

13TH ANNUAL

LABOR AND EMPLOYMENT LAW CONFERENCE

Earn up to 13.50 Hours of Credit Including 1.50 Hours of Ethics Credit

Specialization Expected for Labor and Employment Law



May 18-19, 2006

Hyatt Regency on Town Lake

Austin, Texas

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THURSDAY MORNING—MAY 18, 2006

Presiding Officer: Robert E. Sheeder, Dallas

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 important cases and hot topics in federal employment and discrimination law.

Melissa Essary, Waco

9:45 a.m. .75 hr

State Update

A review of employment-related issues under state law with a discussion of significant new cases.

Charles C. High, Jr., El Paso

10:30 a.m. Break

10:45 a.m. .50 hr

National Labor Relations Board Update

Recent decisions of the National Labor Relations Board, court interpretations of the NLRA, and a preview of issues likely to be addressed in the coming months.

Yona Rozen, Dallas

11:15 a.m. .75 hr

Disability Law Update

This session will review administrative and judicial developments in disability discrimination law under the Americans with Disabilities Act and the Rehabilitation Act, including emerging issues and recommended strategies for legal counsel representing employers and persons with disabilities.

James H. Kizziar, Jr., San Antonio

12:00 p.m. .50 hr

Leave of Absence Legal Update

A focused discussion of recent developments in the principal laws affecting leaves of absence including USERRA, FMLA, accommodations under the ADA, and related topics.

B. Lee Crawford, Jr., Austin

LUNCHEON PRESENTATION

12:30 p.m. Pick Up Box Lunch
Included in conference registration fee.

12:45 p.m. 1.00 hr

Builders, Boomers, Xers, and Ys at Law—Creating Intergenerational Workplaces of Choice

The workplaces lawyers inhabit today are awash with the conflicting voices and views of the most age- and value-diverse workforce the profession has known. A discussion of generational personalities, core values, motivators, leadership styles, and management needs designed to offer insights and have immediate application in workplaces of all types and sizes.

Paula A. Patton, Overland Park, KS

1:45 p.m. Break

THURSDAY AFTERNOON

CONCURRENT SESSIONS

TRACK A: HUMAN RESOURCES

Presiding Officer: B. Lee Crawford, Jr., Austin

2:00 p.m. .75 hr, includes .25 hr ethics

Documenting and Investigating Employee Complaints and Allegations

In many employment lawsuits the employer's investigation and prompt response is a vital part of the company's defense. Be prepared to investigate complicated harassment complaints and similarly sensitive concerns, and know how to document the investigation process and preserve confidentiality.

Connie L. Cornell, Austin

2:45 p.m. .50 hr

When Disaster Strikes: Employment Law Issues

2005 was certainly a year of natural disasters, and much remains to be done before businesses and individuals along Texas and the Gulf Coast overcome the effects of Hurricanes Katrina and Rita. Employers need to be ready for every possible contingency such as office closures due to evacuation orders, reassignment and/or transfer of individuals and jobs, overtime, call-ins, absences, disaster assistance, layoffs, and even the destruction of facilities. This presentation will cover pertinent employment law issues related to disasters and planning for them.

Mario A. Barrera, San Antonio

3:15 p.m. .50 hr includes .25 hr ethics

What's Happening with Employment Practices Liability Insurance (EPLI)?

Recent court decisions that finally engage discussions of EPLI coverage. What is covered? Do the policies work? Are you getting what you pay for? When do you have bargaining power? What are the pitfalls? What are the ethical issues?

Steven L. Mierl, Austin

3:45 p.m. Break

4:00 p.m. .50 hr

Developments in Deferred Compensation

Discussion on new Code Section 409A.

Jay B. Friedman, Jr., San Antonio

4:30 p.m. 1.00 hr

Union Organizing Activities in Texas: 2005 and 2006 Developments

The recent schism in the AFL-CIO has resulted in a renewed emphasis on organizing by labor unions. This presentation will examine major organizing campaigns in Texas in 2005-2006. A panel of experts will address voluntary recognition agreements, "card check" procedures, and cutting-edge strategies employed by unions and employers in contested campaigns.

