



CLIENT
LEGAL TRAINING
AND TOPICS

MILLER
CANFIELD

Miller Canfield legal education offerings are designed for corporate counsel, business executives and professionals. To schedule a presentation or for more information about Miller Canfield legal education, please contact:

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LAW SEMINARS AND TRAINING*

» ANTITRUST LAW

Antitrust Dos and Don'ts

Training can be tailored to meet the educational needs of your business, and may include discussion of: enforcement of antitrust laws; agreements between competitors; the *per se* rule; price fixing; market division; the rule of reason; restrictions in agreements with customers and suppliers; exclusive dealing and territories; and resale price maintenance.

» ARBITRATION

Arbitration Overview

We offer a description of arbitration, and the laws and treaties affecting domestic and international arbitration. We cover topics such as drafting the arbitration agreement; defining the scope of arbitration; selecting rules and procedures; compelling arbitration; and enforcing and challenging arbitration awards.

» ATTORNEY-CLIENT PRIVILEGE

Understanding the Law of Attorney-Client Privilege

Attorney-client privilege and the work-product doctrine are paramount to availing yourself of the protections afforded by these often misunderstood principles. Areas of discussion include: avoiding inadvertently waiving privileges; necessary elements and governing standards; practical tips; waivers; exceptions; Sarbanes-Oxley; email; and the unique problems of in-house counsel.

*Note: We have been able to offer HRCI credits in the past and are willing to explore the opportunity to offer HRCI credits for in-house training and continuing education.



» CANADIAN LAW

Understanding the Laws of Our Northern Neighbors

Areas of discussion include: Cross-border insolvencies and restructuring; applications under the Companies' Creditors Arrangement Act and Bankruptcy and Insolvency Act; supply protection agreements, accommodation agreements and access agreements; mergers and acquisitions; corporate finance and secured transactions; corporate governance and compliance; real estate acquisitions; customs and import/export; immigration; and labor, employment and worker's compensation.



» CONTRACTS

Contract Training

This session is designed to educate business leaders on significant traps and risks inherent in contract negotiations. We cover issues such as: terms and conditions; quotations; purchase orders, acknowledgements and other forms; warranty and indemnification; termination; delivery; and specifications.

» E-COMMUNICATION

Issues and Risks of E-Communication

Designed for in-house counsel and IT personnel, we offer an overview of issues and risks associated with e-communication. Areas of discussion include: legal risks and IT costs associated with poor e-communication habits; the top 10 e-communication content traps; an overview of existing e-communication policies; discussion of possible new e-communication policies; and retention and deletion policies.



» ENVIRONMENTAL LAW

Introduction to Federal Environmental Statutes and their Michigan Counterparts

In each course, we will discuss one of the primary federal environmental statutes, including: the organization of the statute and the underlying federal regulations, the major regulatory programs/approvals authorized by the statute, and the Michigan statute counterpart, if applicable. Programs are offered for the Clean Air Act; Clean Water Act; Resource Conservation and Recovery Act; Comprehensive Environmental Response, Compensation and Liability Act; Toxic Substance Control Act; Endangered Species Act; and National Environmental Policy Act.

» HUMAN RESOURCES AND EMPLOYMENT

Workplace Drug Policies and Enforcement/Medical Marijuana in the Workplace

We will discuss how to implement the company's drug and alcohol policies in order to make certain that they are properly followed and enforced to best ensure that disciplinary decisions based on violations are not overturned. We will also discuss the impact of medical marijuana and potential legal marijuana and its impact on the workplace.

Right to Work

An introduction to what the law means for employers and training on how to respond to questions regarding the new Right To Work Act in Michigan, including how to respond to employee questions regarding union dues, union membership and how the law affects employees.

Protected, Concerted Activity and Social Media

Given the increasing oversight by the NLRB, supervisors need to know how to respond to employee complaints and concerns raised in Facebook, Twitter and other social media posts as well as understanding when employees have the right to engage in concerted activity, especially when they are critical of their supervisors or the company.

Collective Bargaining Strategies and Tips

For labor relations employees engaged in collective bargaining, we will explore best practices, including identifying problem areas, posturing new proposals and responding to union demands.

Do the Deferred Compensation Regulations Apply?

Final Regulations to Section 409A of the Internal Revenue Code have been effective for some time. Any arrangements that may provide for a deferral of compensation – a right to a payment now that is distributed later – need to be in compliance. Among many items, this includes employment, severance and consulting agreements, offer letters, deferred compensation and bonus plans, and excess and supplemental benefit plans.



