

ESSENTIAL EMPLOYMENT LAW

A Practical Course in the Basics

DALLAS: September 8, 2016 ■ Cityplace Conference Center

AUSTIN: September 29, 2016 ■ Norris Conference Center

HOUSTON: October 6, 2016 ■ Norris Conference Center, CityCentre

Earn up to 7.50 Hours of Credit

Specialization Credit Approved for Civil Appellate Law, Civil Trial Law, and Labor and Employment Law

SHRM-CPSM/SHRM-SCPSM Credit Expected

PHR, SPHR and GPHR Recertification Credit Expected

Visit www.utcle.org/conferences/EE16 for credit details



ESSENTIAL NON-COMPETE AND TRADE SECRET LAW

A Practical Guide to Talent Management

DALLAS: September 9, 2016 ■ Cityplace Conference Center

AUSTIN: September 30, 2016 ■ Norris Conference Center

HOUSTON: October 7, 2016 ■ Norris Conference Center, CityCentre

Earn up to 6.50 Hours of Credit

Specialization Credit Approved for Civil Appellate Law, Civil Trial Law, and Labor and Employment Law

SHRM-CPSM/SHRM-SCPSM Credit Expected

PHR, SPHR and GPHR Recertification Credit Expected

Visit www.utcle.org/conferences/NC16 for credit details

2016 ESSENTIAL EMPLOYMENT LAW

September 8, 2016 ■ Cityplace Conference Center ■ Dallas, Texas

September 29, 2016 ■ Norris Conference Center ■ Austin, Texas

October 6, 2016 ■ Norris Conference Center, CityCentre ■ Houston, Texas

Earn up to 7.50 Hours of Credit

Specialization Credit Approved for Civil Appellate Law, Civil Trial Law, and Labor and Employment Law

SHRM-CPSM/SHRM-SCPSM Credit Expected

PHR, SPHR and GPHR Recertification Credit Expected

Visit www.utcle.org/conferences/EE16 for credit details

THURSDAY MORNING

7:45 a.m. **Registration Opens**
Includes continental breakfast.

8:20 a.m. **Welcoming Remarks**

8:30 a.m. **.75 hr**

Texas Is an "At Will" State... So Why Worry?

Hear an overview of the employment relationship and how tort law has been adapted in the workplace. Discuss how to answer the client or supervisor who thinks employment law begins and ends with "employment-at-will." What about terminating an employee for theft? Is there ever an obligation to give a reference on a former employee? How can a handshake get a manager sued for assault? What is intentional infliction of emotional distress? Can employee violence really be prevented? Is negligent retention really a cause of action?

Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

9:15 a.m. **1.00 hr**

Discrimination and Harassment

Understand the difference between disparate treatment and disparate impact, and why it matters. Why do you need to know about the "shifting burden of proof?" How can you prevent liability for harassment even after it occurs?

Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

10:15 a.m. **Break**

10:30 a.m. **.50 hr**

Retaliation: Winning the Battle, Losing the War

Why is retaliation the most dangerous cause of action, and what can you do about it?

Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

11:00 a.m. **1.00 hr**

Wage and Hour: An Old Law in a Modern World

Learn the basics of wage and hour law and why violations of the Fair Labor Standards Act have exploded. Topics include: Who is exempt and who is not, and what difference does it make? What is working time? How is overtime calculated? What are the most common mistakes, and how do you avoid them?

Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

12:00 p.m. **Pick Up Lunch**

Included in registration.

THURSDAY AFTERNOON

LUNCHEON PRESENTATION

12:20 p.m. **.75 hr**

Q&A with the Instructors

Experts answer real world questions. Submit your questions, comments and/or experiences in advance to ConferenceQA@utcle.org, or come armed with your toughest questions. This session is designed to be interactive—audience participation encouraged!

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX
Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

1:05 p.m. **Break**

1:20 p.m. **.50 hr**

Family Medical Leave Act (FMLA): The Other Major Entitlement Act

The FMLA was the first federal act that required an employer to provide time off for employees. Learn the basics of the law, which has been amended to cover additional types of leave. When do you send the various notices and certifications? Avoid common mistakes in completing the paperwork and understand how FMLA can overlap with ADA issues.

