

2005 Labor and Employment Law Conference
May 18-20, 2005 • Hyatt Regency Austin • Austin, TX

Wednesday Evening, May 18, 2005

6:30 pm 0.00 hr 0.50 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, Deats Durst Owen & Levy, PLLC - Austin, TX Katrina S. Patrick, Houston, TX Paul A. Schorn, Paul Schorn Attorney At Law - Lockhart, TX
6:30 pm 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, TX Alcoholic Beverage Comm - Austin, TX Lisa A. Brown, Bracewell & Giuliani LLP - Houston, TX Philip Durst, Deats Durst Owen & Levy, P.L.L.C. - Austin, TX

Thursday Morning, May 19, 2005

Presiding Officer:

Rod Tanner, Tanner & Associates - Fort Worth, TX

9:00 am 0.75 hr	Federal Update A review of hot topics under federal law, including the Fifth Circuit's approach to <i>Desert Palace v. Costa</i> . Melissa Essary, Baylor School Of Law - Waco, TX
9:45 am 0.75 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., Kemp Smith LLP - El Paso, TX
10:45 am 0.50 hr	National Labor Relations Act Update Recent decisions of the National Labor Relations Board and courts interpreting the National Labor Relations Act. George W. Baab, Dallas, TX

11:15 am
0.75 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., Bracewell & Giuliani LLP - San Antonio, TX

Thursday Afternoon, May 19, 2005

Presiding Officers:

Richard R. Brann, Baker Botts, L.L.P. - Houston, TX

Rod Tanner, Tanner & Associates - Fort Worth, TX

12:00 pm
0.50 hr

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., United States District Judge - San Antonio, TX

1:15 pm
0.50 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 Ramon, Kirkpatrick & Lockhart Nicholson Graham - Dallas, TX

1:15 pm
0.50 hr

EPLI

Love it or hate it, it's now a fact of life for Texas lawyers. Learn which claims are covered and which are not, understand the knotty ethical issues that arise in the EPLI triangle of lawyer, insured and insurance company, get a handle on how EPLI impacts settlement and more.

Raymond D. Martinez, Ford & Harrison LLP - Dallas, TX

1:45 pm
0.50 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, Bracewell & Giuliani, LLP - Houston, TX

1:45 pm
0.00 hr
0.25 hr ethics

First 30 Days of the Case

The responses, motions and choices made in the first 30 days of the case are critical: what should you file (and not file) and when.

Christopher H. Hahn, Vinson & Elkins LLP - Austin, TX

J. Matthew Lyons, Andrews Kurth LLP - Austin, TX

Todd H. Silberman, Express Carriers - San Antonio, TX

2:15 pm 0.50 hr	<p>Applying the NLRA in the Non-Union Workplace</p> <p>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.</p> <p>B. Lee Crawford Jr., Temple Inland Inc - Austin, TX</p>
2:15 pm 0.50 hr	<p>Motion Practice in Employment Law Cases</p> <p>Learn creative ways to prosecute and defend the motions used in most employment cases.</p> <p>Katherine L. Butler, Houston, TX</p>
3:00 pm 0.75 hr	<p>Jury Charges in Employment Law Cases</p> <p>Drafting jury charges for your federal employment law cases, from an employer and employee perspective. The presentation will include an update on the status of the Fifth Circuit's advisory committee regarding Pattern Jury Charges for Employment Law.</p> <p>Margaret A. Harris, Butler & Harris - Houston, TX Matthew R. Scott, Bell Nunnally & Martin LLP - Dallas, TX</p>
3:00 pm 0.75 hr	<p>Leaves of Absence and USERRA</p> <p>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).</p> <p>Vianei Lopez Robinson, Robinson Law Firm - Abilene, TX</p>
3:45 pm 1.00 hr	<p>Hiring and Firing Employees and Dealing with the Rogue Supervisor</p> <p>Employers are hiring again: this session covers typical traps and pitfalls in hiring employees; evaluating and terminating employees, and dealing with the rogue supervisor.</p> <p>Robert E. Sheeder, Jenkins & Gilchrist - Dallas, TX</p>
3:45 pm 1.00 hr	<p>FLSA—Collective Actions</p> <p>This presentation will focus on specific strategies to defend against FLSA collective actions. It will also address ways employers might avert such actions.</p> <p>David L. Kern, Kern Law Firm, P.C. - El Paso, TX Teresa S. Valderrama, Baker Botts L.L.P. - Houston, TX</p>

Friday Morning, May 20, 2005

Presiding Officer:

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

8:30 am 0.50 hr	<p>Developments in Whistleblowing and Retaliation</p> <p>Few cases resonate with juries more than whistleblowing and retaliation and the legal issues continue to evolve as well. This session covers developments in the last year.</p> <p>Michael W. Fox, Ogletree, Deakins, Nash, Smoak & Stewart - Austin, TX</p>
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9:00 am 0.00 hr 0.25 hr ethics	Workplace Harassment Update on harassment cases and analysis of the trends and issues in workplace harassment. Linda Ottinger Headley, Littler Mendelson, P.C. - Houston, TX
9:45 am 0.00 hr 0.25 hr ethics	Electronic Discovery Once a novelty, electronic discovery has become a regular part of modern litigation practice. The presentation will cover the state of the law as it relates to electronic discovery obligations, discuss the unique ethical issues presented by the preservation and production of electronic information and imbedded electronic information, and give an overview of some of the emerging technology that is now available for managing electronic information. Jason Boulette, Boulette & Golden L.L.P. - Austin, TX
10:30 am 0.50 hr	Benefits Litigation What's new and what's old but still good. William H. Bruckner, Houston, TX
11:00 am 0.00 hr 0.75 hr ethics	Ethics and Malpractice Prevention in a Labor and Employment Law Practice Patrick J. Maher, Shannon, Gracey, Ratliff, Et Al - Fort Worth, TX
11:45 am 0.00 hr 0.25 hr ethics	Arbitration The arbitration presentation will address the asserted benefits of arbitration, the formation of the arbitration contract, the contents of ADR programs, and other arbitration topics. Thomas M. Melo, Attorney at Law - Houston, TX

Friday Afternoon, May 20, 2005

Presiding Officer:

David T. Lopez, Lopez Law Firm - Houston, TX

1:30 pm 0.50 hr	The Globalization of Employment Law: Navigating Employment Law Challenges in an Ever-Shrinking World As more and more employers enter the global marketplace and employ a global workforce, employment lawyers are challenged to provide global solutions to increasingly complex legal issues. As globalization increases and the world shrinks, employment lawyers must keep pace. Michael McLaughlin, Dell - Austin, TX
2:00 pm 0.00 hr 0.25 hr ethics	Taxation of Settlement Counsel for employers and employees alert to the impact of taxes on damages and attorney's fees; whether by judgment or settlement, avoid unpleasant surprises. David T. Lopez, Lopez Law Firm - Houston, TX

2:30 pm
0.50 hr

Enforcing Non-Compete Agreements

An update on the enforceability of non-compete agreements under Texas law, with reference to common law causes of action that typically accompany non-compete disputes.

Thomas A. Nesbitt, Fulbright & Jaworski LLP - Austin, TX