

2011 Annual
Florida Bar
Convention
June 22-25



2011 Employment Law Overview for Law Firms and Law Practices

COURSE CLASSIFICATION: INTERMEDIATE

Friday, June 24, 2011
9:25 a.m. – 12:15 p.m.
Staff Contact: Angela Froelich

Course No. 1213

Gaylord Palms Resort & Convention Center • 6000 W. Osceola Parkway • Kissimmee, FL 34746 • 407-586-2000

Lecture Program:

9:25 a.m. – 9:30 a.m.

Opening Remarks

In a seminar extended over the course of nearly 3 hours, some of Florida's most distinguished labor and employment law practitioners will provide an overview of the most important national and state labor and employment laws and explain their applicability to lawyers and law firm employees.

Hon. Alan Orantes Forst, Chairman, Unemployment Appeals Commission, Tallahassee

9:30 a.m. – 9:55 a.m.

Not Just Alphabet Soup: Overview of Florida Workplace Law

Jill S. Schwartz, Jill S. Schwartz & Associates, P.A., Winter Park

9:55 a.m. – 10:40 a.m.

Ethics Issues in Hiring, Supervising, and Parting Ways with Law Firm Employees

Robert S. Turk, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., Miami

10:40 a.m. – 10:50 a.m.

Break

10:50 a.m. – 11:25 a.m.

Nondiscrimination and Employee Protections in the Workplace: Nondiscrimination and Sexual Harassment Laws, Family Medical Leave Act Provisions and The Americans with Disabilities Act

Zascha Blanco Abbott, Ford & Harrison LLP, Miami

Eric J. Holshouser, Fowler White Boggs P.A., Jacksonville

Cathleen A. Scott, Law Offices of Cathleen A. Scott, P.A., Jupiter

11:25 a.m. – 12:15 p.m.

The Old School Labor Law Protections: Florida Unemployment Compensation Law, The National Labor Relations Act and The Fair Labor Standards Act

Hon. Alan Orantes Forst, Chairman, Unemployment Appeals Commission, Tallahassee

Gregory A. Hearing, Thompson Sizemore Gonzalez & Hearing P.A., Tampa

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Speakers



ZASCHA BLANCO ABBOTT is with the firm of Ford & Harrison LLP. She has been practicing labor and employment law representing management since 2002. Ms. Abbott represents private and public employers. Her experience includes representing employers in claims of discrimination, hostile work environment, and retaliation as well as alleged constitutional violations and wage and hour matters. Her labor relations experience includes engaging in collective bargaining negotiations and providing employers with guidance on a myriad of labor matters. Ms. Abbott also provides proactive employment advice to clients. She graduated magna cum laude from Nova Southeastern University and was an Associate Editor of the Nova Law Review. She also served as an Assistant City Attorney with Office of the City Attorney for the City of Miami in its labor and employment division. She was appointed by Chief Judge Joseph P. Farina to the Eleventh Judicial Circuit Court Accessibility Committee. She is a member of the Executive Council of the Labor and Employment Section of The Florida Bar and chairs its Judicial Outreach Subcommittee. She has chaired the Membership Services Committee for the Dade County Bar Association since 2007. She is admitted to practice in the federal courts for the Southern, Middle and Northern Districts of Florida and the United States Court of Appeals for the Eleventh Circuit.

HONORABLE ALAN ORANTES FORST has served as Chairman of the Florida Unemployment Appeals Commission since July 2001, having been appointed to two terms by Governor Jeb Bush and a third term by Governor Charlie Crist. The Unemployment Appeals Commission is an independent commission that conducts appellate review of contested unemployment compensation claims, issues final orders and, if necessary, defends those orders before the district courts of appeal. Prior to his appointment, Chairman Forst was an associate and partner at the Stuart, Florida law firm Crary Buchanan. Earlier in his career, Chairman Forst spent over two decades in Washington, D.C. A graduate of the Georgetown University School of Foreign Service and the Columbus School of Law of the Catholic University of America, Chairman Forst served under Presidents Reagan, Bush, and Clinton in front office positions at the Departments of Justice and Labor (special assistant to the Administrators of OFCCP and the Wage and Hour Division), as counsel to the Vice Chair/Member of the Merit Systems Protection Board, and as special assistant/counsel to Chairman Clarence Thomas at the Equal Employment Opportunity Commission. Other stops included the Department of Commerce, two Senate offices, the National Legal Center for the Public Interest, the Commission on Civil Rights, the Legal Services Corporation, and Northern Virginia Law School. Chairman Forst was President of the Martin County Bar Association in 2007-08 and Chair of the Florida Bar's Labor and Employment Law Section in 2008-09. He is also a Vice President of the Federalist Society's Labor and Employment Law Practice Section and the Society's Tallahassee chapter. He is an active Justice Teaching volunteer and is the originator and chair (2005-present) of the Martin County Bar Association's Constitution Week program (which predates Justice Teaching, thank you very much), which sends attorneys and judges to every school in Martin County to lecture about the Constitution during Constitution Week.