Reductions in Force – Impact on Foreign Workers and Employer Obligations

Topics include bona fide termination of H-1B workers – employer obligations, discrimination issues/DOL complaints/audits and investigations, severance packages – no extension of authorized stay/work authorization, continued I-9/Public Access File retention obligations, interruption of green card process, and other options for retention.

» HUMAN RESOURCES AND EMPLOYMENT (continued)

Respect in the Workplace Training

This session covers all the basics of state and federal law, corporate policy and best practices regarding discrimination, harassment and general respect in the workplace. Training is tailored for management levels and general sessions for all employees.

Bullying and Respect in the Workplace: Taking Your Anti-Harassment Policies and Training to the Next Level

Allegations of workplace bullying, which may include verbal abuse, work interference and various types of threatening behavior, have gained national attention in recent years. Since workplace bullying can negatively impact a company's culture and the morale of its employees, employers should be equipped with the knowledge and tools necessary to not only promote respect in the workplace, but to also ensure the safety of all employees. By attending this session, you will begin to learn how to establish and maintain an anti-bullying environment within your organization.



Conducting Lawful and Effective Investigations into Workplace Harassment and Discrimination

The importance of fair and objective investigations cannot be overemphasized. Employers who learn how to conduct relevant, timely, and thorough investigations help their companies build solid legal cases. The success of an employer in defending lawsuits alleging wrongful discharge, harassment, discrimination, etc. often depends on how employee discipline or allegations of discrimination were handled. This session will cover the key elements of properly handling internal investigations of workplace harassment and discrimination.

The Role of Witness Statements in Corporate Investigations

Learn practical pointers on how to effectively gather the facts necessary to take appropriate, defensible action.

Immigration Overview for HR and Legal Professionals

This presentation includes a general overview of types of work visas, who can get them, when they can get them, and options to move foreign workers around and to retain them permanently.



» HUMAN RESOURCES AND EMPLOYMENT (continued)

Employment Eligibility Verification and Compliance – I-9 and Beyond: What Employers Need to Know

This presentation provides an in depth review of the I-9 Form, required documents for U.S. and foreign workers, an overview of retention requirements, public access files, immigration audits and best practices.

Immigration Strategy: Attracting and Retaining Foreign Talent

Employing foreign nationals can be an important part of your strategic business plan. We'll discuss how to hire, including foreign students; what visa categories are available; what to do when the H-1B cap is met; reimbursement agreements for green cards; long-term strategies for retention; and the overall importance of immigration compliance.

Recent ADA Amendments

The ADA's recent amendments create new disability law challenges for employers. This seminar discusses the recent amendments, other disability law developments, and provides proactive and practical advice that every employer would be wise to consider.

Employee Attendance Issues

Everything you need to know about absenteeism policies, attendance incentives, coordinating leaves under the ADA, FMLA, WDCA, LTD, STD, and any other initials you can think of, how to handle part-time employment, what questions you can ask, when you are allowed to require documentation, and what to do about health care and other benefits when employees are on leave.



ADA, FMLA and Worker's Compensation – You Know the Basics, Now Follow a Case Study to Learn the Ins and Outs

You have learned about employee leave and accommodation request changes. Now we'll break down an interactive case study to demonstrate some of the nuances we often see in these cases. Don't forget to bring your questions, as we'll weave them into the case study.

Employee Leave Made Easy: A Review of Recent FMLA and ADA and Worker's Compensation Changes

If there's one subject we are asked about above all others, it's how to evaluate and/or administer an employee's leave or accommodation request. In this session we will bring you up-to-date with the current state of affairs on this ever-evolving topic.

» HUMAN RESOURCES AND EMPLOYMENT (continued)

EEO Update

A review of recent employment discrimination decisions and developments to better help you avoid the mistakes and pitfalls that have been so painfully and expensively learned by others.

Anatomy of a Discrimination Case – From Internal Complaint to the Filing of a Lawsuit or Charge

Every complaint of workplace discrimination must be taken seriously. In many situations, employers have an affirmative duty to take prompt, remedial action to ensure that it stops any unlawful conduct and prevents such conduct in the future. This session will take you through the best practices of receiving and investigating complaints, preserving employee morale along the way and protecting your company from retaliation charges resulting from the complaint.



Employee Handbooks and Personnel Policies

Almost every employer would benefit by having an Employee Handbook, and every employer should periodically have its existing Employee Handbook reviewed, revised and/or updated. Does your Handbook address the NLRB's position on handbook provisions, new ADA amendments, the FMLA regulations, Michigan's Medical Marijuana law, etc.? This seminar covers the "nuts and bolts" of putting together an effective Employee Handbook.

It's Time for a Human Resources Audit

Rather than adequate or long-term fixes, companies are often forced to put bandages on problems and hope for the best. An audit will help you proactively identify and prioritize your most pressing labor/employment issues and needs.

