

12<sup>TH</sup> ANNUAL

# LABOR AND EMPLOYMENT LAW CONFERENCE

Earn up to 13.50 Hours of Credit Including 2.50 Hours of Ethics Credit

Specialization Expected for Labor and Employment Law



May 18\*, 19-20, 2005

*\*Optional Wednesday Evening Session*

Hyatt Regency on Town Lake  
Austin, Texas

# LABOR AND EMPLOYMENT LAW CONFERENCE

May 18\*, 19-20, 2005 • Hyatt Regency on Town Lake • Austin, Texas

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**Earn up to 13.50 Hours of Credit Including 2.50 Hours of Ethics Credit**

## WEDNESDAY EVENING, MAY 18, 2005

### OPTIONAL CONCURRENT SESSIONS

Please select on registration form.

#### Track A

6:30 p.m. 2.00 hrs

#### Special Employment Law Issues in the Public Sector and Higher Education Workplace

A discussion of special issues found in the public sector workplace, including due process, §1983, first amendment issues, immunity issues and torts. These issues will be discussed from both employer and employee sides. The session will close with a half hour presentation on special issues in the higher education workplace including tenure disputes.

Lou Bright, Austin  
Philip Durst, Austin  
Lisa A. Brown, Houston

#### Track B

6:30 p.m. 2.00 hrs including .50 hr ethics

#### Starting and Building a Plaintiff's Employment Practice

Forum providing practical advice regarding how to build a successful law practice representing employees in employment law matters.

B. Craig Deats, Austin—Moderator  
Paul A. Schorn, Austin  
Katrina S. Patrick, Houston  
Robert (Bobby) Lee, Irving

8:30 p.m. Adjourn

## THURSDAY MORNING, MAY 19, 2005

**Presiding Officer: Rod Tanner, Fort Worth**

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .75 hr

#### Federal Update

A review of hot topics under federal law, including the Fifth Circuit's approach to *Desert Palace v. Costa*.

Melissa Essary, Waco

9:45 a.m. .75 hr

#### State 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., El Paso

10:30 a.m. Break

10:45 a.m. .50 hr

#### National Labor Relations Act Update

Recent decisions of the National Labor Relations Board and courts interpreting the National Labor Relations Act.

G. William Baab, Dallas

11:15 a.m. .75 hr

#### Development in Disability Discrimination Law

This session will analyze administrative and judicial developments in disability discrimination law under the Americans with Disabilities Act and Rehabilitation Act, and review emerging issues of interest to legal counsel and human resources representatives.

James H. Kizziar, Jr., San Antonio

12:00 p.m. Luncheon Presentation .50 hr

Additional cost—please select on registration form.

#### Thoughts from the Bench on Employment Cases and Other Ruminations

Enforcement of state labor and employment laws in this era of globalization.

Hon. W. Royal Furgeson, Jr., San Antonio

### HANDBOOK OF ESSENTIAL EMPLOYMENT LAW

This book is designed for new entrants to the employment law field and HR professionals. Chapters include: At-Will Employment in Texas; Workplace Romance; Investigating Sensitive Employment Complaints; Drafting of Handbooks; Common Claims Against Managers & the Company; Planning and Implementing Reductions in Force; Reducing Costs of Employment Law Claims; The New FLSA Regulations; and more!

**\$125—See order form.**

## THURSDAY AFTERNOON

### CONCURRENT SESSIONS

#### Track A: Human Resources

**Presiding Officer:**

**Richard R. Brann, Houston**

1:15 p.m. .50 hr

#### Preparing for OFCCP/FLSA Audits...The Nuts and Bolts of Compliance

What employers need to know to effectively prepare and manage OFCCP and FLSA self audits.

Jaime Ramón, Dallas

1:45 p.m. .50 hr

#### Workplace Investigations

A practical guide to conducting workplace investigations—who, when, how—with particular emphasis on avoiding common pitfalls and optimizing results.

Amy Karff Halevy, Houston

2:15 p.m. .50 hr

#### Applying the NLRA in the Non-Union Workplace

Survey and update on areas in which the National Labor Relations Act affects the non-union workplace, including safety complaints, e-mail policies, employee committees, and more.

