

2023 Employment Rights and Responsibilities Committee Midwinter Meeting

Use of Experts in Class/Collective Litigation

03.14.2023 | 10 AM - 11 AM

The ERR Midwinter Meeting will offer a wide range of thought-provoking and topical educational programming. Several years in the making, the subcommittees have joined forces to offer a mock trial that combines theory and practice in a multi-panel presentation. Presented through four separate panels, the mock trial will explore investigations, whistleblower and retaliation claims, and collateral torts. Other panels will discuss the Supreme Court's recent decision in *Dobbs v. Jackson Women's Health Organization* and its effect on labor and employment matters, emergency ethics matters, the future of employment arbitration agreements, and new developments in international labor and employment law.

Agenda

10 AM: Use of Experts in Class/Collective Litigation

Class and collective actions alleging violations of the Fair Labor Standards Act (FLSA), Title VII of the Civil Rights Act of 1964, and state law equivalents have exploded. Expert witnesses who are thoughtfully selected and adequately prepared can be vital in proving or challenging compliance with EEO or wage and hour laws during motion hearings and at trial. Using experts, and effectively challenging the opposing party's use of their expert, can mean the difference between winning or losing class certification. Panelists will explore effective practices when selecting experts, preparing expert testimony, and using experts during motion hearings, mediation and trial.

Moderator

- Monique Olivier, Olivier & Schreiber, LLP, Oakland, CA

Speakers

- Stephen Fox, Sheppard Mullin Richter & Hampton, LLP, Dallas, TX
- Hon. Stephanie Herrera, U.S. Equal Employment Opportunity Commission, Baltimore MD
- Jason Marsili, Rosen, Marsili, Rapp LLP, Los Angeles, CA
- Dwight Steward, Ph.D., EmployStats, Austin, TX

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Attorneys

Stephen E. Fox

Practice Areas

Labor and Employment