

**20<sup>th</sup> Annual Labor and Employment Law Conference**  
**May 16-17, 2013 • AT&T Conference Center • Austin, TX**

**Thursday Morning, May 16, 2013**

**Presiding Officer:**

**James H. Kizziar Jr.**, Bracewell & Giuliani LLP - San Antonio, TX

7:30 am	<b>Registration Opens</b>  Includes continental breakfast.
8:20 am	<b>Welcoming Remarks</b>
8:30 am 0.75 hr	<b>State Employment Law Update: Texas and Beyond</b>  A review of employment-related developments under state law with a discussion of significant new cases.  Clara "C.B." Burns, Kemp Smith LLP - El Paso, TX
9:15 am 0.50 hr	<b>Federal Employment Case Law and Legislative Update</b>  An analysis of significant federal case law and legislative developments.  Linda Ottinger Headley, Littler Mendelson P.C. - Houston, TX
9:45 am 0.50 hr	<b>Federal Regulatory Update</b>  Important new developments at the DOL, EEOC and other federal agencies.  Vianei Lopez Braun, Buck Keenan LLP - Houston, TX
10:15 am	<b>Break</b>
10:30 am 0.75 hr	<b>Not Your Grandfather's NLRA</b>  A review of recent developments at the National Labor Relations Board impacting policies and employment practices for unionized and non-union workplaces.  John V. Jansonius, Jackson Walker L.L.P. - Dallas, TX Rod Tanner, Tanner & Associates, P.C. - Fort Worth, TX
11:15 am 0.75 hr	<b>Developments in Disability Discrimination Law</b>  Significant developments under the Americans with Disabilities Act with insight on emerging disability issues.  James H. Kizziar Jr., Bracewell & Giuliani LLP - San Antonio, TX
12:00 pm	<b>Lunch on Your Own</b>

## Thursday Afternoon, May 16, 2013

### Presiding Officer:

**James H. Kizziar Jr.**, Bracewell & Giuliani LLP - San Antonio, TX

	<b>Technology and the Workplace</b>
1:15 pm 0.75 hr 0.25 hr ethics	<p><b>The Changing Workplace: New Questions under Old Laws</b></p> <p>Technology continues to change how, where and by whom work is performed. This session explores a range of legal issues created by the ongoing adoption of increasingly advanced technology in the workplace, including the contours of the virtual workplace under Title VII and similar non-discrimination statutes, the effect of technology on accommodation obligations and leave management, the challenge automation and information management solutions present to seemingly-settled FLSA concepts, and the implications of our gradual transition into a post-employment world. The ethical obligations of attorneys when dealing with technologically savvy clients are also addressed.</p> <p>Jason Boulette, Boulette &amp; Golden L.L.P. - Austin, TX</p>
2:00 pm 0.75 hr	<p><b>Changes in and New Technological Limitations on Workplace Privacy</b></p> <p>Workplace privacy once involved employee desks and lockers. Now with the internet, emails, cellphones, smartphones, iPads and laptops, the idea of workplace privacy has expanded greatly. This session explores the impact these new technologies have on workplace privacy and how they affect the employer-employee relationship.</p> <p>Charles C. High Jr., Kemp Smith LLP - El Paso, TX</p>
2:45 pm	<b>Break</b>

### Track A: Litigation Strategies

#### Presiding Officer:

**Laura M. Merritt**, Wilson Sonsini Goodrich & Rosati - Austin, TX

3:00 pm 0.50 hr 0.25 hr ethics	<p><b>Picking Your Jury</b></p> <p><i>Voir dire</i>: Finding the bad jurors without losing the good ones, closing the cause coffin, keeping your powder dry, and more.</p> <p>Rod Phelan, Baker Botts - Dallas, TX</p>
3:30 pm 0.50 hr 0.25 hr ethics	<p><b>Witness Preparation</b></p> <p>The only thing harder than being a witness is preparing one. This session provides insights into successfully navigating the process. Ethical considerations are also addressed.</p> <p>Michael W. Fox, Ogletree Deakins - Austin, TX</p>
4:00 pm 0.50 hr ethics	<p><b>Attorney's Fees: Who, Why, When and How</b></p> <p>When there is a statutory basis for attorney's fees, proper preparation begins with the retainer agreement and continues at every step of the case, through final judgment and collection. Review key steps and issues to avoid at each phase in the process.</p> <p>David T. Lopez, David T. Lopez &amp; Assoc. - Houston, TX</p>

4:30 pm 0.75 hr	<p><b>Risky Business: The Employer Counterclaim against the Employee Claimant</b></p> <p>Confronted with a lawsuit by an employee or former employee, companies frequently want to "fire back" with counterclaims of their own. This presentation provides guidance and perspective as to whether, and under what circumstances, it is appropriate and beneficial to file a counterclaim against an employee, what the key considerations are, and what the risks are in so doing.</p> <p>Edward L. Friedman, Baker &amp; Hostetler LLP - Houston, TX</p>
5:15 pm	<b>Adjourn</b>

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## **Track B: Workforce Strategies**

