

18TH ANNUAL
**LABOR AND EMPLOYMENT
LAW CONFERENCE**



May 12–13, 2011
AT&T Conference Center ▪ Austin, Texas

Human Resources and Litigations Tracks
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THURSDAY MORNING, MAY 12, 2011

Presiding Officer:

**Vianei Lopez Robinson, Buck Keenan LLP,
Houston, TX**

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Texas State Employment 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

9:30 a.m. .75 hr

Federal Employment Law Update

A review of important cases, legislative developments and the changing landscape in employment law.

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

10:15 a.m. Break

10:30 a.m. .75 hr

Developments in Disability Discrimination Law

A review of developments in disability discrimination law, the Americans with Disabilities Act amendments and court decisions on disability issues.

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

11:15 a.m. .50 hr

Public Sector Update

A discussion of recent case law and statutory developments regarding the rights and obligations of governmental employers and employees. The presentation is split between an attorney who represents public employers and an attorney who represents public employees.

B. Lee Crawford Jr., City of Austin Law Department,
Austin, TX
Philip Durst, Deats, Durst, Owen & Levy, P.L.L.C.,
Austin, TX

11:45 a.m. .50 hr

The National Labor Relations Act in the Age of Facebook

This presentation analyzes current developments and cutting-edge issues under the NLRA affecting union and non-union workplaces, including NLRB rulemaking, employer regulation of social networks, and use of neutrality agreements in union organizing campaigns.

Rod Tanner, Tanner & Associates, Fort Worth, TX

12:15 p.m. Lunch on Your Own

THURSDAY AFTERNOON

Presiding Officer:

**Vianei Lopez Robinson, Buck Keenan LLP,
Houston, TX**

1:30 p.m. .50 hr

FLSA Collective Actions

A review of recent developments in wage and hour collection actions.

Robert E. Sheeder, Bracewell & Giuliani LLP, Dallas, TX

2:00 p.m. .50 hr ethics

Practical Issues in Employment Litigation by Immigrant Employees

Immigrant employees, including undocumented workers, are increasingly using the legal system to pursue wage claims and other employment actions. This session examines several subtle litigation practice issues that these claims present for lawyers on both sides of the docket, including the risks for employer and employee, the scope of allowable discovery, and structuring and accounting for judgments and settlements.

Bill Beardall, Equal Justice Center and The University of Texas School of Law Transnational Worker Rights Clinic, Austin, TX

2:30 p.m. .50 hr including .25 hr ethics

Discovering the Facts without Discovery

This presentation provides an overview of the resources that can be used, outside of the formal discovery process, to obtain information about parties, witnesses, experts and opposing counsel.

Kevin M. Sadler, Baker Botts L.L.P., Austin, TX

3:00 p.m. Break

CONCURRENT SESSIONS

TRACK A: HUMAN RESOURCES

Presiding Officer:

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

3:15 p.m. .50 hr

Improving Employee Wellness in Compliance with the ADA and GINA

Employee wellness programs are dynamic benefits employers may use to manage costs, boost morale and attract qualified employees. This session focuses on the legality of these programs and how they can easily run afoul of the Americans with Disabilities Act (ADA), Genetic Information Nondiscrimination Act (GINA) and a variety of other statutes.

Shannon B. Schmoyer, Schmoyer Reinhard LLP,
San Antonio, TX

3:45 p.m. .50 hr

Military Issues and USERRA

USERRA is sometimes counterintuitive. This session highlights some of the tricks and traps for employers that can result in inadvertent noncompliance.

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

4:15 p.m. .75 hr

Managing the Dispersed Workforce

An HR professional discusses problems related to establishing and maintaining a workforce that is remote, multistate and multinational.

Kevin Porter, Lauren Engineers & Constructors, Inc.,
Abilene, TX

5:00 p.m. .50 hr including .25 hr ethics

Handbook Helper

Practical tips for writing and maintaining good employee handbooks.