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

1:50 p.m. **1.00 hr**

Handbooks / Employment Policies

Avoid common mistakes in policy drafting. Adopt provisions that support the company's good faith compliance efforts and help reduce potential liability in audits and litigation. Understand how recent NLRB decisions affect even non-unionized employer policies.

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

2:50 p.m. **Break**

3:00 p.m. **.75 hr**

Defensive Documentation from Hiring to Firing

Recognize the vulnerable points in the employment relationship and learn best practices in documentation to minimize problems and maximize the chances of successfully defending the employer's actions when challenged. Understand the value and risks posed by offer letters, disciplinary documentation, performance evaluations, and termination paperwork.

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

3:45 p.m. **1.00 hr**

Investigating Sensitive Employment Complaints

The investigation of an employee's complaint may be critical to an employer's only means of avoiding liability. The investigator may be a witness, and the notes may be evidence. Learn how to investigate and document the process.

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

4:45 p.m. **.25 hr**

Changes in Employment Law Impacting Compliance Efforts

HR professionals and legal counsel can better advise employers on compliance efforts if up to speed on the latest changes and trends in employment law. Hear a brief update of the most critical court cases, legislation, and federal agency activity at EEOC, DOL, and NLRB.

Connie L. Cornell, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

5:00 p.m. **Adjourn**

2016 ESSENTIAL NON-COMPETE AND TRADE SECRET LAW

September 9, 2016 ■ Cityplace Conference Center ■ Dallas, Texas

September 30, 2016 ■ Norris Conference Center ■ Austin, Texas

October 7, 2016 ■ Norris Conference Center, CityCentre ■ Houston, Texas

Earn up to 6.50 Hours of Credit

Specialization Credit Approved for Civil Appellate Law, Civil Trial Law, and Labor and Employment Law

SHRM-CPSM/SHRM-SCPSM Credit Expected

PHR, SPHR and GPHR Recertification Credit Expected

Visit www.utcle.org/conferences/NC16 for credit details

FRIDAY MORNING

Presiding Officer:

Stephen E. Fox, Polsinelli PC, Dallas, TX

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Opening Remarks

The Latest in Talent Management: Non-Compete Agreements

8:30 a.m. .75 hr

Protecting Business Interests with Non-Compete Agreements

In an age when employee mobility is the norm, non-compete agreements can serve as a valuable tool to protect business interests. Learn the essential elements of an enforceable non-compete agreement, and identify possible pitfalls in your talent management practices.

Stephen E. Fox, Polsinelli PC, Dallas, TX

9:15 a.m. .25 hr

Drafting Tips for Effecting Non-Compete Agreements

The enforceability of a non-compete agreement hinges on precise drafting. Get tips on how to make sure your agreement is legally enforceable and how to avoid common drafting pitfalls.

Stephen E. Fox, Polsinelli PC, Dallas, TX

The Latest in Talent Management: Trade Secrets and Non-Disclosure Agreements

9:30 a.m. .75 hr

Trade Secrets: Texas Law and the New Federal Legislation

Look in-depth at the Texas Uniform Trade Secrets Act and new federal Defend Trade Secrets Act and what they mean for your business.

John C. C. Sanders Jr., Fish & Richardson P.C., Dallas, TX

10:15 a.m. .25 hr

Drafting Tips for Effective Non-Disclosure Agreements

Get practical tips on how to draft effective, enforceable non-disclosure agreements to protect your company or client's intellectual property interests.

John C. C. Sanders Jr., Fish & Richardson P.C., Dallas, TX

10:30 a.m. Break

Temporary Restraining Orders: Protection and Process

10:45 a.m. .50 hr

The TRO Process Explained

The temporary injunction hearing is the key moment in non-compete enforcement. Get practical tips on what you need to establish, and specifically what constitutes imminent irreparable harm.