B. Lee Crawford, Jr., Austin

2:45 p.m. Break

3:00 p.m. .75 hr

#### Leaves of Absence and USERRA

A discussion of employee leaves of absence, with primary focus on leaves of absence for military service under the Uniformed Services Employment and Reemployment Right Act (USERRA).

Vianei Lopez Robinson, Abilene

3:45 p.m. 1.00 hr

#### Hiring and Firing Employees and Dealing with the Rogue Supervisor

Employers are hiring again: this session covers typical traps and pitfalls in hiring employees; evaluating and terminating employees, and dealing with the rogue supervisor.

Robert E. Sheeder, Dallas

4:45 p.m. Track A Adjourns

**Presiding Officer:**  
**Rod Tanner, Fort Worth**

**EPLI**

Raymond D. Martinez, Dallas

### First 30 Days of the Case

Christopher H. Hahn, Austin

## Motion Practice in Employment Law Cases

Kathy Butler, Houston

## Jury Charges in Employment Law Cases

Margaret A. Harris, Houston  
Matthew R. Scott, Dallas

## FLSA—Collective Actions

Teresa Valderrama, Houston  
David L. Kern, El Paso

FRIDAY, MAY 20, 2005

**Presiding Officer:**  
**James H. Kizziar, Jr., San Antonio**

## Developments in Whistleblowing and Retaliation

Michael W. Fox, Austin

## Workplace Harassment

Linda Ottinger Headley, Houston

## Electronic Discovery

Jason Boulette, Austin

10:30 a.m. .50 hr

## Benefits Litigation

William H. Bruckner, Houston

## Ethics and Malpractice Prevention in a Labor and Employment Law Practice

Patrick J. Maher, Fort Worth

## Arbitration

Thomas M. Melo, Houston

## FRIDAY AFTERNOON

**Presiding Officer:**  
**David T. Lopez, Houston**

## The Globalization of Employment Law: Navigating Employment Law Challenges in an Ever-Shrinking World

Michael McLaughlin, Austin

## Taxation of Settlement

David T. Lopez, Houston

## Enforcing Non-Compete Agreements

Thomas A. Nesbitt, Austin

3:00 p.m.	Adjourn
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**Phone: 512-475-6700 Fax: 512-475-6876**

## How to Register

The University of Texas  
School of Law  
Attn: EL05  
P.O. Box 7759  
Austin, TX 78713-7759

**WEB:** www.utcle.org

**FAX:** 512-475-6876

**PHONE:** 512-475-6700

## Can't attend? You've got options!

### Materials, Audio, Group CLE

#### Printed Materials in Course Binder

Leading authors and practitioners provide the definitive set of employment law updates and practice guides, including information for both litigators and HR professionals.

#### eBinder on CD

Add electronic versions of conference materials for only \$50 to your registration or purchase of printed materials, audio CDs, or Group CLE packages. eBinders are distributed 2-4 weeks after the conference and include searchable versions of printed materials in PDF format.

#### Audio CD Set

Listen to informative, topical, and entertaining presentations, recorded from UT Law's live CLE programs.

#### Group CLE

Would your firm like to run an in-house version of this conference, with full participatory credit? Order Group CLE and we'll accredit the course for you; we'll also provide an Audio CD Set for the group and a Course Binder for each participant.

## 2005 Labor and Employment Law

**EL05**

Mail this registration form or fax a copy to: **(512) 475-6876**

### PLEASE PRINT CLEARLY

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Registrant's Email **(required)** \_\_\_\_\_

Assistant's Email **(optional)** \_\_\_\_\_

Invoices, confirmations and receipts are emailed to these addresses.