Audrey E. Mross, Munck Carter, LLP, Dallas, TX

5:30 p.m. Track A Adjourn

Presiding Officer:

**Rod Tanner, Tanner & Associates,
Fort Worth, TX**

3:15 p.m. .50 hr

How to Evaluate a Case

A plaintiffs' attorney's perspective on evaluating a case and determining what the employee needs from the legal system.

Malinda A. Gaul, Gaul and Dumont, San Antonio, TX

3:45 p.m. .50 hr including .25 hr ethics

Resolving Cases "Early": Effective Negotiation and Mediation Strategies

Closing cases is how lawyers make their money, no matter the side of the docket. An experienced litigator and dispute resolution expert discusses how to do it quickly and effectively, as well as those rare times you should not do so.

David T. Lopez, David T. Lopez & Assoc., Houston, TX

4:15 p.m. .75 hr

An Eye for an Eye: How to Prepare and Try a Retaliation Case

A panel discussion featuring plaintiffs' counsel and defense counsel perspectives on issues and strategies involved in preparing and trying retaliation cases.

Moderator:

Paul A. Schorn, Paul Schorn Attorney at Law, Lockhart, TX

Panelists:

Michael James Golden, Boulette & Golden L.L.P., Austin, TX

Robert W. Schmidt, Crews Law Firm, P.C., Austin, TX

5:00 p.m. .50 hr

Summary Judgment Motions

This session addresses the factors that increase the likelihood that summary judgment will be granted and influence the high failure rates for plaintiffs; distinguishes conclusory allegations from lay opinions; discusses effective use of circumstantial evidence; and identifies the many and varied meanings of showing pretext.

Margaret A. Harris, Butler & Harris, Houston, TX

5:30 p.m. Track B Adjourn

I like the variety of the topics. Always very up-to-date. The materials provided are invaluable.

This is one of the best employment conferences that I have ever attended.

Presiding Officer:

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

8:30 a.m. .33 hr

What Employment Lawyers Need to Know about the Dodd-Frank Act

The Dodd-Frank Wall Street Reform and Consumer Protection Act will have wide-reaching effects on all companies, not just those in the financial services industry. This session examines how the legislation and regulations impact employers, as well as some traps to avoid.

Dona Szak, Ajamie LLP, Houston, TX

8:50 a.m. .50 hr

Retaliation: Just When You Thought You Knew It All

This session examines new statutory protection against retaliation and more about retaliation cases making their way to the United States Supreme Court.

Amy Gibson, Gibson Wiley PLLC, Dallas, TX

9:20 a.m. .50 hr

Employee Mobility and Covenants Not to Compete

A practical analysis of best practices, tips and pitfalls in managing employee mobility and covenants not to compete in light of recent case law developments and common law causes of action.

Howard L. Steele Jr., Steele Sturm PLLC, Houston, TX

9:50 a.m. .50 hr

Settlement Agreements

You've done the work, now paper the deal! Discussion of what a "Standard Texas Settlement Agreement" should be for employment cases. Consideration, releases, taxes, you name it!

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

10:20 a.m. Break

10:35 a.m. .67 hr including .50 hr ethics

Privacy Wars: Managing Privacy Issues Associated with Emerging Technology and Media

This session explores the evolving use of social media by employers, employees and unions, and provides a detailed discussion of emerging legal theories for establishing individual privacy rights with respect to online activity by employees. The topic specifically addresses the limits of employee consent and traditional property rights, and provides practical suggestions for managing privacy concerns in an online work environment.

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

11:15 a.m. .50 hr

Legal Issues Involving a Dispersed Workforce

This topic covers a myriad of legal issues implicated by today's nontraditionally-sited workforce. Discussed are concerns regarding remote workers in diverse locales, inherently mobile workers, and virtual and home offices, including property rights, wage and hour and privacy issues.

Laura M. Merritt, Wilson Sonsini Goodrich & Rosati, Austin, TX

11:45 a.m. Break to Pick Up Lunch

FRIDAY AFTERNOON

Presiding Officer:

**Vianei Lopez Robinson, Buck Keenan LLP,
Houston, TX**

LUNCHEON PRESENTATION

12:00 p.m. .75 hr including .25 hr ethics

Judges Panel: How to Try a Labor and Employment Case

Members of the judiciary discuss their experiences and views on how labor and employment law cases should be handled and tried by each side of the bar. The panel includes esteemed judges who practiced in this area of the law and are uniquely positioned to provide practical and interesting information.

