

2008 Labor and Employment Law Conference

May 29-30, 2008 • Hyatt Regency Austin • Austin, TX

Thursday Morning, May 29, 2008

Presiding Officer:

Christopher H. Hahn, Dell, Inc. - Round Rock, TX

8:00 am	Registration Opens
9:00 am 0.75 hr	Federal Law Cutting-Edge Update A review of important cases and hot topics in federal employment and discrimination law. Linda Ottinger Headley, Littler Mendelson, P.C. - Houston, TX
9:45 am 0.50 hr	State Law Update A review of employment-related issues under state law with a discussion of significant new cases. Charles C. High Jr., Kemp Smith LLP - El Paso, TX
10:15 am	Break
10:30 am 0.50 hr	National Labor Relations Act Update A review of the recent court and board decisions reflecting a surprising number of shifts, turns, and twists in federal labor law and policy. Hershell L. Barnes Jr., The Barnes Law Firm, P.C. - Dallas, TX
11:00 am 0.75 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 and employers. James H. Kizziar Jr., Bracewell & Giuliani LLP - San Antonio, TX
11:45 am	Luncheon Presentation Pick Up Box Lunch Included in conference registration fee.

Thursday Afternoon, May 29, 2008

Presiding Officer:

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

12:00 pm 0.50 hr	Lessons About the Law From Outside the Law Suggestions on trial tactics and trial strategy drawn from recent scholarship in history, philosophy, psychology, economics, baseball and football. Keith P. Ellison, US District Court - Houston, TX
12:30 pm	Break
1:00 pm 0.50 hr	FLSA Collective Actions A review of recent developments in wage and hour collection actions. Robert E. Sheeder, Bracewell & Giuliani LLP - Dallas, TX
1:30 pm 0.50 hr	Retaliation Update A review of recent decisions in retaliation cases after <i>Burlington Northern and Santa Fe Railway Co. v. White</i> . Jennifer M. Trulock, Baker Botts LLP - Dallas, TX
2:00 pm	Break
	CONCURRENT SESSIONS

Human Resources Track - Presiding Officer: Jason Boulette, Austin, TX

2:15 pm 0.75 hr	Interplay of Leaves and Benefits Denise Cotter Villani, Ogletree, Deakins, Nash, Smoak & Stewart, P.C. - Dallas, TX
3:00 pm 0.50 hr	Diversity Programs Most Fortune 500 companies (and many of the law firms they retain) have diversity programs of one kind or another. These programs run the spectrum from cultural sensitivity training to hiring and staffing initiatives. This session will explore the origins of workplace diversity and the broad range of initiatives undertaken in the name of diversity. It will also cover how diversity differs from affirmative action and how far employers can legally go in their efforts to obtain a diverse workforce. Kate McCormick, Littler Mendelson - Houston, TX
3:30 pm 0.50 hr	What Non-Union Employers Need to Know About The National Labor Relations Act Traps and pitfalls for those who think the law is for union shops only. Brian S. Greig, Fulbright & Jaworski L.L.P. - Austin, TX
4:00 pm 0.50 hr	The Current State of the Law for Internet, Blogging and Email The latest case law and guidance on internet, blogging and email issues in the workplace. Thomas A. Nesbitt, DeShazo & Nesbitt LLP - Austin, TX

4:30 pm 0.75 hr	<p>Managing the Manager</p> <p>Most employment lawsuits arise from a manager's actions or failures to act. Holding management accountable is critical to compliance and can make all the difference.</p> <p>Connie L. Cornell, Cornell Smith & Mierl, LLP - Austin, TX</p>
<hr/> <p>Litigation/Legal Track - Presiding Officer: James H. Kizziar Jr., San Antonio, TX</p>	
2:15 pm 0.67 hr	<p>Electronic Discovery</p> <p>From theft of proprietary information to allegations of workplace discrimination, electronic evidence lies at the heart of your case. This session will address ten key things you need to know about electronic discovery and computer forensics.</p> <p>Craig Ball, Attorney and Technologist, Certified Computer Forensic Examiner - Austin, TX</p>
3:00 pm 0.50 hr	<p>The Art and Soul of Effective Voir Dire</p> <p>Three goals of an effective jury selection—learn meaningful information from every single member of the jury panel; have more challenges for cause granted; and, intelligently exercise your precious peremptory strikes.</p> <p>Robert B. Hirschhorn, Cathy E. Bennett & Associates, Inc. - Lewisville, TX</p>
3:30 pm 0.50 hr 0.25 hr ethics	<p>Inside-Out: Critical Stages of Litigation Through the Eyes of In-House and Outside Counsel</p> <p>This presentation will discuss how in-house counsel and outside counsel approach significant questions in employment litigation such as discovery, settlement, and trial.</p> <p>Christopher H. Hahn, Dell, Inc. - Round Rock, TX Michael McLaughlin, Dell - Austin, TX</p>
4:00 pm 0.50 hr	<p>Reemployment and Mitigation in Calculating Back and Front Pay Loses</p> <p>The speakers will discuss the special issues that arise when calculating economic damages in employment termination cases.</p> <p>Stephanie Botello, EmployStats - Austin, TX Dwight Steward, EmployStats - Austin, TX</p>
4:30 pm 0.75 hr	<p>Trial Strategies</p> <p>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.</p> <p>Michael W. Fox, Ogletree Deakins - Austin, TX Kenneth D. Hughes, The Hughes Law Firm - Houston, TX</p>
5:15 pm	<p>Adjourn</p>