### REGISTRATION: May 19-20 (optional session on May 18)

*Includes Course Binder*

☐ Early Registration Fee due by May 11, 2005 ..... \$400.00

☐ Registration Fee after May 11, 2005 ..... \$450.00

Optional Wednesday Session: Select Track A or Track B below. .... \$75.00

☐ Track A: Special Employment Law Issues in the Public Sector  
and Higher Education Workplace

☐ Track B: Starting and Building a Plaintiff's Employment Practice

### ADD LUNCH

☐ Thursday Luncheon Presentation with Hon. W. Royal Furgeson ..... \$25.00

### CONFERENCE PUBLICATIONS AND MEDIA

*Allow 2-4 weeks from the conference date for delivery.*

☐ Course Binder Without Conference Registration ..... \$200.00  
*Note: Conference registration includes Course Binder.*

☐ Audio CD Set ..... \$175.00

☐ eBinder on CD (PDF format) ..... \$200.00/\$50.00  
*(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)*

☐ Handbook of Essential Employment Law ..... \$125.00

### GROUP CLE: Bring the conference in-house and learn at your convenience.

*Allow 2-4 weeks from the conference date for delivery.*

☐ Group CLE for 2—Includes Audio CD Set and Course Binder ..... \$750.00

\_\_\_\_\_ Add participants (includes Course Binder) for \$200 each ..... \$ \_\_\_\_\_

TOTAL ENCLOSED ..... \$ \_\_\_\_\_

### METHOD OF PAYMENT

☐ Check (make checks payable to: **The University of Texas at Austin**)

☐ VISA or ☐ Mastercard (sorry, no AMEX or Discover)

Card #     -     -     -

**X** \_\_\_\_\_  
Authorized Signature

/    
Exp. Date (mm/yy)

## ABOUT THE CONFERENCE

The University of Texas School of Law's 2005 Conference on Labor and Employment Law brings together leading members of the employment bench and bar, along with HR and personnel experts, for two and one-half days of presentations and discussions.

You'll take away the latest cases, regulatory updates, practice aids, and strategic guidance for advisors and HR professionals—along with a superb set of course materials. Don't miss it!

### Public Employee Issues

Explore the issues faced by public and higher education employees in the opening Wednesday evening session: due process, § 1983, first amendment issues, torts, tenure, and more!

### Starting and Building a Plaintiff's Employment Practice

Wednesday evening includes a special session for plaintiff attorneys—get practical advice on building your employment practice.

### Special Tracks for Litigators and HR Professionals

The conference includes core presentations of interest to everyone in the employment law area. Thursday afternoon, litigators and HR professionals or advisors are offered special "break-out" tracks, specifically focused for each group.

### Globalization of Employment Law

Keep pace in our ever-shrinking world—discuss the challenges and solutions to global employment issues.

### Great Printed Materials

This conference generally produces a two-volume set of printed materials considered by many to be the definitive resource guide of the year.

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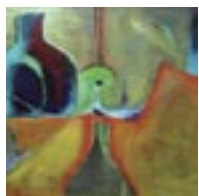
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"Abstract Vase in Orange and Green," acrylic on canvas, is by Julie Freedman. For more information, you may email her at [jlfreed\\_brazil@yahoo.com](mailto:jlfreed_brazil@yahoo.com), or visit her Web site at [www.juliefreedmanart.com](http://www.juliefreedmanart.com)



## AUSTIN

May 18, 19-20, 2005

### CONFERENCE LOCATION



#### Hyatt Regency on Town Lake

208 Barton Springs  
Austin, Texas 78704  
512-477-1234 or 800-233-1234

#### SPECIAL RATE \$129

(subject to availability)  
Good through April 14, 2005

Parking: \$4 self-parking

### KEY DATES

#### Registration and Cancellation

May 11, 2005, 5 p.m.

•last day for early registration  
add \$50 for registrations  
received after this time

May 13, 2005, 5 p.m.

•last day for full refund

May 16, 2005, 5 p.m.

•last day for partial refunds  
\$50 processing fee applied

May 18, 2005, 6:30 p.m.

•conference optional session begins

May 19, 2005, 9:00 a.m.

•conference begins

M  
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E

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.50 hours, of which 2.50 credit hours will apply to legal ethics/professional responsibility credit.

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**\$125—See order form inside.**



THE UNIVERSITY OF TEXAS AT AUSTIN  
THE UNIVERSITY OF TEXAS SCHOOL OF LAW  
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*This program is not printed or mailed at state expense.*

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