

19TH ANNUAL

LABOR AND EMPLOYMENT LAW CONFERENCE



May 17–18, 2012
AT&T Conference Center ▪ Austin, Texas

Human Resources and Litigation Tracks
Free Parking and Free Wi-Fi

Earn up to 13.00 Hours of Credit including 2.25 Hours of Ethics Credit
Specialization Credit Approved for Labor and Employment Law
PHR, SPHR and GPHR Recertification Credit Expected

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THURSDAY MORNING, MAY 17, 2012

Presiding Officer:

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

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .75 hr

Texas State Employment Law Update

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

Clara "C.B." Burns, Kemp Smith LLP, El Paso, TX

9:45 a.m. .75 hr

Federal Employment Law Update

A review of the important cases, legislative developments and current hot topics in federal employment law.

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

10:30 a.m. Break

10:45 a.m. .75 hr

National Labor Relations Act Update

Composition, policies and decisions of the National Labor Relations Board are marked by significant changes during the current Administration. This presentation addresses several key developments at the NLRB, including proposed rules concerning quick and concentrated representation elections and employer policies and practices concerning social media and electronic communication.

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

11:30 a.m. .75 hr including .25 hr ethics

**Social Media and Challenges in the
Virtual Workplace**

This session explores the next generation of legal issues being created by modern technology in the workplace. From privacy concerns created by enhanced monitoring capabilities to FLSA issues created by mobile workers, and from the application of the Stored Communications Act to employee email and social media usage, to the evolving scope of employer liability for remote-employee

safety and third-party injuries, this session provides a look at the latest cases and trends and provides practical considerations for corporate professionals and employees alike.

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

12:15 p.m. Lunch On Your Own

THURSDAY AFTERNOON

Presiding Officer:

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

1:30 p.m. .75 hr including .25 hr ethics

Top Ten HR Mistakes

This session explores at least ten real-life mistakes made by human resources that you don't want to make! The session also provides methods for protecting your business by recognizing and rectifying these mistakes before they become serious problems or result in litigation.

Shafeeqa Watkins Giarratani, Fulbright & Jaworski LLP,
Austin, TX

2:15 p.m. .75 hr

Wellness in the Workplace:

Your Guide to HIPAA, GINA and Beyond

This presentation addresses applicable legal considerations when designing a wellness program, including the ADA, HIPAA, GINA, ERISA, COBRA, state lifestyle laws and income tax issues. Current developments in HIPAA and GINA are also discussed.

P. Gail Sargent, The Sargent Law Group PLLC,
Houston, TX

3:00 p.m. Break

Concurrent Sessions

TRACK A: HUMAN RESOURCES

Presiding Officer:

**Audrey E. Mross, Munck Wilson
Mandala, LLP, Dallas, TX**

3:15 p.m. .75 hr

**Dealing with TWC: Independent Contractors,
Tax Audits and the Texas Payday Law**

This session focuses on TWC's criteria for determining workers' employment status, how

to handle unemployment tax audits, avoidance of common problems with tax rates and business acquisition issues, and how to fully comply with the Texas Payday Law when paying employees.

Tommy Simmons, Texas Workforce Commission,
Austin, TX

4:00 p.m. .50 hr

Handbook Helper:

Recipe for a Better Handbook

Employee handbooks can be an employer's best friend or worst nightmare. When prepared correctly and applied uniformly, a handbook can prevent a host of workplace problems and provide a defense against certain employee claims. Much like an extraordinary meal, a great handbook requires thought, planning, the right ingredients, skillful preparation and proper presentation. This session summarizes aspects of the changing legal compliance environment and provides practical tips for creating a new handbook or updating an existing one.

Audrey E. Mross, Munck Wilson Mandala, LLP,
Dallas, TX

4:30 p.m. .50 hr including .25 hr ethics

Investigating Sensitive Employee Complaints

The investigation of an employee's complaint may be critical to an employer as its only means of avoiding liability. The investigator may be a witness and the notes may be evidence. Obtain practical tips for investigating and documenting the process.

