

14TH ANNUAL

LABOR AND EMPLOYMENT LAW CONFERENCE

Earn up to 12.00 Hours of Credit Including 1.25 Hours of Ethics Credit

Specialization Expected for Labor and Employment Law

PHR, SPHR, and GPHR Recertification Credit Expected



May 17-18, 2007

Hyatt Regency on Town Lake
Austin, Texas

Program Includes HR and Legal Break-Out Tracks

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THURSDAY MORNING - MAY 17, 2007

Presiding Officer:

Kenneth D. Hughes, Houston, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:15 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Federal Law Update

A review of important cases and hot topics in federal employment and discrimination law, including ERISA.

Linda Ottinger Headley, Houston, TX

9:30 a.m. .50 hr

State Law Update

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

Richard Carlson, Houston, TX

10:00 a.m. Break

10:15 a.m. .75 hr

National Labor Relations Act Update

A review of leading edge legislative, judicial, and NLRB developments focusing on the Employee Free Choice Act, neutrality agreements, expanded definition of supervisor, and employer e-mail and fraternization policies.

Rod Tanner, Fort Worth, TX

11:00 a.m. .75 hr

Developments in Disability Discrimination Law

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, TX

Online Courses:

www.utcle.org

LUNCHEON PRESENTATION

11:45 a.m. Pick Up Box Lunch

Included in conference registration fee.

12:00 p.m. .50 hr including .25 hr ethics

Employment Cases: View From the Bench

A discussion from a judicial perspective of the trial of employment law cases in federal court, with a question and answer session.

Hon. Andrew W. Austin, Austin, TX

1:00 p.m. .50 hr

Employment Leave: Special Issues Involving Reduced Work Schedules and Intermittent Leave

This session covers special issues involving reduced work schedules and intermittent leave, including in-depth analysis of the circumstances in which the leave may be taken, a recent case update of federal court interpretations of the applicable FMLA regulations, and best practices employers can implement now to avoid employee abuse of the reduced work schedules and intermittent leave.

G. Mark Jodon, Houston, TX

1:30 p.m. .75 hr ethics

Ethics and Professionalism Issues in Labor and Employment Law Cases

This session will cover ethics and professionalism issues that arise in labor and employment law cases, including attorney-client privilege issues, ex parte access to current and former employees, pretrial investigations, inadvertent disclosure and improper acquisition of documents from opposing parties, and other issues.

Dennis P. Duffy, Houston, TX

2:15 p.m. Break

CONCURRENT SESSIONS

TRACK A: HUMAN RESOURCES

Presiding Officer:

James H. Kizziar, Jr., San Antonio, TX

2:30 p.m. .50 hr

Creative Compensation: Navigating the Statutory and Case Law Limits on Incentive, Bonus, and Retention Programs

With greater frequency, employers are developing creative ways to retain and compensate

valued employees. Problems arise when employers do not anticipate the federal and state laws that require delayed or pro-rata payments and other restrictions on the form and manner of payment.

J. Alfred Southerland, Houston, TX

3:00 p.m. .50 hr

Extreme Makeovers: Employee Handbooks

Good policies are your first line of defense in an employment dispute. Come hear strategies for making your employee handbook complete and effective.

Vianei Lopez Robinson, Abilene, TX

3:30 p.m. .50 hr

Employee Privacy Rights

With corporate scandals involving pretexting, controversies involving employment actions based on employees' off-duty internet postings, and reports of compromised security allowing access to private personal information of employees, courts, and legislatures are making new rules for employers. This presentation will address limitations on an employer's ability to conduct background investigations, restrictions on an employer's ability to monitor employee activity, and legal obligations of employers regarding the protection of employee information.

Christopher H. Hahn, Austin, TX

4:00 p.m. .50 hr

Dealing with Criminal Law Issues Arising in an Employment Context

Responding to catastrophes and other law enforcement/prosecution issues.

Wayne D. Meissner, Austin, TX

4:30 p.m. .75 hr

Working with the Enemy: Avoiding Retaliation

Practical approaches to dealing with incumbent employees after the harassment complaint, the EEOC charge, the workplace injury, or the blown whistle.

