

Webcast: Recent Trends in Arbitration and Worker Classification: What Companies Need to Know in 2020

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Join our panelists as they discuss recent trends in arbitration and worker classification. 2020 ushered in several new labor-and-employment laws, particularly for California companies. Specifically, California's Assembly Bill 5 ("AB 5") altered the employee/independent-contractor test for some types of workers while exempting others. Further, companies that have tried to avoid costly litigation through arbitration agreements face additional challenges. The California Legislature recently passed laws *criminalizing* arbitration agreements in certain employment agreements and imposing steep penalties on companies that fail to timely pay arbitration fees and costs. And some plaintiffs' firms have attempted to use arbitration agreements against companies by filing "mass arbitrations," which have the potential of imposing millions of dollars in arbitration filing fees on companies. Further, plaintiffs continue to try to use Private Attorneys General Act ("PAGA") claims to circumvent arbitration agreements. This presentation will focus on these recent trends in arbitration and worker classification and discuss successful strategies by companies and employers to manage potential liability.

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PANELISTS:

Dhananjay Manthripragada is a partner in the Los Angeles office of Gibson, Dunn & Crutcher and was formerly with the firm's Washington, D.C. office, resulting in a broad complex litigation practice that is truly national in scope. He is a member of the firm's Litigation, Class Actions, Government Contracts, and Aerospace and Related Technologies Practice Groups. Mr. Manthripragada has extensive experience defending companies in complex litigation in state and federal courts throughout the country, from pre-trial demands through trial, arbitration, or settlement, and on appeal. Mr. Manthripragada has served as counsel in a range of employment, consumer, wage-and-hour, antitrust, unfair competition, and environmental class action and derivative lawsuits, including many involving complex arbitration issues.

Michael Holecek is a litigation partner in the Los Angeles office of Gibson, Dunn & Crutcher, where his practice focuses on complex commercial litigation, class actions, labor and employment law, and data privacy—both in the trial court and on appeal. Mr. Holecek has first-chair trial experience and has successfully tried to verdict both jury and bench trials, he has served as lead arbitration counsel, and he has presented oral argument in numerous appeals. Mr. Holecek has also authored articles on appellate procedure, civil discovery, corporate appraisal actions, data privacy, and bad-faith insurance litigation.

R. Keith Chapman is an Associate General Counsel for Postmates Inc. He manages legal teams that oversee litigation, public policy, employment, trust & safety, insurance, and risk.

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Working at the forefront of future-of-work topics, Chapman helps Postmates lead legislative and labor outreach across the country and at the national level. Prior to joining Postmates in 2016, Chapman counseled and defended employers as an attorney with Littler Mendleson, P.C., in San Francisco, with practice areas focused on the gig-economy, wage & hour class action defense, and anti-discrimination. Chapman has also served as a managing attorney with the New York City Commission on Human Rights and clerked for the United Nations International Criminal Tribunal for Rwanda at the Trial Chambers, in Arusha, Tanzania, and Appellate Chamber, in the Hague, Netherlands. Chapman received his J.D., with Honors, from Rutgers University in 2005.

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