### **Presiding Officer:**

**Thomas A. Nesbitt**, DeShazo & Nesbitt LLP - Austin, TX

3:00 pm 0.50 hr	<p><b>Developments and Strategies for Employee Leaves of Absence</b></p> <p>Hear the latest tips, tricks and strategies for managing complicated leave issues under the FMLA, ADA and USERRA, as well as Workers' Compensation statutes.</p> <p>Katrina Grider, Attorney at Law - Cypress, TX</p>
3:30 pm 0.50 hr	<p><b>Hire Power: Developments in Hiring Practices</b></p> <p>From developing the job description to on-boarding a new hire, there are plenty of tricks and traps for the unwary employer who is hiring. This session summarizes the process for identifying the best candidates for your organization's needs, while avoiding costly mistakes, and may save you money through tax breaks and other employer assistance programs.</p> <p>Audrey E. Mross, Munck Wilson Mandala, LLP - Dallas, TX</p>
4:00 pm 0.50 hr	<p><b>It's Here, and There's More to Come...</b></p> <p>As we approach the first fall open enrollment for healthcare exchanges, employers and healthcare providers are anticipating the impacts of full implementation of the Affordable Care Act. In this session, an attorney who works throughout the marketplace of healthcare providers and at their interface with federal/state regulation and payment programs, identifies a list of systemic changes to watch for and details how employer and public interests may be affected.</p> <p>Glen A. Reed, King &amp; Spalding LLP - Atlanta, GA</p>
4:30 pm 0.75 hr 0.25 hr ethics	<p><b>HR on Trial: Internal Investigations and Their Impact on Trial Success</b></p> <p>Gain insight on employers' best practices to ensure thorough, legal investigations, and plaintiffs' best strategies for attacking employer investigations. Recent agency guidance and case law on investigations are also addressed, and examples where poor investigations resulted in liability exposure for the employer are examined.</p> <p>Elizabeth Siberry Chestney, Cornell Smith Mierl &amp; Brutocao, LLP - Austin, TX Kenneth D. Hughes, Hughes Roch LLP - Houston, TX</p>
5:15 pm	<b>Adjourn</b>

## Friday Morning, May 17, 2013

### Presiding Officer:

**Viane Lopez Braun**, Buck Keenan LLP - Houston, TX

7:30 am	<b>Conference Room Opens</b>  Includes continental breakfast.
8:30 am 0.75 hr 0.50 hr ethics	<b>Hiring Candidates with Restrictive Covenant Agreements</b>  A discussion of the practical, ethical and legal requirements attendant to hiring employees who have non-competition, non-solicitation and/or confidentiality contracts with previous employers.  Sean M. Becker, Vinson & Elkins LLP - Houston, TX Christopher H. Hahn, Dell - Round Rock, TX
9:15 am 0.75 hr	<b>What's It Worth?</b>  We all know one of the hardest aspects of our practices is evaluating the value of our case. This presentation offers practice tips for each side of the docket.  Phil Durst, Deats, Durst, Owen & Levy, P.L.L.C. - Austin, TX
10:00 am	<b>Break</b>
10:15 am 0.75 hr ethics	<b>"Winning" at Mediation: Perspectives on Strategies</b>  Perspectives on achieving positive outcomes by utilizing the mediation process.  Scot L. Beckenbaugh, Federal Mediation and Conciliation Service - Washington, DC
11:00 am 0.75 hr	<b>Public Employment: Recent Developments</b>  A focused discussion of statutory and recent case law developments relevant to public sector employment, including free speech, due process, search and seizure, privacy and whistleblower law.  B. Lee Crawford Jr., City of Austin Law Department - Austin, TX
11:45 pm	<b>Pick Up Lunch</b>  Included in conference registration fee.

## Friday Afternoon, May 17, 2013

### Presiding Officer:

**Viane Lopez Braun**, Buck Keenan LLP - Houston, TX

### LUNCHEON PRESENTATION

12:05 pm 1.00 hr	<p><b>Legal Writing for the Rewired Brain: Persuading Readers in a Paperless World</b></p> <p>Screen reading changes the way we perceive and process information. Learn how technology is rewiring our brains and what you can do to craft legal documents to be more useful for screen readers.</p> <p>Robert B. Dubose, Alexander Dubose &amp; Townsend LLP - Houston, TX</p>
1:05 pm	<b>Break</b>
1:15 pm 0.75 hr	<p><b>Whistleblower and Retaliation Law: Recent Developments</b></p> <p>Developments and developing trends in retaliation law, including whistleblower laws: new protections, dying doctrines, what's hitting the judicial radar and what's just hitting big.</p> <p>Amy Gibson, Gibson Wiley PLLC - Dallas, TX</p>
2:00 pm 0.50 hr	<p><b>Dos and Don'ts for Dealing with the EEOC</b></p> <p>How to develop a record, respond to charges, and deal with requests for further information and documents.</p> <p>Jennifer M. Trulock, Baker Botts - Dallas, TX</p>
2:30 pm 0.75 hr ethics	<p><b>Ethics and Professionalism Update for Employment Lawyers</b></p> <p>Update on ethics and professionalism issues including conflicts of interests, representation of insured clients in employment practice liability insurance matters, inadvertent disclosure rules, attorney-client privilege and waiver issues, metadata issues, and ethical issues relating to settlement discussions.</p> <p>Dennis P. Duffy, Baker &amp; Hostetler LLP - Houston, TX</p>
3:15 pm	<b>Adjourn</b>