Connie L. Cornell, Cornell Smith & Mierl, LLP,
Austin, TX

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

**Background Checks, Social Media and Other
Arresting Developments**

A discussion of: 1) the use of social media in the employment context, including background checks, criminal records, credit checks, internal investigations, litigation and employee discipline; 2) the ethics of using social media information in the workplace and 3) the EEOC's concerns regarding inappropriate use of social media by employers.

Martin S. Ebel, Equal Employment Opportunity
Commission, Houston, TX
Katrina Grider, Attorney at Law, Cypress, TX

5:30 p.m. Track A Adjourn

TRACK B: LITIGATION**Presiding Officer:**

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

3:15 p.m. .75 hr

**Proving the Invisible: Evidence of Intentional
Employment Discrimination**

Developments in evidence of employment discrimination, including the “cat’s paw” doctrine, similarly-situated co-workers and email.

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

4:00 p.m. .50 hr

**Expert Witnesses: What You Need, When
You Need Them, Whom to Get and How to
Get Them**

The use and misuse of expert witnesses in employment cases.

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

4:30 p.m. .50 hr including .25 hr ethics

Damages and Settlement Agreements

This session provides an overview of the remedies available and generally sought in an employment case along with an explanation of standard and commonly requested provisions included in employment settlement agreements.

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

5:00 p.m. .50 hr

Rule 202 Judicial Panel

TRCP 202 provides a unique opportunity for parties to explore potential claims before filing a suit. The panelists share their perspectives on Rule 202 practice, including insights regarding motions that seek pre-suit depositions.

Moderator:

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

Panelists:

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

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

5:30 p.m. Track B Adjourn

FRIDAY MORNING, MAY 18, 2012**Presiding Officer:**

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

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .75 hr

I Didn’t Know You Couldn’t Do That

The latest developments in the law of unlawful employment retaliation, focusing upon recent U.S. Supreme Court decisions.

Lionel Mark Schooler, Jackson Walker L.L.P.,
Houston, TX

9:15 a.m. .75 hr

Disability Rights in Transition

Guidance regarding changing legal requirements and employer obligations from the ADA, EEOC regulations and post-amendment court decisions.

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

10:00 a.m. Break

10:15 a.m. .50 hr including .25 hr ethics

**Non-Compete Agreements: Where Have
We Come From and Where Do We Go
From Here?**

A look at consideration, reasonableness and employer/employee considerations.

Thomas A. Nesbitt, DeShazo & Nesbitt LLP, Austin, TX
Ian Scharfman, The Scharfman Law Firm, PLLC,
Houston, TX

10:45 a.m. .75 hr

**Advantages and Disadvantages of an
Arbitration Policy in Light of AT&T**

Is an arbitration policy right for your workplace? If so, learn how to create and communicate an enforceable and effective alternative dispute resolution process for employment disputes and learn techniques to persuade a neutral arbitrator.

Shannon Harpold Hutcheson, Hutcheson | Bowers LLP,
Austin, TX
Allison Lynn Bowers, Hutcheson | Bowers LLP,
Austin, TX
Richard R. Brann, Baker Botts, L.L.P., Houston, TX

11:30 a.m.

.75 hr

Leave Landmines

In addition to leave laws like the FMLA and USERRA, many other laws affect employers dealing with leaves of absence. Some of the requirements imposed on employers are counterintuitive, contradictory, or just plain confusing. This session explores some hidden traps in the interplay of the various laws.

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

LUNCHEON PRESENTATION

12:15 p.m. Buffet Lunch

12:35 p.m. .75 hr including .25 hr ethics

**Jury Trial War Stories: What I’ve Learned
from My Jury Trials (and Disasters)**

Trial war stories are harder to come by as it seems fewer cases actually end up being tried before a jury. But there are lessons to be learned, good and bad, from two veteran lawyers who have been there.

