

2004 Labor and Employment Law Conference
May 6-7, 2004 • Hyatt Regency Austin • Austin, TX
August 10, 2004 • • Austin,

Day 1 Morning

9:00 am In Austin Only 0.50 hr	Federal Update This presentation will address hot topics under federal law, including the impact of <i>Desert Palace v. Costa</i> on employment discrimination litigation. Melissa Essary, Baylor School Of Law - Waco, TX
9:30 am In Austin Only 0.75 hr	State Law Update A review of recent cases involving tort claims commonly seen in employment cases and cases under the Texas Commission on Human Rights Act. Charles C. High Jr., Kemp Smith LLP - El Paso, TX
10:30 am In Austin Only 0.50 hr	Labor Update The National Labor Relations Act and you. An update on labor law issues for labor and employment lawyers. Curtis A. Wells, National Labor Relations Board (NLRB) - Fort Worth, TX
11:00 am In Austin Only 0.50 hr	The New FLSA Regulations The U.S. Senate has cleared the way for the Department of Labor's issuance of rules revising substantially several aspects of the FLSA's white-collar exemptions. Christopher A. Knepp, Austin, TX
11:30 am In Austin Only 0.50 hr	From Maternity to Military Leave: Avoiding the Legal Land Mines Key information regarding a variety of leaves of absence facing every employer. Shannon Brown Schmoyer, Akin Gump Strauss Hauer & Feld LLP - San Antonio, TX

Day 1 Afternoon

12:00 pm In Austin Only 0.50 hr	Practice in the Federal Courts: Musings by a New Federal Judge Xavier Rodriguez, US District Court - San Antonio, TX
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1:30 pm In Austin Only 0.50 hr	Texas Tort Reform & Offers of Judgment What should every employment lawyer know about the Texas Omnibus Civil Justice Reform Bill? While the focus of media attention on the new tort reform legislation has been its impact on medical malpractice claims, this topic considers those provisions of the new law that will impact employment lawyers and their clients. Karen Elizabeth Griffin, Baker & Botts LLP - Dallas, TX
1:30 pm In Austin Only 0.50 hr	Employee Dispute Resolution Programs How employers are boosting morale and saving more money with internal programs that resolve conflicts on-the-job which otherwise can take up to one-half of a supervisor's time. David T. Lopez, David T. Lopez & Assoc. - Houston, TX
2:00 pm In Austin Only 0.50 hr	Medical Issues The impact of HIPAA privacy rules, and how to get the information you need regarding work-related medical restrictions. Vianei Lopez Robinson, Robinson Law Firm - Abilene, TX
2:00 pm In Austin Only 0.00 hr 0.50 hr ethics	Ethical Traps in Employment Litigation Ethical issues that frequently arise in employment litigation will be discussed, including representation agreements, confidentiality, document retention, in-house attorney claims and investigations. Kenneth David Hughes, Glickman & Hughes - Houston, TX
2:30 pm In Austin Only 0.50 hr	Rule 23 Update Review of recent and proposed amendments to federal class action rules and recent class action cases. Patrick J. Maher, Shannon, Gracey, Ratliff, Et Al - Fort Worth, TX
2:30 pm In Austin Only 0.50 hr	Defensive Drafting: The Handbook to Enhance Defenses The handbook is the first document requested by plaintiff's counsel. Make sure it doesn't come back to bite you...The latest concepts in drafting handbook provisions that help in the workplace as well as in the courtroom. Connie Cornell, Cornell Smith & Mierl, LLP - Austin, TX
3:15 pm In Austin Only 0.50 hr	Constructive Discharge This presentation will review the law of constructive discharge with an emphasis on whether a constructive discharge constitutes an adverse action under federal and state employment discrimination statutes. James Roddy Tanner, Tanner & Troutt, P.C. - Fort Worth, TX
3:15 pm In Austin Only 0.50 hr	Workplace Investigations A review of the major legal issues arising from workplace investigations coupled with some practical "do's" and "don'ts" for conducting effective investigations. Kevin Marshall Sadler, Baker & Botts, L.L.P. - Austin, TX

