



Three-Part Telephone & E-mail Seminar:

“IRCA Strategies for Employment Immigration: Hot Issues in I-9s, Hiring Discrimination, OSC, etc.”

Speakers: with Cynthia Lange, Linda Dodd-Major, Bruce Friedman (OSC), Marielena Hincapie, Nancy Kestenbaum (USAO), Aaron Marcu, Michael Patrick, Richard Pettler, Anja Przybylski-Kleczek (INS), Ellen Thomas (OCAHO) and Michael Tubach

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Seminar Outline

Each call features an hour of analysis, strategy and practice tips by the speakers followed by 30 minutes of questions and answers from participants.

FIRST Phone Session on March 27:

What is new in I-9 enforcements and case law?

- Recent INS sweeps: What industries are targeted and who is affected?
- Update on recent I-9 case laws
- Where's the new I-9 forms and I-9 regulations?
- Creative I-9 solutions for difficult situations

SECOND Phone Session on April 22:

Criminal I-9 enforcement and could it affect your clients?

- What kind of criminal charges are U.S. attorneys filing?
- How to protect your client from criminal I-9 charges
- Recent criminal cases across the country

THIRD Phone Session on May 6:

Avoiding discrimination at the time of hiring: What advice to give your clients?

- Is document abuse still alive?
- What questions may you ask in recruiting
- Discrimination considerations in terminations and reductions in force
- Balancing national security and discrimination concerns

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About the Speakers

Cynthia Lange is a graduate of Brigham Young University (B.A., 1981) Phi Kappa Phi Honor Society; and Southwestern University School of Law (J.D., 1985) Moot Court Honors Program Board of Governors. Ms. Lange has been an Adjunct Professor of Law at Southwestern University School of Law, from 1988 to present. She is a frequent lecturer on immigration law and has written articles on business immigration law matters for numerous publications. Ms. Lange was formerly a Trial Attorney with the Immigration and Naturalization Service and heads the Firm's IRCA Compliance Practice Group. Ms. Lange is a member of the American Bar Association, the California State Bar Association, the District of Columbia Bar Association, the New York State Bar Association, the American Immigration Lawyers Association (Chairperson. National Employer Sanctions Committee, 1988-1990), the Century City Bar Association (Chairperson of the Immigration and Nationality Law Committee, 1989-1994), the Beverly Hills Bar Association, Immigration Law Section and Board of Governors (1994-1999), and Co-Chairperson of Practising Law Institute (Annual Immigration Institute, 1998 to present).

Linda Dodd-Major is an attorney providing strategic consulting for U.S. immigration matters pertaining to business, investment, employment, and training. She was nationally known for many years as creator and director of INS' Office of Business Liaison, in which capacity she was responsible for developing public information to raise awareness and understanding of laws prohibiting illegal employment and obtaining international services in the U.S. as well as for regulations relating to employment eligibility verification and the Form I-9. At this time, she is a chief executive with Lookout Services, Inc., with which she helped to develop unique patent-pending rules-based software for I-9 compliance that is now available to the public. Ms. Dodd-Major's expertise involves conversion of complex, interrelated laws, regulations, policies, and procedures into practical options for lay as well as legal communities. A popular national and international lecturer, she focuses on key interrelationships among the overlapping, intersecting, and interdependent jurisdictions of many U.S. government and other entities including the Departments of Homeland Security, Justice (Office of Special Counsel), State, Commerce, Labor, Treasury and Defense as well as the IRS and Social Security Administration. Ms. Dodd-Major holds advanced degrees in law and international business from Rutgers and Georgetown Universities.