Moderator: Rod Tanner, Fort Worth
Orell Fitzsimmons, Houston
G. Mark Jodon, Houston

5:30 p.m. Adjourn

TRACK B: LITIGATION

Presiding Officer: Robert E. Sheeder, Dallas

2:00 p.m. .75 hr

Standards of Proof in Discrimination Cases

Three years after *Desert Palace*, what is going on with mixed motives and *McDonnell Douglas*?

Vianel Lopez Robinson, Abilene

2:45 p.m. .50 hr

Key Discovery and Evidence Issues in Employment Law Cases

A discussion of the most common—and sometimes the most hotly contested—discovery and evidentiary issues arising in employment law cases.

Francisco X. Dominguez, El Paso

3:15 p.m. .50 hr ethics

Alternative Dispute Resolution in Employment Law Cases

The presentation will address the merits of various alternative dispute resolution methods in resolving employment disputes including early neutral evaluation, mediation, mini-trial, and arbitration. The impact that jury waivers have on the use of alternative dispute resolution in employment cases will also be explored.

Jeffrey C. Londa, Houston

3:45 p.m. Break

4:00 p.m. .75 hr

Pursuing and Defending FLSA Collective Actions

Plaintiff's counsel and defense counsel discuss developments and administration of collective actions under the Fair Labor Standards Act and trends in class and collective action employment litigation.

Richard (Rex) J. Burch, Houston
John V. Jansonius, Dallas

4:45 p.m. .75 hr

10 Tips for Conducting an Effective Voir Dire

Tips and suggestions that will allow you to get more jurors excused for cause and to intelligently exercise your preemptory strikes.

Robert B. Hirschhorn, Lewisville

5:30 p.m. Adjourn

FRIDAY MORNING—MAY 19, 2006

Presiding Officer: John V. Jansonius, Dallas

8:00 a.m. .50 hr

How Fiduciaries Get Sued: Red Flags for Fiduciaries Under ERISA

A practical discussion of how to minimize risk of litigation in fiduciary decisions and avoid mistakes that complicate the fiduciary's defense.

Douglas E. Hamel, Houston

8:30 a.m. .75 hr

Retaliation and Whistleblowing (Including Sarbanes-Oxley)

As employees blow the whistle more frequently, the law of retaliation and whistleblowing continues to grow in scope and sophistication. This session updates developments in the last year including the first wave of decisions under Sarbanes-Oxley and the Supreme Court's review of what is an adverse employment action.

Michael W. Fox, Austin

9:15 a.m. .75 hr

Update on Workplace Harassment Law: 2006 and Beyond

A look at harassment law for 2006—what is new, old, and unusual. Have we heard it all or are there new issues to consider and develop? What are the trends facing the workplace today and in the future?

Linda Ottinger Headley, Houston

10:00 a.m. Break

10:15 a.m. .50 hr, includes .25 hr ethics

Blogs and the Workplace: Professional Responsibility—Doocing* and Beyond

A discussion of the emerging employment law issues associated with blogs, covering topics such as blog-based terminations, defamation risks, privacy concerns, workplace harassment implications, concerted and other protected activity by bloggers, trade secret protection, the ethical use of blogs for electronic discovery, and blog policies for employers.

**Doocing is the slang term for terminating someone for blog content.*

Jason Boulette, Austin

10:45 a.m. .75 hr ethics

Ethical and Professional Responsibility Issues in Employment Cases

An overview of general ethical issues with a specific emphasis on issues that often arise in employment cases.

Kenneth D. Hughes, Houston

11:30 a.m. .50 hr

How to Minimize (or Maximize) Compensatory Damages

This presentation will analyze the recent case law on compensatory damages and the lessons they present.

Philip Durst, Austin

12:00 p.m. Lunch on Your Own

FRIDAY AFTERNOON

Presiding Officer:

Linda Ottinger Headley, Houston

1:00 p.m. .50 hr

Trade Secrets and Non-Compete Disputes

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, Austin

1:30 p.m. .50 hr

The Contingent Workforce

Temps, contractors, and leased employees—employer liability issues from co-employment to misclassification class actions.