3:45 pm In Austin Only 0.50 hr	Contingent Work Force This presentation will address the potential joint employment risks of alternate staffing arrangements under various employment-related laws and will offer practical guidance on how to reduce and avoid these risks. Candace L. Tidmore, Huntsman LLC - The Woodlands, TX
3:45 pm In Austin Only 0.50 hr	Analysis of the Jury Charge in Employment Cases This article will analyze the court's charge and the importance it plays in employment trials, summarize the state of the law in Texas and the Fifth Circuit, and offer suggestions for crafting jury charges in employment cases. Hon. Jeff Kaplan, US Magistrate Judge-N Dist - Dallas, TX
4:15 pm In Austin Only 0.50 hr	Technology in the Courtroom This presentation will cover the latest use of technology in trial including a demonstration showing the use of software to present evidence. David Butler, Lex Solutio, Inc. - Houston, TX
4:15 pm In Austin Only 0.50 hr	Texas Workforce Commission: Advanced Unemployment and Payday Law Claim and Appeal Strategies A former agency counsel presents strategies for both claimants and employers when dealing with unemployment and payday law claims before the Texas Workforce Commission. William T. Simmons, Round Rock, TX

Day 2 Morning

Presiding Officer:

Linda Ottinger Headley, Littler Mendelson PC - Houston, TX

8:30 am In Austin Only 0.50 hr	Whistleblowers and Retaliation A logical pairing, which is why retaliation actions continue to not only grow, but to be one of the most successful of all employment related claims. An update on the ever-expanding cause of action. Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart - Austin, TX
9:00 am In Austin Only 0.75 hr	Mediator War Stories Examples of mediation tactics that do and do not work to achieve effective results. Question and answer interaction. Thomas A. Collins, Austin, TX Walter Earl Parker Jr., Gilbert Mediation Group - Dallas, TX Susan S. Soussan, Houston, TX

9:45 am In Austin Only 0.75 hr	Disability Discrimination Update This session will analyze administrative and judicial developments in disability discrimination law under the Americans With Disabilities Act and the Rehabilitation Act, and will also review emerging issues of interest to legal counsel and human resources representatives. James H. Kizziar Jr., Bracewell & Giuliani, LLP - San Antonio, TX
10:45 am In Austin Only 0.75 hr	Workplace Harassment Update Update on harassment cases and analysis of the trends and issues in workplace harassment. Linda Ottinger Headley, Littler Mendelson PC - Houston, TX
11:30 am In Austin Only 0.50 hr	ERISA Litigation Recent developments in Employee Retirement Income Security Act (ERISA) litigation and preventive strategies. Douglas E. Hamel, Vinson & Elkins L.L.P. - Houston, TX

Day 2 Afternoon

Presiding Officer:

Rod Tanner, Tanner & Associates - Fort Worth, TX

1:15 pm In Austin Only 0.75 hr	Blowing the Whistle on Corporate Employers - The Sarbanes-Oxley Act of 2002 In-depth look at the Sarbanes-Oxley Act of 2002 and its impact on Texas employers and employees. Robert Elwood Sheeder, Jenkins & Gilchrist - Dallas, TX
2:00 pm In Austin Only 0.50 hr	How to Conduct a Meaningful and Effective Voir Dire The one aspect of a jury trial that is the most difficult for most trial lawyers is jury selection. This speech will eliminate the fear associated with voir dire. Robert B. Hirschhorn, Cathy E. Bennett & Associates, Inc. - Lewisville, TX
2:30 pm In Austin Only 0.50 hr	Evaluating Employment Cases from the Plaintiff's Perspective How to decide if you should accept a case and how to evaluate it once you decide to take it. Julius Glickman, Glickman & Hughes - Houston, TX
3:00 pm In Austin Only 0.50 hr	Covenants Not to Compete An overview of the law on covenants not to compete. Thomas Andrew Nesbitt, Fulbright & Jaworski LLP - Austin, TX