Steven L. Mierl, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

11:15 a.m. .50 hr

Fight at the TI Corral

The temporary injunction (TI) fight is an essential step in non-compete litigation, but it comes early in the process, and litigants can get caught unprepared! Many lawyers express that a case may be won or lost at this early stage. How does this hearing differ from the TRO hearing? What should litigants do to prepare for success at this critical hearing? What are the anticipated issues and arguments? Learn how to avoid the traps and set yourself up for an effective litigation.

IN DALLAS
Steven L. Mierl, Cornell Smith Mierl & Brutocao, LLP, Austin, TX
William E. Hammel, Constangy, Brooks, Smith & Prophete, LLP, Dallas, TX

IN AUSTIN
Steven L. Mierl, Cornell Smith Mierl & Brutocao, LLP, Austin, TX
W. Joseph Miguez III, McGuireWoods LLP, Austin, TX

IN HOUSTON
Steven L. Mierl, Cornell Smith Mierl & Brutocao, LLP, Austin, TX
Speaker TBD

11:45 a.m. .50 hr

The Local TRO Process

The process for obtaining a temporary restraining order (TRO) can vary from jurisdiction to jurisdiction, and even from judge to judge. Get practical tips from seasoned local practitioners on how to obtain a TRO in your local courtroom.

IN DALLAS
William E. Hammel, Constangy, Brooks, Smith & Prophete, LLP, Dallas, TX

IN AUSTIN
W. Joseph Miguez III, McGuireWoods LLP, Austin, TX

IN HOUSTON
Speaker TBD

12:15 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:

Steven L. Mierl, Cornell Smith Mierl & Brutocao, LLP, Austin, TX

LUNCHEON PRESENTATION

12:35 p.m. .50 hr

Found in Translation: HR Speak for Lawyers, and Lawyer Speak for HR

Human resources and the legal profession have their own ways of discussing employment issues, and understanding one another can prove challenging in the midst of employment disputes. Learn how to bridge this divide through a candid conversation between both sides of the equation.

Michael P. Maslanka, UNT Dallas College of Law, Dallas, TX
Local In-House Representative TBD

1:05 p.m. Break

**Employee Departures:
The Experts Speak**

1:20 p.m. **1.00 hr**

Investigating the Employee Departure

Departing employees can carry the risk of departing company assets—both literally and figuratively. Learn how to investigate possible misappropriation of company assets and how to prevent their misappropriation in the first place.

Laura M. Merritt, Boulette Golden & Marin L.L.P.,
Austin, TX (Invited)

2:20 p.m. **.50 hr**

Mediation of Non-Compete and Non-Disclosure Disputes

More often than not, disputes involving departing employees end up in mediation. Hear from local mediators about what they look for in resolving these disputes and what you can do to help avoid them in the first place.

IN DALLAS

Will Pryor, Will Pryor Mediation & Arbitration,
Dallas, TX

IN AUSTIN

Gregory Todd Bourgeois, Lakeside Mediation
Center, Austin, TX

IN HOUSTON

Hon. Susan S. Soussan, Mediator, Houston, TX

2:50 p.m. **Break**

3:00 p.m. **1.00 hr**

Tips for the New Employer and the Former Employer

Get practical tips on hiring key talent from the competition while minimizing the chance of litigation and maximizing the chance of success in the event of a suit, and learn to manage the departure of key talent to a direct competitor for both business and litigation purposes.

Jason Boulette, Boulette Golden & Marin L.L.P.,
Austin, TX

4:00 p.m. **Adjourn**

Save \$25 when you register for both Essential Employment Law and Essential Non-Compete and Trade Secret Law.