Christopher H. Hahn, Austin

2:00 p.m. .50 hr

Religion and the First Amendment in the Workplace

Resolving issues that arise when faith and work collide may require the wisdom of Solomon. Lacking that, a familiarity with recent cases addressing religious discrimination in the workplace, including First Amendment principles, is essential to managing this workplace dynamic.

Teresa Valderrama, Houston

2:30 p.m. .75 hr

How Employment Issues Differ for Government Employees

Potentials and pitfalls in suing and defending city, county, state, and federal employees, including dispute resolution, special claims, immunities, exhaustion of administrative remedies, procedural problems, collecting on damages, and recovering fees.

David T. Lopez, Houston

3:15 p.m. Adjourn

COMMENTS FROM PAST LABOR AND EMPLOYMENT LAW CONFERENCES:

"Helpful materials."

"Excellent choice of
speakers—top-notch and
well-qualified!"

"Well-organized seminar!"

"Interesting and
informative."

"All the speakers were
great."

"Excellent program; very
valuable to my practice."

ABOUT THE CONFERENCE

The University of Texas School of Law's 2006 Labor and Employment Law Conference brings together leading members of the employment bench and bar, along with HR and personnel experts, for two 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!

Updates: Important Cases, Hot Topics

Learn recent developments in federal and state employment law, including disability and leave of absence updates, plus much more.

Practical Advice and Strategies

Get tips and suggestions for documenting employee allegations, planning for disasters, and conducting an effective voir dire.

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.

"Builders, Boomers, Xers, and Ys at Law"

Explore the core values, personalities, and leadership styles of our age-diverse workplace during Thursday's special lunch presentation (included in registration).

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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GUIDE TO ESSENTIAL EMPLOYMENT LAW

The guide, from the 2005 Essential Employment Law Conference, is designed for new entrants to the employment law field and HR professionals. Chapters include: At-Will Employment in Texas; Discrimination, Harassment and Retaliation; Compensation; Hiring/Firing/Discipline; Drafting of Handbooks; Investigating Sensitive Employment Complaints; Reducing Costs of Employment Law Claims; and more! **\$125—See order form.**

HOW TO REGISTER

The University of Texas
School of Law
Attn: CLE – EL06
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, In-House 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 in-house 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.

In-House CLE

Would your firm like to run an in-house version of this conference, with full participatory credit? Order In-House 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.

REGISTRATION FOR EL06

Mail this registration form to:

The University of Texas School of Law, Attn. EL06
P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**

PLEASE PRINT CLEARLY

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:

Includes Course Binder and Thursday Box Lunch

☐ Early Registration Fee due by May 10, 2006 \$425.00

☐ Registration Fee after May 10, 2006 \$475.00

Thursday Concurrent Sessions: Select Track A or Track B Below

☐ Track A: Human Resources

☐ Track B: Litigation

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)

☐ Guide to Essential Employment Law (2005) \$125.00

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

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

☐ In-House 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)

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Authorized Signature Exp. Date (mm/yy)

AUSTIN

May 18-19, 2006

CONFERENCE LOCATION



Hyatt Regency on Town Lake

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

Special rate: \$135 single occupancy
good through April 26, 2006

Parking: \$5 self-parking
(subject to change)

KEY DATES

Registration & Cancellation

May 10, 2006–5 p.m.

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

May 12, 2006–5 p.m.

last day for full refund

May 15, 2006–5 p.m.

last day for partial refunds
\$50 processing fee applied

May 18, 2006–9 a.m.

conference begins

M
C
L
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 1.50 credit hours will apply to legal ethics/professional responsibility credit.

About the Conference

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\$125—See order form inside.

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ABOUT THE COVER



"Abstract with Blue Triangle, 16" x 20", acrylic on canvas, 2005, is by Julie Freedman. For more information, visit www.juliefreedman-art.com or email jlfreed_brazil@yahoo.com

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