities include:

- ▶ A National Litigation Strategy Project devoted to combating inequality and injustice in the workplace;
- ▶ The Paul H. Tobias Attorney Fellowship Program, which offers a new lawyer who embodies the tireless spirit of NELA's Founder Paul Tobias in championing the rights of individual employees the opportunity to work on cutting-edge projects at The Institute;
- ▶ The Employee Rights Advocacy Fellowship Program, which provides law students the opportunity to work at NELA and The Institute, thereby cultivating the next generation of employee rights advocates;
- ▶ The Employee Rights Advocacy Scholarship Program, which enables public interest, legal services, and private lawyers who otherwise could not afford to attend NELA's renowned continuing legal educational programs to do so;
- ▶ Public education relating to eliminating forced arbitration of employment claims, ensuring a fair and independent judiciary, and other workers' rights issues; and
- ▶ Non-partisan research and development of important issues affecting the American workplace.

### THE EMPLOYEE RIGHTS ADVOCACY SCHOLARSHIP PROGRAM APPLICATION

To apply for a scholarship, send a letter on your employer's letterhead describing: (1) your interest in attending the seminar, (2) the nature of your legal practice or the legal services you provide, (3) the workers you represent, (4) the need for financial assistance, (5) how this program relates to your practice and/or the clients you serve, and (6) any other information you wish us to consider. **Your request must be accompanied by a completed scholarship application and registration form. Applications must be received no later than September 5, 2014.** Send scholarship applications to The Employee Rights Advocacy Institute For Law & Policy via facsimile ((866) 593-7521) or email (info@employeeightsadvocacy.org).

Name \_\_\_\_\_

Firm/Organization \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

Number Of Years In Practice/Year In Law School \_\_\_\_\_

NELA Member? ☐ Yes ☐ No

Have you previously received a scholarship from The Institute or NELA? ☐ Yes ☐ No

I am requesting a scholarship award for the following expenses (please check all that apply). Provide an estimated amount for transportation expenses (these expenses do not include meals).

- ☐ Registration Fee
- ☐ Transportation Expenses (e.g., air fare, train fare, cab fare) Estimated Amount: \_\_\_\_\_
- ☐ Hotel Expenses

I can attend the seminar only if I receive a scholarship for all of the expenses I checked above. ☐ Yes ☐ No

What is the annual budget for your organization or firm? \_\_\_\_\_

How did you learn about The Institute's Scholarship Program? \_\_\_\_\_

Please describe any previous participation in The Institute or NELA programs and activities. \_\_\_\_\_

Are you applying for funding to attend the seminar from additional sources? ☐ Yes ☐ No

If yes, please describe: \_\_\_\_\_

Please provide any other information you would like the Scholarship Committee to consider in the space below.

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**Send your application to The Employee Rights Advocacy Institute For Law & Policy  
via facsimile ((866) 593-7521) or email: info@employeeightsadvocacy.org.**



417 Montgomery Street  
Fourth Floor  
San Francisco, CA 94104  
[www.nela.org](http://www.nela.org)

## **Representing Federal Employees: Navigating A Complex Landscape**

**October 17–18, 2014  
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Early-Bird Registration Ends September 15, 2014  
Register Online: [www.nela.org](http://www.nela.org)