Criminal Investigations and Employee Background Checks

Be proactive. Learn how to conduct a background check and what to do if you suspect an employee has committed an on-duty crime or is arrested off-duty. How should an employer respond when victimized by criminal conduct? What should you do when the police knock on your door and demand to interview an employee, serve a search warrant, seize a computer, etc? This seminar provides these answers and other practical tips for dealing with the criminal process and workplace criminal behavior.



» HUMAN RESOURCES AND EMPLOYMENT (continued)

Protect Your Competitive Advantage

Though your best-and-brightest may have laid low throughout the recession, will they take their expertise, experience and your proprietary knowledge to a competitor when the economy begins to improve? Industrial espionage via electronic devices is also an ever-growing threat and challenge. What steps should you consider taking to prevent loss of your top talent, your proprietary knowledge and your intellectual property?

Discipline and Discharge Done Right (For Both Union and Non-Union Employees)

Simple mistakes made when disciplining and/or discharging employees all too often come back to haunt employers. When should you discipline/discharge? What background information and documentation should you obtain/prepare when disciplining/discharging? How you go about discharging an employee is often a critical factor in determining whether you will be sued; so, how should you go about discharging an employee?

Fair Labor Standards Act – The Basics

The FLSA remains one of the most oft-violated statutes. What does it mean to be an hourly employee? What does it mean to be salaried? What are exempt and non-exempt employees? What is the regular rate? When does an employer owe workers overtime, and how is the overtime rate determined? The answers to these and other questions may not be as simple as you think.



Wage and Hour: Audits of Worker Classification Issues

From exemption problems and employees working off the clock to contractors that aren't so independent, mistakes happen. Learn the best practices on how to avoid the most common wage-and-hour mistakes – and what to do if you've already made them.

Wage and Hour: 5 Critical Ways to Reduce Your Risk

The numbers of Fair Labor Standards Act (FLSA) lawsuits filed against employers are at record highs. This fact, coupled with the Department of Labor's aggressive FLSA enforcement, can make dealing with wage-and-hour issues a minefield of potential liability. This practical and engaging presentation will cover the best practices and new strategies to ensure compliance so you can keep the lawyers and the Department of Labor at bay.

Avoiding the Wage and Hour Blues

Find out about the most important and recent developments in the Wage and Hour world. Learn what DOL investigators are looking for and discover the red flags that tend to attract the unwanted attention of the Department of Labor. Also, discover what type of wage and hour claims get the attention of plaintiffs' lawyers and what you can do to keep your company from becoming their next lawsuit.

» HUMAN RESOURCES AND EMPLOYMENT (continued)

Preventing Embezzlement

We may be emerging from the great recession, but unemployment remains high and many of today's employees remain under tremendous financial duress. Unfortunately, financial stress paired with opportunity is often a recipe for theft. No employer is immune and embezzlement has in recent years occurred with even greater regularity. We will discuss what steps every employer should take to minimize the risks of being victimized and your options, should you suspect or find yourself victimized by the employee embezzlement.

Social Media in the Workplace

This seminar provides an update on the recent developments relating to employees' use of social media, including the NLRB's most current views on social media, the National Labor Relations Act, high profile social media misconduct cases and methods employers are using to tackle this continually emerging area.



Current Labor Issues for Union and Non-Union Workplaces

With the new NLRB rules on organizational campaigns, the NLRB posting requirement, recent decisions affecting the use of social media, and recent cases challenging a company's right to move to another facility, unionized and non-unionized workplaces alike need to be aware of how changes to the National Labor Relations Act and its policies and procedures will impact companies. Our presenters will provide analysis and tips on staying ahead of the NLRB's aggressive approach to expanding unionization opportunities in the workplace.

How to Avoid Papering over the Cracks: Drafting Tailor-Made Employment and Severance Agreements Right the First Time

All too often, employers are tempted to use employment and severance agreements that have been used with other employees or were found online. In the long run, this can result in a waste of time and money. We will walk you through the risks of using a one-size-fits-all approach and the benefits of customizing agreements to address specific needs and situations.



All About "Obama Care": How to Comply with the Affordable Care Act

The U.S. Supreme Court upheld the constitutionality of the Affordable Care Act. Most of its provisions are either in place now or will be shortly. This presentation will highlight the major changes of which all employers need to be aware, as well as walk through the implementation timeline and help navigate the new and evolving rules and regulations.

» HUMAN RESOURCES AND EMPLOYMENT (continued)

Electronics in the Workplace: We Can't Live With Them, We Can't Live Without Them

Technological advances give employees the ability to work from anywhere, raising a host of new legal issues. How have smartphones complicated the employer-employee relationship? Does an employee violate her non-solicitation agreement when she posts about her new job on Facebook? This session will cover the most important social media, privacy and technology-related legal developments and how they may impact your workplace.