Friday Morning, May 30, 2008

Presiding Officer:

Brian S. Greig, Fulbright & Jaworski L.L.P. - Austin, TX

8:30 am 0.50 hr	Unfair Competition Exploring the common law causes of action. Hon. Ravi K. Sandill, 127th District Court - Houston, TX
9:00 am 0.75 hr	Choice of Law: Which Law Governs When? In the globalized workplace, understanding which law governs the employment relationship is essential to avoiding missteps. Which law applies to an American working abroad? How about the Austin based employee whose duties take him to Silicon Valley? This session will address questions faced by multi-national and multi-state employers. Sean M. Becker, Vinson & Elkins LLP - Houston, TX
9:45 am 0.50 hr	Religious Discrimination Law This presentation focuses on recent religious discrimination cases and addresses the sources of protection against religious discrimination in the workplace, identification of sincerely held beliefs, and the employer's duty of reasonable accommodation. Rod Tanner, Tanner & Associates - Fort Worth, TX
10:15 am	Break
10:30 am 0.50 hr	Military Leaves Update: USERRA and More Military leave continues to be a hot topic. Come hear about new developments and USERRA's board requirements. Vianei Lopez Robinson, Robinson Law Firm - Abilene, TX
11:00 am 0.75 hr ethics	Ethics and Professionalism Issues in Employment Law An overview of the ethics and professionalism issues including conflicts of interest, ex parte communication, inadvertent disclosure, professionalism and civility rules, and ethical issues relating to settlement negotiations. Dennis P. Duffy, Baker Botts LLP - Houston, TX
11:45 am	Lunch on your Own

Friday Afternoon, May 30, 2008

Presiding Officer:

Linda Ottinger Headley, Littler Mendelson, P.C. - Houston, TX

1:00 pm 0.75 hr	<p>'No Match' Letter: National Origin Discrimination in the Immigration Age</p> <p>The Department of Homeland Security's on-again, off-again Social Security "No Match" regulation exemplifies the growing tension between the call for increased immigration compliance and the fear of widespread national origin discrimination. This presentation will examine in detail the modern immigration-related obligations of employers, the recent application of the <i>McDonnell Douglas</i> burden-shifting analysis to discrimination claims based on employer work authorization verification efforts, the legal impact of employee profiling conducted in the name of immigration compliance, and the legal distinctions between national origin discrimination claims under Title VII and citizenship discrimination claims under Section 1981 and the Immigration Reform and Control Act. The presentation will also provide practical advice on how to comply with U.S. immigration laws without violating U.S. discrimination laws.</p> <p>Jason Boulette, Boulette & Golden L.L.P. - Austin, TX</p>
1:45 pm 0.50 hr	<p>Untried Paths to Resolution</p> <p>Getting a case to trial is increasingly difficult and law firm overhead keeps rising. It's time to try paths other than trial. Here's what's available, how to pick the best method, and when and how best to use it, from the perspective of both the employer and the employee or applicant.</p> <p>David T. Lopez, David T. Lopez & Assoc. - Houston, TX</p>
2:15 pm 0.50 hr	<p>The Intersection of Criminal Law and Employment Law</p> <p>Since the Enron debacle, corporate executives and their counsel have become increasingly sensitive to the convergence of civil and criminal law in the field of corporate governance. However, too little attention is often paid to employers' potential criminal exposure for routine workplace activities, such as employee supervision, compensation and document retention. Employers should pay heed to the recent signals from Congress, the Justice Department and federal regulators warning of an increase in enforcement of federal criminal statutes in the context of employment.</p> <p>David Andrew Alexander, K&L Gates LLP - Dallas, TX</p>
2:15 pm	<p>Adjourn</p>