Bruce Friedman is the Special Policy Counsel with the Office of Special Counsel for Immigration Related Unfair Employment Practices, Civil Rights Division, U.S. Department of Justice. He has handled trials and appellate work for the Office, and currently specializes in immigrant civil rights policy matters. Mr. Friedman also worked in the Civil Rights Division's Disability Rights Section, which enforces the Americans with Disabilities Act. He supervised the Section's investigation unit, and took part in pattern or practice litigation in District Court. Mr. Friedman is the coauthor of the book, *Religion in the Workplace*, published by the American Bar Association in 1998. The book addresses the legal and practical issues that arise when there are conflicts between work and religious practice. He has presented papers on immigration, discrimination, and labor markets, including at the Annual Meeting of the American Political Science Association. He recently published an article in the *New York University Journal of Legislation and Public Policy*, entitled "Advancing Civil Rights Through Immigration Law, One Step Forward, Two Steps Back?" Mr. Friedman received his law degree from the George Washington University Law School, and was an editor on *The George Washington Law Review*. After graduating law school, he clerked for the Honorable Oscar H. Davis, United States Court of Appeals for the Federal Circuit. Before joining government service, Mr. Friedman was an associate at Wilmer, Cutler & Pickering, in Washington, D.C.

Marielena Hincapie is staff attorney for the National Immigration Law Center, Oakland office. As NILC's employment attorney, Ms. Hincapie specializes in protecting and advancing the rights of immigrant workers. She writes articles and policy analyses, provides technical assistance, and presents trainings to legal and social service providers, labor unions, and community-based organizations. She also litigates law reform and impact litigation cases dealing with the intersection of immigration laws and employment/labor laws. She joins NILC after having served with the Legal Aid Society of San Francisco - Employment Law Center, first as a John A. Sutro, Sr. Public Service Fellow, and later as a staff attorney. Ms. Hincapie also served as a law clerk to the Hon. Justo Arenas of the U.S. District Court, District of Puerto Rico. She currently serves as a part-time faculty member of the City College of San Francisco's Labor Studies Department. Ms. Hincapie holds a Juris Doctor from Northeastern University School of Law.

Nancy Kestenbaum is currently Chief, General Crimes Unit at the United States Attorney's Office for the Southern District of New York, where she supervises and trains approximately 30 Assistant United States Attorneys in all phases of investigations and prosecutions, including charging and plea decisions; drafts legal documents such as complaints, indictments, search warrants, and briefs; does grand jury practice; case management; all aspects of courtroom practice; trial preparation and strategy; and sentencing and post-conviction litigation. She was formerly Deputy Chief, Criminal Division and Assistant United States Attorney at the United States Attorney's Office for the Southern District of New York.

Aaron Marcu a Covington & Burling partner in New York, is the Coordinator of the Firm's White-Collar Practice Group and focuses on the defense of white-collar criminal and SEC enforcement cases. He has handled hundreds of grand jury and SEC investigations for both institutions and individuals, including Philip Morris, CBS, former Salomon Brothers CEO John Gutfreund and key players in the Prudential Securities, Daiwa Bank, Bankers Trust and Lloyd's of London investigations. He also conducts internal investigations for corporate clients, helps design corporate compliance programs, and advises on disclosure and related issues in connection with public offerings. As a federal prosecutor in the U.S. Attorney's Office for the Southern District of New York, he handled dozens of complex investigations and tried numerous lengthy multi-defendant criminal trials. He also served as Chief Appellate Attorney, Chief of Major Crimes, and as the Associate U.S. Attorney. The Department of Justice awarded him the Director's Award for Superior Performance. He has taught, lectured and written on criminal law and internal investigations and is featured in the international *Who's Who of Business Crime Lawyers*. He is on the Boards of both the Federal Bar Council and the New York Council of Defense Lawyers. Two federal judges have appointed him, on the SEC's nomination, to serve as receiver and special agent for securities firms under investigation. He graduated first in his class from Northwestern University in 1977, and received his law degree, cum laude, from Harvard Law School in 1980.