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GREGORY A. HEARING is the Managing Partner with the management labor and employment law firm of Thompson, Sizemore, Gonzalez & Hearing, P.A. He has practiced management labor and employment law for his entire career. He is a Phi Beta Kappa graduate of the University of the South where he graduated magna cum laude in 1986. He received his law degree from the Florida State University College of Law cum laude in 1989, where he served on the *Florida State University Law Review*. He has served on the Executive Council of the Labor and Employment Law Section of The Florida Bar since 2001. He currently serves as Chair-Elect for the Labor and Employment Law Section of The Florida Bar. He has been Board Certified in Labor and Employment Law by The Florida Bar since the inception of board certification for labor and employment law by The Florida Bar and has previously served as Chair of the Committee for Board Certification in labor and employment law for The Florida Bar. He is also Board Certified in Civil Trial by The Florida Bar.

ERIC J. HOLSHOUSER is a shareholder in the Employment Practice Group of the law firm of Fowler White Boggs, P.A. He practices in all aspects of labor and employment law, including equal employment opportunity, wage and hour, health and safety, employee benefits and wrongful discharge law, as well as legal matters involving union-company relations. Mr. Holshouser has also represented employers in both state and federal court in the areas of labor relations, discrimination, sexual harassment, wrongful discharge, wage and hour, breach of contract, restrictive covenant and fraud. Mr. Holshouser is Board Certified in Labor and Employment Law by The Florida Bar, and he is AV peer review rated by the *Martindale-Hubbell Law Directory*. He also has received recognition in *Best Lawyers in America*, *Florida Super Lawyers* (Top 100), Florida Trend's *Legal Elite* and Chambers & Partners. He received his B.A. from the University of Illinois, his M.A., from the University of Illinois, Institute of Labor and Employment Relations, and his J.D. from Duke University School of Law. He is also immediate past Chair of the Labor and Employment Law Section of the Florida Bar and a Master in the Chester Bedell Inn of Court.



CATHLEEN SCOTT Ms. Scott is board certified by The Florida Bar in labor and employment law. She is the managing partner of Cathleen Scott & Associates, P.A. with locations in Jupiter and West Palm Beach. The four attorney firm practices in the areas of employment, health care and criminal defense. Ms. Scott specializes in representing both employees and organizations in administrative, state and federal proceedings in employment law matters. Ms. Scott also represents health care providers in order to assist with compliance in complex and ever changing laws. Ms. Scott is corporate counsel to her family's business, Gardens Urgent Care. She is a Licensed Certified Circuit Court Mediator and Qualified Arbitrator. She is the owner of ARC Mediation. ARC Mediation has a roster of over 40 certified attorney / mediators and former judges with locations in Jupiter, West Palm Beach, Martin, Broward and Dade Counties. Ms. Scott is a Board Certified Labor & Employment lawyer, rated "AV" by Martindale-Hubbell, recognized as a "Rising Star" for the Super Lawyers publication, a member of The Florida Bar (Labor & Employment, Litigation, and Health Care sections) and the Bars of the Southern District of Florida,

Middle District of Florida, Northern District of Florida, U.S. Court of Appeals for the Eleventh Circuit, and U.S. Supreme Court. She currently serves on the Florida Bar Labor and Employment Law Executive counsel, is the current co-chair and past chair of the Labor and Employment Law Section of the Palm Beach County Bar, former executive board member of the Florida Chapter of the National Employment Lawyers Association, and a member of the American Trial Lawyers

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Association, the American Bar Association (Labor and Employment and Litigation sections), and is active in numerous non-profit activities at the state and local level. She volunteers regularly and provides legal support to the wage and hour task force at El Sol, the Jupiter Resource Center in Jupiter Florida.

