



5th National Conference: Disability Issues in Employment and Education Law

June 22, 2018
Philadelphia, PA





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Program Description:

Persons with disabilities comprise the largest minority group in the United States, as approximately one in five people has a disability. Questions involving persons with disabilities and their rights arise in every area of law, and have a complex and developing legal landscape of their own.

The Conference explores disability issues that arise in both employment and education law. Join our outstanding faculty as they examine topics including the Americans with Disabilities Act, special education law, the Family Medical Leave Act, and new and noteworthy developments in case law. Increase your knowledge, learn new techniques and strategies, build your skills, and network with top leaders and professionals in their field.

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	Early Bird Rate	Standard Rate Effective May 23, 2018
General Attendees	\$350	\$375
ABA/PBI Member Rate	\$300	\$325
Young lawyers (5 years or less)	\$275	\$300
Govt/Academic/Nonprofit/Legal Aid	\$250	\$275
Sponsor Rate	\$250	\$275
Law Students	\$100	\$125

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<http://www.marriott.com/hotels/travel/phldc-courtyard-philadelphia-downtown/?scid=bb1a189a-fec3-4d19-a255-54ba596febe2>

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1200 Market Street
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<https://www.loewshotels.com/philadelphia-hotel>

Co-Sponsored by:

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- Pennsylvania Bar Institute (PBI)
- Disability Rights Pennsylvania (DRP)

- American Bar Association
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June 22, 2018	
7:00 am-3:00 pm	Registration
7:00-8:00 am	Breakfast
8:00-8:15 am	Welcome
8:15-9:45 am (OPEN TO ALL)	<p>MORNING PLENARY SESSION</p> <p>Federal Government Enforcement of Disability Rights</p> <p>Rebecca B. Bond, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, Washington, DC</p> <p>Johnny Collett, Assistant Secretary, Office of Special Education, Office of Special Education and Rehabilitative Services (OSERS), U.S. Department of Justice, Washington, DC</p> <p>Debra M. Lawrence, Regional Attorney, Philadelphia District Office, Equal Employment Opportunity Commission (EEOC), Philadelphia, PA</p> <p>Frank Lopez, Deputy Assistant General Counsel, Division of Educational Equity, Office of the General Counsel, U.S. Department of Education, Washington, DC</p> <p>Moderator: Marc Maurer, National Federation of the Blind, Director of Legal Policy, Baltimore, MD</p> <p>Persons with disabilities continue to encounter significant barriers in obtaining an education and getting a job. The unemployment rate of people with disabilities is almost double that of people who do not have disabilities, and students with disabilities graduate high school and college at significantly lower rates than the general population. Our experts will discuss current initiatives, policy development, and enforcement efforts by federal agencies in the areas of employment and education as they relate to individuals with disabilities.</p>
2 TRACKS RUNNING SIMULTANEOUSLY	
TRACK 1: EMPLOYMENT	
9:45-10:45 am	<p>Workplace Safety: Understanding Direct Threat Under the ADA and the PHRA (Speakers and Moderators)</p> <p>Robert Goldman, North America Employment Law Lead, Accenture, Chicago, IL</p> <p>Lauren M. Hoyer, Esq., Partner, Willig, Williams & Davidson, Philadelphia, PA</p> <p>Olubisi Ladeji Okubadejo, Of Counsel, Ballard Spahr LLP, Baltimore, MD</p> <p>Moderator: Terri M. Solomon, Shareholder, Littler Mendelson P.C., New York, NY</p> <p>What do the ADA and PHRA require when an employee with a disability poses a potential threat to the health and safety of himself/herself or others? Our panel will provide an overview of the protections for employees under the ADA and its regulations and the PHRA; review EEOC guidance and recent case law; and provide helpful tips about conducting an individualized assessment, obtaining and evaluating medical evidence of direct threat, avoiding common pitfalls, and evaluating reasonable accommodations to address the potential threat.</p>
10:45-11:00 am	Break
11:00 am-12:00 pm	<p>Workers with Disabilities and the Rise of Retaliation Claims</p> <p>Nancy Conrad, Partner, White and Williams LLP, Center Valley, PA</p> <p>Laura C. Mattiacci, Member, Console Mattiacci Law, LLC, Philadelphia, PA</p> <p>Moderator: Ryan Allen Hancock, Of Counsel, Willig, Williams & Davidson, Philadelphia, PA</p> <p>Workplace retaliation claims are the most common type of charge filed with the EEOC. This panel will analyze the elements of a disability-related retaliation claim—protected activities, including accommodation requests, material adverse actions, and causal connection; review recent case law and trends in disability-retaliation claims; discuss EEOC guidance issued in 2016; and offer strategies for avoiding and defending against retaliation lawsuits.</p>
12:00-1:00 pm	Networking Lunch
1:00-2:00 pm	<p>Employee Leave: Navigating the Interplay Between the ADA and the FMLA</p> <p>Patricia A. Barasch, Esq., Schall & Barasch, LLC, Moorestown, NJ</p> <p>Anne E. Martinez, Of Counsel, Morgan Lewis & Bockius LLP, Philadelphia, PA</p> <p>Moderator: Meredith Swartz Dante, Partner, Ballard Spahr LLP, Philadelphia, PA</p> <p>Managing employee medical and/or disability-related leave under the FMLA and ADA can be a complex process to navigate. Our panel of experts will provide a basic overview of employee and employer rights; focus on areas where the two laws intersect, overlap, and provide distinct protections and obligations; and offer techniques for avoiding common pitfalls.</p>