ESSENTIAL EMPLOYMENT LAW* FACULTY AND PLANNING COMMITTEE

CONNIE L. CORNELL*—CO-CHAIR
Cornell Smith Mierl & Brutocao, LLP
Austin, TX

DEBORAH SALZBERG*—DIRECTOR
The University of Texas School of Law
Austin, TX

MICHAEL W. FOX*—CO-CHAIR
Ogletree, Deakins, Nash, Smoak &
Steawart, P.C.
Austin, TX

*Planning Committee Member

ESSENTIAL NON-COMPETE FACULTY AND PLANNING COMMITTEE

JASON BOULETTE
Boulette Golden & Marin L.L.P.
Austin, TX

STEVEN L. MIERL*
Cornell Smith Mierl & Brutocao, LLP
Austin, TX

GREGORY TODD BOURGEOIS
Lakeside Mediation Center
Austin, TX

W. JOSEPH MIGUEZ III
McGuireWoods LLP
Austin, TX

STEPHEN E. FOX*
Polsinelli PC
Dallas, TX

WILL PRYOR
Will Pryor Mediation & Arbitration
Dallas, TX

WILLIAM E. HAMMEL
Constangy, Brooks, Smith & Prophete, LLP
Dallas, TX

DEBORAH SALZBERG*
The University of Texas School of Law
Austin, TX

MICHAEL P. MASLANKA*
UNT Dallas College of Law
Dallas, TX

JOHN C. C. SANDERS JR.
Fish & Richardson P.C.
Dallas, TX

LAURA M. MERRITT
Boulette Golden & Marin L.L.P.
Austin, TX

HON. SUSAN S. SOUSSAN
Mediator
Houston, TX

*Planning Committee Member



Good variety of topics,
high quality of speakers and
very timely topics.

Broad and diverse topics, most of
which are particularly representative
of issues I am seeing in my practice.

Perfect amount of helpful,
practiced-based information.

It was informative, diverse,
and never boring.

Very well organized with good
topics and speakers.



REGISTRATION FORM

Register: www.utcle.org/conferences/EE16 www.utcle.org/conferences/NC16

Mail: The University of Texas School of Law Attn. Registration PO Box 7759 Austin, TX 78713-7759

Fax: 512.475.6876

Questions? 512.475.6700

Dietary requirements or Accessibility needs? Call 512.475.6700 or email service@utcle.org

PLEASE PRINT CLEARLY

EE16/NC16

Bar Card# TX Other State: N/A

Name [Mr. / Ms.]

Firm

Address

City State Zip

Telephone Fax

Registrant's Email (required) Assistant's Email (optional)

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION

ESSENTIAL EMPLOYMENT LAW—EE16

Special group registration rates available. Call 512.475.6700.

1. Select Location and Date

- Dallas - September 8, 2016 (Early registration cutoff Wednesday, August 31)
Austin - September 29, 2016 (Early registration cutoff Wednesday, September 21)
Houston - October 6, 2016 (Early registration cutoff Wednesday, September 28)

1. Select Registration Type

- Individual registration by cutoff date \$295
Individual registration after cutoff date \$345

2. Select Course Materials Format

- Electronic Course Binder Download (PDF) ONLY
PURCHASE: Printed Course Binder (available through August 31) \$27.06
Price of binder includes 8.25% sales tax

Essential Employment Law Registration Total \$

ESSENTIAL NON-COMPETE AND TRADE SECRET LAW—NC16

Special group registration rates available. Call 512.475.6700.

1. Select Location and Date

- Dallas - September 9, 2016 (Early registration cutoff Wednesday, August 31)
Austin - September 30, 2016 (Early registration cutoff Wednesday, September 21)
Houston - October 7, 2016 (Early registration cutoff Wednesday, September 28)

1. Select Registration Type

- Individual registration by cutoff date \$350
Individual registration after cutoff date \$400

2. Select Course Materials Format

- Electronic Course Binder Download (PDF) ONLY
PURCHASE: Printed Course Binder (available through August 31) \$27.06
Price of binder includes 8.25% sales tax

Essential Non-Compete and Trade Secret Law Registration Total \$

REGISTRATION SUBTOTAL \$

SAVE \$25 WHEN YOU REGISTER FOR BOTH CONFERENCES

-\$25 \$

IN-HOUSE For Texas MCLE Credit

ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3-5 weeks after conference date. Shipping included.

