

16th Annual Labor and Employment Law Conference
May 28-29, 2009 • Hyatt Regency Austin • Austin, TX

Thursday Morning, May 28, 2009

Presiding Officer:

Thomas A. Nesbitt, DeShazo & Nesbitt LLP - Austin, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.75 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
9:45 am 0.75 hr	Federal Law Update A review of important cases and hot topics in federal employment and discrimination law. Linda Ottinger Headley, Littler Mendelson, P.C. - Houston, TX
10:30 am	Break
10:45 am 0.75 hr	Disability Law Update This session reviews legislative, administrative, and judicial developments in disability discrimination law under the Americans with Disabilities Act and the Rehabilitation Act, including the ADA Amendments Act and recommended strategies for legal counsel and employers. James H. Kizziar Jr., Bracewell & Giuliani LLP - San Antonio, TX
11:30 am 0.75 hr	Recent Developments and Special Issues Involving Governmental Employees This presentation, by a governmental HR Director and an employment lawyer, analyzes recent legal developments involving governmental employees and the special issues that government agencies and HR personnel must deal with. Philip Durst, Deats, Durst, Owen & Levy, P.L.L.C. - Austin, TX Janine Mays, Texas Lottery Commission - Austin, TX

Thursday Afternoon, May 28, 2009

Presiding Officer:

Charles C. High Jr., Kemp Smith LLP - El Paso, TX

	Luncheon Presentation
12:15 pm	Pick up Box Lunch Included in conference registration fee.
12:30 pm 0.50 hr	Is a Union in Your Future? What makes a company a good target? A union organizer talks about target selection for organizing campaigns. Michael Murphy, Austin, TX
1:00 pm	Break
1:15 pm 0.50 hr	2009 Labor Law Surprises for the Non-Union and Union Employer With a new President who proclaims that organized labor is "part of the solution" to the nation's economic problems, prudent employers and their counsel are focusing on traditional labor law as never before. This presentation discusses some aspects of the law which may surprise even the most experienced human resources and legal professionals, provides updates on recent developments, and predicts issues which will come before the Obama NLRB. T. J. Wray, Fulbright & Jaworski - Houston, TX
1:45 pm 0.50 hr	Understanding and Preparing for a <i>Brave New World</i>—The Employee Free Choice Act At press time, Congress is considering, but has not passed, the Employee Free Choice Act. If passed, EFCA could result in dramatic changes to the National Labor Relations Act. This presentation provides a labor and a management perspective on the potential or actual amendments. Thomas A. Nesbitt, DeShazo & Nesbitt LLP - Austin, TX Rod Tanner, Tanner & Associates, P.C. - Fort Worth, TX
2:15 pm	Break

TRACK A: HUMAN RESOURCES

Presiding Officer:

Jason Boulette, Boulette & Golden L.L.P. - Austin, TX

2:30 pm 0.50 hr	Internal Investigations: Best Practices and Recent Developments A review of considerations that employers should take into account in addressing their obligations to complaining parties, accused employees, and their co-workers. Sean M. Becker, Vinson & Elkins LLP - Houston, TX
3:00 pm 0.50 hr	Wage and Hour Pitfalls & Pratfalls Learn how to avoid problems created by some of the more counter-intuitive aspects of wage and hour litigation. The discussion includes instructions on how to avoid pleading traps, make the essential filings, and understand who bears the burden of proof (and when). Richard J. (Rex) Burch, Bruckner Burch PLLC - Houston, TX

3:30 pm 0.50 hr	<p>Benefits 101: an Overview of ERISA Issues Facing Employers Today</p> <p>A non-technical discussion of current ERISA and COBRA issues, including Section 409A, ERISA governance, current ERISA litigation topics, and "when is a plan an ERISA plan?"</p> <p>Mark Stephen Miller, Fulbright & Jaworski L.L.P. - Houston, TX</p>
4:00 pm 0.75 hr	<p>Managing Employee Leaves of Absence: The Top 10 Legal Pitfalls</p> <p>When employees are on leave it's up to HR to communicate, document, strategize, and avoid legal snafus. Here are the top 10 traps for the unwary.</p> <p>Vianei Lopez Robinson, Robinson Law Firm - Abilene, TX</p>

TRACK B: LITIGATION/LEGAL

Presiding Officer:

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

2:30 pm 0.50 hr	<p>Lilly Ledbetter's Fair Pay: Expanding Limitations and Continuing Violations</p> <p>A discussion regarding the Lilly Ledbetter Fair Pay Act of 2009 and its impact (and potential impact) on limitations and the continuing violation doctrine in employment law cases.</p> <p>Shannon Brown Schmoyer, Schmoyer Reinhard LLP - San Antonio, TX</p>
3:00 pm 0.50 hr	<p>Trial Strategies in Employment Cases</p> <p>How will trial strategies be affected by the economic crisis? Will the new administration have an effect on trial strategies? Recent significant cases that may affect trials including jury selection and <i>Batson</i> challenges, the use of new technology in witness examination and arguments; all major aspects of trials will be discussed.</p> <p>Kenneth D. Hughes, The Hughes Law Firm - Houston, TX William Jackson Wisdom Jr., Martin, Disiere, Jefferson & Wisdom, L.L.P. - Houston, TX</p>
3:30 pm 0.50 hr 0.25 hr ethics	<p>Getting to Yes: Creative, Ethical, and Effective Settlement Releases</p> <p>A discussion of appropriate terms for settlement agreements of employment claims that include ethical and effective releases.</p> <p>Jennifer M. Trulock, Baker Botts LLP - Dallas, TX</p>
4:00 pm 0.75 hr ethics	<p>Ethics Update for Employment Lawyers</p> <p>Update on ethics issues including conflicts of interests, representation of insured clients in employment practice liability insurance matters, inadvertent disclosure rules, attorney-client privilege and waiver issues, meta data issues, and ethical issues relating to settlement discussions.</p> <p>Dennis P. Duffy, Baker Botts LLP - Houston, TX</p>
	Concurrent Sessions
4:45 pm	Adjourn

Friday Morning, May 29, 2009

Presiding Officer:

Dennis P. Duffy, Baker Botts LLP - Houston, TX

9:00 am 0.50 hr 0.25 hr ethics	Showing (and Getting) the Money From the perspective of an experienced plaintiff's trial attorney, an outline of how to compile and prove all elements of damages, as well as suggestions on setting the client attorney's fees and recovering attorney's fees in the final judgment. David T. Lopez, David T. Lopez & Assoc. - Houston, TX
9:30 am 0.50 hr	Current Retaliation Issues: What Can Help You or Hurt You from the Perspective of Plaintiff's Counsel Despite recent developments, including three U.S. Supreme Court decisions and significant new statutory whistleblower protection, the same old issues continue to arise in retaliation cases. Join these Plaintiff's attorneys for an overview of significant recent developments, what you may not know about retaliation protection under labor laws, and practice tips and practical advice on what makes most any retaliation case better or worse from initial management decisions through litigation. Amy Gibson, Gibson Wiley Cho, PLLC - Dallas, TX Amanda Lea Reichel, Tanner and Associates, P.C. - Fort Worth, TX
10:00 am 0.50 hr	2009 Immigration Update for Employers This session provides a detailed look at the E-Verify program and the status of the on-again, off-again rule requiring E-Verify participation for federal contractors. Also includes an update on the status of the Social Security No Match regulation, the new Form I-9, and the DOL's new enforcement initiatives for employers who use foreign workers. Jason Boulette, Boulette & Golden L.L.P. - Austin, TX
10:30 am	Break
10:45 am 0.50 hr 0.25 hr ethics	Web 2.0 and Employment Law: Blogs, Facebook, and More As the web becomes ever more present, legal implications of employees' presence on the web through blogs and other forms of social media evolve almost daily. The benefits and hazards for employees, employers, and those who represent them are covered. Michael W. Fox, Ogletree Deakins - Austin, TX
11:15 am 0.50 hr 0.25 hr ethics	Unfair Competition An exploration of the common law causes of action. Howard Lynn Steele Jr., Steele Sturm PLLC - Houston, TX
11:45 am	Lunch on Your Own

Friday Afternoon, May 29, 2009

Presiding Officer:

Richard R. Brann, Houston, TX

1:00 pm 0.50 hr 0.25 hr ethics	FLSA Collective Actions A review of recent developments in Wage and Hour Collective Actions. Robert E. Sheeder, Bracewell & Giuliani LLP - Dallas, TX
1:30 pm 1.00 hr	RIFs and Other Ways to Cut Labor Costs An analysis of reductions in force and other ways of cutting labor costs, taking into consideration the legal issues as well as the practicalities of carrying out the plan. Panelists: Connie L. Cornell, Cornell Smith & Mierl, LLP - Austin, TX Panelists: Christopher H. Hahn, Dell, Inc. - Round Rock, TX Panelists: Erin Klaich Kitchen, Dell Inc. - Round Rock, TX
2:30 pm 0.75 hr	The Family and Medical Leave Act of 1993: New Regulations and Recent Opinions A discussion of the U.S. Department of Labor's changes to the FMLA regulations and an analysis of the latest significant court interpretations and applications of the FMLA. Clara "C.B." Burns, Kemp Smith LLP - El Paso, TX David Linwayne Wiley, Gibson Wiley Cho, PLLC - Dallas, TX
3:15 pm	Adjourn