Michael Patrick prior to joining Fragomen, Del Rey, Bernsen & Loewy as a partner in 1990, Mr. Patrick served as Chief of the Immigration Unit of the United States Attorney's Office for the Southern District of New York, where he represented the Immigration and Naturalization Service, State Department, Department of Labor and other federal agencies in the federal courts. A widely published author in the immigration field, Mr. Patrick is a contributor to Immigration Briefings, Immigration Law Report, and multiple publications of the American Immigration Lawyers Association (AILA), for which he served as an editor of its annual Immigration and Nationality Law Handbook from 1988 to 1993 and as co-editor of Employment-Based Immigration New Law and New Strategies (1992). Mr. Patrick authors a bimonthly immigration column in *The New York Law Journal* and is a frequent speaker on immigration topics before Bar Associations, international trade organizations and human resource groups. Mr. Patrick is also actively involved in the immigration law community, having served as Chair of the Federal Bar Association's Immigration Law Section (1989-1992), Chair of the New York Chapter of AILA (1993-94), Co-Chair of AILA's 1993 Mid-Year Program on Employment-Based Immigration, and as a member of the Immigration and Nationality Law Committee's Association of the Bar of the City of the New York County Lawyers' Association. Mr. Patrick currently serves on the Committee on Immigration Law of the New York State Bar Association and is a member of the American Bar Association, the International Bar Association, the Federal Bar Council, the Federal Bar Foundation (Member, Board of Directors, 1997 - present), and the American Immigration Lawyers Association (Member, National Finance Committee). Mr. Patrick received the Dean's Award for Distinguished Hofstra Law School Alumni in May 2000 and is listed in the current editions of *Best Lawyers In America* and *International Who's Who of Corporate Immigration Lawyers*.

Richard Pettler is a member of the American Immigration Lawyers Association (Secretary, South California Chapter, 1984), and the Federal Bar Association's Immigration Section. Mr. Pettler heads Fragomen, Del Rey, Bernsen & Loewy, P.C. Export Control Practice Group. He is also the partner responsible for the West Coast Global Visa Services Practice. Mr. Pettler is a frequent speaker and writer on global migration and export control topics. He has served as Policy Advisor to various state agencies, industry groups and Fortune 500 companies throughout Northern California.

Anja Przybylski-Kleczek is with the INS General Counsel's Office.

Ellen Thomas was appointed as an Administrative Law Judge (ALJ) in August 1990, and came to OCAHO in October 1995. She completed her undergraduate work at Oberlin College in 1955, and received her Juris Doctorate degree from Indiana University School of Law in 1973. Before joining OCAHO, Judge Thomas served as an ALJ with the Office of Hearings and Appeals, Social Security Administration, in Evansville, Indiana. She also held various positions in the Indianapolis District Office of the U.S. Equal Employment Opportunity Commission. Judge Thomas taught at the Indiana School of Law and worked in private practice for several years in Bloomington, Indiana. She is a member of the Indiana Bar.

Michael Tubach a partner in O'Melveny & Myers LLP Litigation Department, specializes in civil litigation and white-collar criminal defense. Mr. Tubach represents individuals as well as large public companies in criminal, intellectual property, and class action disputes. His trial experience includes over 37 trials and 20 appellate arguments. His recent experience at O'Melveny & Myers LLP includes: counsel for witnesses and targets of federal and state criminal investigations, lead counsel for a defendant in a fraud investigation conducted by the San Francisco District Attorney's Office, counsel for a computer software manufacturer in litigation alleging copyright infringement and theft of trade secrets involving software, lead counsel for internal investigations at a large financial institution and a venture capital company regarding possible fraud, counsel for a large computer manufacturer in trademark and trade dress infringement actions, lead counsel for an Internet concern in securities arbitration and counsel for a Fortune 500 insurance company in class actions alleging fraud. Mr. Tubach is a graduate of University of California, Berkeley (B.A., 1985) and University of California, Berkeley, School of Law (J.D., 1989): Order of the Coif; Executive Editor, *California Law Review*.