ESSENTIAL EMPLOYMENT LAW—EE16

- In-House CLE for 2 \$550
Additional participant(s) for \$175 each \$

Primer In-House Total \$

ESSENTIAL NON-COMPETE AND TRADE SECRET LAW—NC16

- In-House CLE for 2 \$625
Additional participant(s) for \$175 each \$

Institute In-House Total \$

IN-HOUSE SUBTOTAL \$

CONFERENCECOMPLETE MATERIALS For Research and Self-Study

Comprehensive Binder and Audio from the live conference. Available for delivery 3-5 weeks after conference date. Shipping included. Texas customers add 8.25% sales tax.

ESSENTIAL EMPLOYMENT LAW—EE16

- eBinder Download (PDF) \$125
Printed Binder \$175
Audio Download (MP3) \$75
Audio CD Set \$125

Primer ConferenceComplete Materials† Total \$

†Texas customers add 8.25% sales tax, or include Exemption Certificate \$
Sales tax will be invoiced separately on taxable materials orders for which payment does not include tax.

ESSENTIAL NON-COMPETE AND TRADE SECRET LAW—NC16

- eBinder Download (PDF) \$125
Printed Binder \$175
Audio Download (MP3) \$75
Audio CD Set \$125

Institute ConferenceComplete Materials† Total \$

†Texas customers add 8.25% sales tax, or include Exemption Certificate \$
Sales tax will be invoiced separately on taxable materials orders for which payment does not include tax.

CONFERENCECOMPLETE MATERIALS SUBTOTAL \$

ORDER GRAND TOTAL

\$

METHOD OF PAYMENT

- Check (make check payable to The University of Texas at Austin) VISA MasterCard American Express P.O.

Card/P.O. # Exp. Date (mm/yy) /

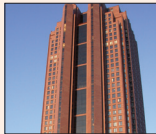
Authorized Signature

Visit
www.utcle.org
Email
service@utcle.org
Call
512.475.6700
Follow
@UTLawCLE
Tweet
##UTLawEssentialEmployment
#UTLawNonCompete

DALLAS

September 8–9, 2016

CONFERENCE LOCATION



Cityplace Conference Center
2711 North Haskell Avenue
Dallas, Texas
214.515.5100

Self-Parking:
\$4 garage parking
(price subject to change)

KEY DATES

- August 31, 2016**
last day for early registration
add \$50 for registrations received after this time
- September 2, 2016**
last day for cancellation (full refund)
- September 5, 2016**
last day for cancellation (partial refund)
\$50 processing fee applied
- September 8, 2016, 8:20 a.m.**
Essential Employment Law begins
- September 9, 2016, 8:20 a.m.**
Essential Non-Compete and Trade Secret Law begins

AUSTIN

September 29–30, 2016

CONFERENCE LOCATION



Norris Conference Center
2525 West Anderson Lane
Austin, Texas
512.451.5011

Self-Parking:
Complimentary

KEY DATES

- September 21, 2016**
last day for early registration
add \$50 for registrations received after this time
- September 23, 2016**
last day for cancellation (full refund)
- September 26, 2016**
last day for cancellation (partial refund)
\$50 processing fee applied
- September 29, 2016, 8:20 a.m.**
Essential Employment Law begins
- September 30, 2016, 8:20 a.m.**
Essential Non-Compete and Trade Secret Law begins

HOUSTON

October 6–7, 2016

CONFERENCE LOCATION



Norris Conference Center, CityCentre
816 Town and Country Blvd.
Houston, Texas
713.590.0950

Self-Parking:
Complimentary

KEY DATES

- September 28, 2016**
last day for early registration
add \$50 for registrations received after this time
- September 30, 2016**
last day for cancellation (full refund)
- October 3, 2016**
last day for cancellation (partial refund)
\$50 processing fee applied
- October 6, 2016, 8:20 a.m.**
Essential Employment Law begins
- October 7, 2016, 8:20 a.m.**
Essential Non-Compete and Trade Secret Law begins