2:00-3:00 pm	<p>2017-2018 Disability Employment Law Decisions – The Year in Review</p> <p>Brian East, Senior Attorney, Disability Rights Texas, Austin, TX Debra M. Lawrence, Regional Attorney, Philadelphia District Office, Equal Employment Opportunity Commission (EEOC), Philadelphia, PA Moderator: Elizabeth Pendo, Joseph J. Simeone Professor of Law, Saint Louis University School of Law, Saint Louis, MO</p> <p>In 2017 and 2018, there were significant decisions that addressed the rights of employees with disabilities and the duties of employers. Our panel of experts will examine the most important disability employment law decisions in the past year, discuss how these ruling will affect your employment law practice, and predict litigation trends in the coming years.</p>
3:00-3:15 pm	Break
TRACK 2: EDUCATION	
9:45-10:45 am	<p>Special Education Law and the IEP: Working with Experts to Develop IEP Content – And Resolving Disputes Along the Way</p> <p>Selene A. Almazan, Esq., Legal Director, Council of Parent Attorneys and Advocates (COPAA), Towson, MD Gail A. Friel, M.A., Education Specialist, Wisler Pearlstine, LLP, Blue Bell, PA Carol Quirk, Ed.D., Chief Executive Officer, Maryland Coalition for Inclusive Education (MCIE), Elkridge, MD Moderator: Lawrence D. Dodds, Esq., Partner, Wisler Pearlstine, LLP, Blue Bell, PA</p> <p>Developing an IEP is essential to ensuring equal access to education and successful learning outcomes for children with disabilities. Our panel will first provide a brief overview of the required content of an IEP under the IDEA in light of the <i>Andrew F.</i> decision. The panelists will then offer tips on working with experts to develop goal-oriented IEP content and strategies for handling difficult issues.</p>
10:45-11:00 am	Break
11:00 am-Noon	<p>Presenting Expert Testimony in Due Process Proceedings – What You Need to Know</p> <p>Candis Watson Bowles, Managing Attorney, Youth Practice Group, Disability Rights California, Los Angeles, CA Deusdedi Merced, Esq., Managing Principal, Special Education Solutions, LLC, Weston, CT Jane M. Williams, Partner, Sweet, Stevens, Katz & Williams LLP, New Britain, PA Moderator: William F. Culleton, Special Education Hearing Officer, Office of Dispute Resolution, Pennsylvania Department of Education, Harrisburg, PA</p> <p>When parents and schools disagree over the scope and implementation of a child’s IEP, an IDEA due process hearing is sometimes the only way to resolve the dispute and determine whether the child has received a FAPE. Our esteemed panel of experts will provide a brief overview of the relevant IDEA provisions, provide strategies for finding experts, and offer techniques for preparing them for direct and cross-examination.</p>
12:00-1:00 pm	Networking Lunch
1:00-2:00 pm	<p>Representing Students with Disabilities Facing Both School Discipline and Juvenile Justice Involvement</p> <p>Robert M. Tudisco, Senior Counsel, Barger & Gaines, Tarrytown, NY Nakisha Sharpe Winston, Staff Attorney, The Public Defender Service for the District of Columbia, Washington, DC Moderator: Michael D. Raffaele, Esq., Managing Attorney, Frankel & Kershenbaum, LLC, Bryn Mawr, PA</p> <p>Students with disabilities are suspended or expelled from school at disproportionate rates compared to their non-disabled peers, and are at a higher risk for involvement in the juvenile justice system. Failure by schools to identify and accommodate students with disabilities is often a strong risk factor for such involvement. Our panel of experts will provide a brief overview of the IDEA’s requirements regarding the discipline of students with disabilities, and offer strategies for ensuring that their disabilities are adequately addressed by the school system.</p>