Connie L. Cornell, Austin, TX
Katrina Grider, Cypress, TX

5:15 p.m. Adjourn

TRACK B: LEGAL Presiding Officer: Richard R. Brann, Houston, TX		FRIDAY MORNING - MAY 18, 2007		FRIDAY AFTERNOON	
2:30 p.m.	.50 hr	9:00 a.m.	.50 hr	1:00 p.m.	.50 hr
Arbitration and Jury Waivers An update on the enforceability of jury trial waivers and mandatory arbitration provisions. Darryl K. Carter, Houston, TX		"Discriminating Tastes" at Work * Good or Bad? A brief discussion of the positive and negative implications of diversity, distinctions, and preferences underlying employment decisions and business strategies. When is it a plus or a minus? Robert A. Canino, Dallas, TX		Anatomy of a Million Dollar Verdict: How to Lose (or Win) One The legal blog <i>Jottings by an Employer's Lawyer</i> tracks million dollar verdicts in employment cases. In this session, the "tracker" of million dollar verdicts for this blog will share his insights and substantial practice experience on what employers do before and during trial that can lead to such verdicts Michael W. Fox, Austin, TX	
3:00 p.m.	.50 hr	9:30 a.m.	.50 hr including .25 hr ethics	1:30 p.m.	.50 hr
Calculating, Proving and Mitigating Damages Involving Re-Employment Proving or rebutting economic damage claims in employment cases where the plaintiff can, and will most likely, be re-employed requires the consideration of factors related to the plaintiff's employment with the defendant, as well as their future labor market prospects. This presentation will discuss how loss earnings analyses and plaintiff-specific labor market studies are used to address these factors in employment litigation. Dwight Steward, Austin, TX		Non-Competes An overview of the Texas law of covenants not to compete, including an analysis of the recent landmark <i>Sheshunoff</i> case. Thomas A. Nesbitt, Austin, TX		Illegal Employment—The New Age of ICE Enforcement The presentation will discuss the new attitude of Immigration Customs Enforcement ("ICE") toward employers, including the agency's new "managers in handcuffs" mantra. The presentation will provide a look behind the scenes of some of the recent ICE raids, discuss ICE's strategy for targeting contractors as a means of going after major employers, and offer a guide to what employers can do to ensure they are in compliance with federal immigration law. Practical steps for ensuring Form I-9 compliance will also be discussed. Jason Boulette, Austin, TX	
3:30 p.m.	.50 hr	10:00 a.m.	.50 hr	2:00 p.m.	.50 hr
Jury Charge Practice in Mixed-Motive Cases Life after <i>Desert Palace</i> : The Evolution of Jury Charges in Mixed-Motive Cases. Ravi K. Sandill, Houston, TX		Emerging Employment Law Causes of Action Finding creative ways to help employees deal with 21st century problems. Kathy Butler, Houston, TX		Going Global Regardless of size, representing employees or employers, all employment practitioners need to know these basic principles about global employment policies and codes of conduct, expatriate employment contracts and non-compete clauses, discrimination claims, multinational employees, and resolving international employment disputes. David T. Lopez, Houston, TX	
4:00 p.m.	.50 hr	10:30 a.m.	Break	2:30 p.m.	.33 hr
The Effective Use of Statistics in Proving or Disproving a Pattern or Practice of Discrimination This presentation will critically consider the role of statistical evidence in establishing a pattern or practice of discrimination and the criteria courts apply to assess the sufficiency of this evidence. Allan G. King, Dallas, TX		10:45 a.m.	.50 hr	Employment in China (PRC): Top Ten Issues China is fast becoming the hottest and fastest growing market in the world. With amazing potential, however, comes amazingly complex and intricate employment issues, which can quickly turn profits to red ink for the unwary business. This session focuses on the top ten issues facing the multinational employer in China (PRC). Jordan W. Cowman, Dallas, TX	
4:30 p.m.	.75 hr	11:15 a.m.	.75 hr	2:50 p.m.	.50 hr
Trial Strategies Trial strategies including jury selection, opening arguments, direct and cross-examination, jury charge, and closing arguments will be discussed with an emphasis on employment litigation. <i>Defendant Perspective:</i> Charles C. High, Jr., El Paso, TX <i>Plaintiff Perspective:</i> Kenneth D. Hughes, Houston, TX		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. John V. Jansonius, Dallas, TX David L. Kern, El Paso, TX		Computer Forensics in Employment Cases Smoking Guns: How to use electronically stored information in employment cases, best practice, procedures, and the law surrounding computer forensics. Rand Sluder, Houston, TX	
5:15 p.m.	Adjourn	12:00 p.m.	Lunch on Your Own	3:20 p.m.	Adjourn

ABOUT THE CONFERENCE

The University of Texas School of Law's 2007 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 and get the latest updates surrounding disability discrimination law and the National Labor Relations Act.

Practical Advice and Strategies

Get effective trial strategies; make your employee handbook your first line of defense; plus get tips for leave issues, investigations, and privacy—it's all here.

Special Tracks for Attorneys and HR Professionals

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

Immigration and Global Employment Law Issues

Understand the latest developments of Immigration Customs Enforcement (ICE) and what employers can do to ensure they are in compliance with federal immigration law. Also, get basic principles about global employment policies and codes of conduct, as well as the top ten issues facing the multinational employer in China.

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 2006 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 – EL07
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 EL07

Mail this registration form to:

The University of Texas School of Law, Attn. EL07
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 9, 2007 \$475.00

☐ Registration Fee after May 9, 2007 \$525.00

Thursday Concurrent Sessions: Select Track A or Track B Below

☐ Track A: Human Resources

☐ Track B: Legal

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 (2006) \$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)

Card # - - -

X _____ /
Authorized Signature Exp. Date (mm/yy)

AUSTIN

May 17-18, 2007

CONFERENCE LOCATION



Hyatt Regency on Town Lake

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

Special rate: \$145
good through April 25, 2007
(subject to availability)

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

KEY DATES

Registration & Cancellation

May 9, 2007–5 p.m.

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

May 11, 2007–5 p.m.

last day for full refund

May 14, 2007–5 p.m.

last day for partial refunds
\$50 processing fee applied

May 17, 2007–9 a.m.

conference begins

MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.00 hours, of which 1.25 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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This program is not printed or mailed at state expense.

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