Moderator:

Philip Durst, Deats, Durst, Owen & Levy, P.L.L.C., Austin, TX

Panelists:

Hon. Kenneth H. Molberg (Invited), 95th District Court, Dallas, TX

Hon. Xavier Rodriguez, U.S. District Court, Western District of Texas, San Antonio, TX

Hon. Ravi K. Sandill, 127th District Court, Houston, TX

12:45 p.m. Break

1:00 p.m. .75 hr

Back to the Future: Proceeding before and Litigating with the EEOC

Plaintiff, defense and government perspectives on EEOC administrative investigations and litigation. The panelists also discuss recent trends and initiatives at the EEOC and the recent resurgence of Title VII issues involving more overt forms of discrimination in the workplace.

Panelists:

Suzanne M. Anderson, U.S. Equal Employment Opportunity Commission, Dallas, TX

John V. Jansonius, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX

Ian Scharfman, The Scharfman Law Firm PLLC, Houston, TX

1:45 p.m.

.50 hr

Emerging Issues Involving Independent Contractors

The misclassification of employees has been a growing focus of attorneys, the Department of Labor and the IRS. This discussion examines the analyses that courts and agencies have recently applied, traps for the unwary, and enforcement trends.

Sean M. Becker, Vinson & Elkins LLP, Houston, TX

2:15 p.m.

.50 hr

All About Leave: Hot Topics in the FMLA

A discussion of the latest developments under the FMLA, ADAAA, USERRA and Workers' Compensation. A review of best practices in administering leaves of absences, requests for reasonable accommodation, and return-to-work situations.

Katrina Grider, Attorney at Law, Cypress, TX

2:45 p.m.

.75 hr ethics

Ethical Issues in Employment Litigation

Hear from experienced plaintiff and defense attorneys regarding thorny ethical issues, including discovery dilemmas, joint representation and more.

Moderator:

Viane Lopez Robinson, Buck Keenan LLP, Houston, TX

Panelists:

Joseph Y. Ahmad, Ahmad, Zavitsanos & Anaipakos, P.C., Houston, TX

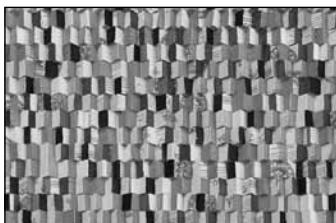
Karan C. Ciotti, Ogden Gibson Brooks Longoria & Hall, LLP, Houston, TX

3:30 p.m.

Adjourn

“ One of the best CLEs I have ever attended. Written materials were excellent and the speakers are very knowledgeable and well-prepared. ”

ABOUT THE COVER



The Fallacy of Personal Validation, 32" x 36", mixed media collage of used Starbucks® cups and acrylic, is by Philip Durst. For more information, visit www.philipdurst.com or call 512-474-6200.

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\$125—see order form

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Includes Free Parking, Free Wi-Fi, Course Binder and Friday Luncheon and Presentation

Early Registration Fee due by Wednesday, May 4, 2011 \$545

Registration Fee after Wednesday, May 4, 2011 \$595

Thursday Concurrent Sessions: Select Track A or Track B

Track A: Human Resources

Track B: Litigation

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2010 Essential Employment Law Handbook \$125

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AUSTIN

May 12–13, 2011

CONFERENCE LOCATION



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1900 University Avenue
Austin, TX 78705
512-404-3600

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May 4, 2011, 5 p.m.
last day for early registration
add \$50 for registrations
received after this time

May 6, 2011, 5 p.m.
last day for full refund

May 9, 2011, 5 p.m.
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May 12, 2011, 9 a.m.
Conference begins

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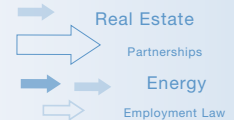


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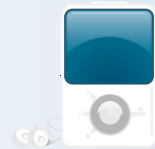
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M
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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 2.50 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

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