2:00-3:00 pm	<p>The Supreme Court's <i>Fry</i> and <i>Endrew F.</i> Decisions: Case Law Developments</p> <p>Ruth Colker, Distinguished University Professor and Heck Faust Memorial Chair in Constitutional Law, The Ohio State University, Moritz College of Law, Columbus, OH Terry Jean Seligmann, Associate Dean for Academic Affairs and Arlin M. Adamas Professor of Legal Writing, Drexel University Thomas R. Kline School of Law, Philadelphia, PA Moderator: Kathleen P. Wolfe, Special Litigation Counsel, Disability Rights Section, Civil Rights Division, Washington, DC</p> <p>In 2017, the U.S. Supreme Court decided two significant special education cases—<i>Fry</i> and <i>Endrew F.</i> Our panel of experts will explore how these rulings affect the practice of special education law, analyze court decisions from the subsequent year, and predict litigation trends in the years to come.</p>
3:00-3:15 pm	<p>Break</p>
<p>AFTERNOON PLENARY SESSION</p>	
3:15-4:15 pm (OPEN TO ALL)	<p>Ethics: Representing Clients with Developmental, Intellectual, and Psychiatric Disabilities</p> <p>Claudia Center, Senior Staff Attorney, Disability Rights Program, American Civil Liberties Union, San Francisco, CA Robin Resnick, Staff Attorney, Legal Director, Disability Rights Pennsylvania, Philadelphia, PA David Ferleger, J.D., Law Office of David Ferleger, Jenkintown, PA Moderator: Lee Awbrey, Montgomery County Office of the Public Defender, Appellate Unit, Philadelphia, PA</p> <p>At some point in their careers, most lawyers will encounter a client with developmental, intellectual, or psychiatric disabilities. Representing these clients raises a number of ethical questions. These clients may have a limited ability to communicate information and desires, to understand information communicated by the attorney, and to understand choices, and they may voice desires that do not appear to be in their best interest. Our panel of experts will discuss an attorney's ethical obligations as set forth in the ABA Model Rules of Professional Responsibility. Hypotheticals will be discussed to illustrate how these rules function in day-to-day practice.</p>

Step 1: Registration Rates

	Early Bird Rate	Standard Rate Effective May 23, 2018
General Attendees	\$350	\$375
ABA/PBI Member Rate	\$300	\$325
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Law Students	\$100	\$125

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Step 2: Section Membership

- Commission on Disability Rights - \$250

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Law Firm/Organization

Address Suite/Apt.

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Step 4: Your Total Due Amount

Registration Rate (from Step 1)	4A \$ _____
Commission on Disability Rights - \$250 (from Step 2)	4B \$ + _____
	Total \$ _____

Step 5: 4 Easy Ways to Register

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Idaho: You may self-submit this program for CLE approval by sending the Application for CLE credit to the Idaho State Bar with the required attachments. You can download a copy of the

program brochure/agenda from an ABA program's website, or print a copy of the program web page if no separate brochure available for submission with your application. There is no fee for this submission.

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To register, please call the ABA Service Center at **(800) 285-2221**, or see the on-site registration desk.

Program Location

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