Weapons in the Workplace: Best Practices for Providing a Safer Workplace

This session addresses an employer's authority and obligations to manage weapons in the workplace, how to craft appropriate workplace policies addressing weapons, and best practices for responding to weapons or threats of violence in the workplace.

Employee Health and Safety

Today, companies and their managers must carefully manage MIOSHA compliance and workplace health and safety issues or face significant corporate and potentially personal penalties. The failure to properly manage MIOSHA compliance and workplace health and safety issues can cause many problems for a company, including continuing and increased MIOSHA inspections and citations, criminal prosecution of the company and its managers, and damage to a company's brand. We'll discuss the MIOSHA/OSHA structure, MIOSHA inspections and appealing MIOSHA citations.



» IMMIGRATION

Immigration Overview for HR and Legal Professionals

Employers are having an increasingly difficult time recruiting and hiring highly qualified workers, particularly in STEM fields. We offer an overview for HR and legal professionals, covering visa options for foreign workers including but not limited to: H-1B, L-1, TN and the Green Card process. We examine who, when and how workers can get them, and employers' options to move foreign workers to various locations, as well as how to retain them permanently.

Employment Eligibility Verification and Compliance – I-9 and Beyond: What Employers Need to Know

Hiring foreign workers requires specific documentation and record retention. What do employers need to file, store and retain, in the event of an audit? We offer an in-depth review of the I-9 Form, and required documents for U.S. and foreign workers, an overview of document retention requirements, and Public Access Files, as well as information about best practices to ensure your workplace is compliant.

» IMMIGRATION (continued)

Reductions in Force – Impact on Foreign Workers and Employer Obligations

When there is a need to cut staff and eliminate jobs, employers must be knowledgeable about requirements for dealing with foreign workers. We discuss employer obligations surrounding bona fide termination of H-1B workers; Department of Labor complaints, audits and investigations of discrimination issues; severance packages, authorized stay and work authorization; Public Access File retention obligations related to I-9 forms; the interruption of the Green Card process; and other options for retention.



Educating Foreign Nationals on Unique American Criminal Sanctions

This presentation can be presented to the employer or directly to the foreign national employee. Areas of discussion include: differences in American and foreign criminal law, and proper response if a foreign national is investigated or accused of a crime.

» INTELLECTUAL PROPERTY

Selecting and Protecting Your Brand

Your trademark is part of your brand, something that instantly conveys that a product or service is uniquely yours. We discuss the purpose of trademarks; selecting, applying for and proper usage of trademarks, as well as the benefits of registration and the importance of protecting your marks.

Protecting Trademarks in the U.S. and Abroad

Trademarks identify the source of goods, and allow you to protect the integrity of your brand. We discuss the differences between trademarks, patents, copyrights and trade secrets, counterfeiting prevention, how trademark rights are lost, and the basics about U.S. and foreign registration.



» LITIGATION

E-Discovery Basics

The federal and Michigan Court Rules now mandate that organizations take certain steps related to e-discovery issues. Areas of discussion include: an overview of the new e-discovery rules; a comparison of the federal and state rules; what companies must know about preservation of evidence; and how to follow the rules and engage in e-discovery. We also discuss document management, and what vendors can do to help, as well as resources to assist without purchasing expensive software or servers.

» PERSONAL SERVICES

Estate Planning: Privately Held Businesses

This course will review estate planning issues specific to owners of closely-held businesses. Additionally, we will review mechanisms of corporate structure, buy-sell agreements, reorganization techniques, as well as traditional estate planning documents. Areas of discussion include: wills and trusts; powers of attorney and proxies; voting and irrevocable trusts; and GRATS (Grantor Retained Annuity Trusts). We will also examine a variety of charitable giving vehicles that may be appealing to business owners contemplating selling their business.

So Your Child is 18. Now What?

Ready or not, they are legally responsible for their choices and actions. This session is designed for parents of high school students who are about to turn 18. Areas of discussion include: the legal realities of having a student who turns 18, and how they affect medical care, treatment decisions, privacy laws, and more; the legal responsibilities of parents for the actions of their teen; the difference of a student being treated as a minor or as an adult in the eyes of the law; the responsibilities of a parent hosting a party with minors attending, including the legal and financial consequences of permitting underage drinking.



» PRODUCT LIABILITY

What Every Manufacturer Needs to Know

This session offers an essential overview of the basics of product liability law, contract vs. tort law and discovery/regulatory obligations. We allow time for company-specific applications and questions.