JILL S. SCHWARTZ is the managing partner of the ten lawyer Winter Park law firm, Jill S. Schwartz & Associates, P.A. Ms. Schwartz graduated Phi Beta Kappa from Rutgers University and the University of Maryland School of Law. Ms. Schwartz is A-V Peer Review Rated by Martindale-Hubbell, and is listed in the Martindale-Hubbell Bar Register of Preeminent Lawyers. Ms. Schwartz has been active in the litigation of employment discrimination cases in various federal and state courts, and has significant experience in all aspects of the practice of employment law on behalf of both employees and employers. In 2005, Ms. Schwartz was inducted as a Fellow of The College of Labor and Employment Lawyers, Inc., becoming the first woman in Florida to be inducted into The College. She is currently the Chair of the Florida Bar Labor and Employment Law Section and Chair of the Ocala Magistrate Selection Panel. Ms. Schwartz is the past President of the Federal Bar Association, Orlando Chapter and former Chair of the Judicial Nominating Commission for the Fifth District Court of Appeals. She has also served as President of the National Employment Lawyers Association, Florida Chapter and Chairperson of the Orange County Bar Association Labor and Employment Committee. Since 2003, Ms. Schwartz has served as a liaison between the judges, lawyers and the community in the Orlando Middle District Federal Bankruptcy Court. Since 1999, Ms. Schwartz has served as a *Guardian Ad Litem*, offering legal services on a *pro bono* basis. Ms. Schwartz is an active member of numerous charitable and civic organizations, and serves on the Board of Directors of Hospice of the Comforter. Additionally, Ms. Schwartz was recognized by the Association of Fundraising Professionals as the 2010 Outstanding Volunteer Fundraiser. In 2010, the firm of Jill S. Schwartz & Associates, P.A. was recognized as the Corporate Champion by the Orlando Sentinel for having the number one rated business for working families. The firm has been listed in the Orlando Sentinel Top 100 Family Friendly businesses since 2002. In 2009, Ms. Schwartz was selected as the Orlando Business Journal's 11th Annual Women Who Mean Business, Business Owner of the Year. In 2007, the firm received the prestigious Community Service Award from *The Orlando Sentinel*. In 2002, Ms. Schwartz was selected as Small Business Person of the Year by the Seminole County Lake Mary Chamber of Commerce. Ms. Schwartz has been selected by her peers for inclusion in the *Law and Leading Attorneys* publication as a leading American Attorney in the areas of Employment Law and Alternative Dispute Resolution. Ms. Schwartz was selected by her peers for inclusion in *The Best Lawyers In America*. Additionally, Ms. Schwartz has been named "Best Of The Bar" (Top 5%) by *The Orlando Business Journal* and one of Florida's Legal Elite (Top 1.6%) by *Florida Trend* magazine. Ms. Schwartz has repeatedly been named one of the "Best Lawyers in Central Florida" and "Orlando's Best Lawyers" by *Orlando Magazine*, as well as one of "Florida's Top Lawyers" by *Florida Monthly*, and included in *Florida Super Lawyers* and *Florida Super Lawyers Top 50 Women*. Ms. Schwartz is a frequent lecturer on employment law topics for The Florida Bar, The American Bar Association, the Orange County Bar Association, the National Employment Lawyers Association and the Florida Dispute Center. Ms. Schwartz has authored numerous articles and papers on employment law topics. Ms. Schwartz was also chosen as the monthly columnist for a national magazine, *Venture Woman*, regarding workplace issues and has appeared in *Smart Money*, the *Wall Street Journal Magazine of Personal Business* and has been quoted in the *Wall Street Journal*, the *Orlando Sentinel* and the *Orlando Business Journal*. Additionally, Ms. Schwartz was a monthly columnist in the "Ask The Legal Professional" section of the *Orlando Business Journal*. As a certified mediator, Ms. Schwartz concentrates on resolving employment litigation matters. She is also certified by the Fifth District Court of Appeal as an appellate mediator. She has continued to attend and conduct seminars on alternative dispute resolution. Ms. Schwartz mediates litigation pending in the United States District Courts and Florida State Courts. She also conducts pre-suit mediation. Additionally, Ms. Schwartz was selected by the Equal Employment Opportunity Commission and the United States Postal Service to mediate employment matters for these agencies. Ms. Schwartz is a certified arbitrator and has served as an instructor for the Supreme Court of Florida Dispute Resolution Center, Arbitration Certification Training.



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ROBERT S. TURK is a Shareholder at Stearns Weaver Miller and the Co-Chair of the Firm's Labor and Employment Department. He has more than 30 years of experience advising employers on issues ranging from sexual harassment to union avoidance. Mr. Turk is Board Certified by The Florida Bar in labor and employment law and AV-Rated by Martindale-Hubbell. He currently serves as President of the Academy of Florida Management Attorneys. Consistently recognized as among the best in Florida, Mr. Turk enjoys numerous accolades from top publications including, Chambers USA, Florida Trend's Florida Legal Elite, Florida Super Lawyers, and The Best Lawyers in America. Mr. Turk earned his J.D. from the University of North Carolina School of Law and his B.A., Phi Beta Kappa, from the University of North Carolina, Chapel Hill.

CLE CREDIT

CLER PROGRAM
(Max. Credit: 3.0 hours)
General: 3.0 hours
Ethics: 1.0 hour

CERTIFICATION PROGRAM
Labor and Employment Law: 2.0 hours