Michael W. Fox, Ogletree Deakins, Austin, TX
Rod Tanner, Tanner & Associates, P.C., Fort Worth, TX

1:20 p.m. Break

FRIDAY AFTERNOON

1:30 p.m. .75 hr

**Gotcha—Wage and Hour Issues Continue
to Abound!**

Employees increasingly are bringing wage and hour concerns to their employers’ attention, and oftentimes the legitimacy of those concerns are surprising to even the most well-meaning, law-abiding employers. This presentation discusses the top and emerging wage and hour issues facing employees and employers alike.

Christine E. Reinhard, Schmoyer Reinhard LLP,
San Antonio, TX

I liked that the pertinent, need-to-know material was presented in a timely manner that was both productive and educational.

Overall, this is a very informative conference. Speakers and Judges’ panel were very good.

Very good program. Lots of practical application tips.

I like the sessions on the “cutting edge” of issues such as electronic media/social media and new types of retaliation.

Excellent topics and speakers (as usual) but most important are the thorough papers—I use them for reference all year.

I like the diversity of topics and relevancy of issues—social media discussions, panels.

2:15 p.m.

.75 hr ethics

Ethical Issues in Negotiation and Mediation

What role do ethics play in the negotiation or mediation process? Panelists discuss hypotheticals and best practices from both the plaintiff and defense perspectives.

Moderator:

Viane Lopez Braun, Buck Keenan LLP, Houston, TX

Panelists:

Karan Cummings Ciotti, Ogden Gibson Brooks Longoria & Hall, LLP, Houston, TX
Melissa Ann Moore, Moore & Associates, Houston, TX

3:00 p.m.

.50 hr

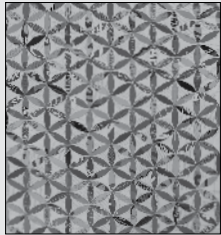
Public Employers: An Update on Key Issues

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

3:30 p.m.

Adjourn

ABOUT THE COVER

Joe's Coat, 25" x 28", mixed media collage of packaging and books, is by Philip Durst. For more information, visit davisgalleryaustin.com/artists.durst.html

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The University of Texas School of Law
Austin, TX

*Planning Committee member

2011 ESSENTIAL EMPLOYMENT LAW HANDBOOK

The Definitive Resource Guide for Employment Lawyers and HR Professionals

Unsure how to handle the changing definition of sexual harassment? Or what to do when a discrimination charge has been filed? The Essential Employment Law Handbook addresses critical employment law issues such as "employment-at-will," discrimination issues, wage and hour violations, retaliation, FMLA and more. The focus is practical with detailed written materials—forms, sample employment contracts, and handbook recommendations that you'll want to keep within reach for day-to-day use.

\$125—see registration form

**M
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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 13.00 hours, of which 2.25 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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Austin, TX 78713-7759

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In-House CLE

CLE for two or more participants—as many as you want. Receive full MCLE credit. We'll accredit the course for you* and provide one Audio CD Set plus a Course Binder for each participant.

*Texas MCLE credit only.

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EL12

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P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: 512-475-6876

PLEASE PRINT CLEARLY

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Name [Mr. / Ms.] _____

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City _____ State _____ Zip _____

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Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

GREEN REGISTRATION—Includes Electronic Materials on USB Key (only), and Friday Luncheon Presentation

- ☐ Early Registration Fee due by Wednesday, May 9, 2012 \$560
☐ Registration Fee after Wednesday, May 9, 2012 \$610

STANDARD REGISTRATION—Includes Printed Course Binder (only), and Friday Luncheon Presentation

- ☐ Early Registration Fee due by Wednesday, May 9, 2012 \$605
☐ Registration Fee after Wednesday, May 9, 2012 \$655

Thursday Concurrent Sessions: Select Track A or Track B

- ☐ Track A: Human Resources
☐ Track B: Litigation

CONFERENCE PUBLICATIONS AND MEDIA

Allow 3–5 weeks from the conference date for delivery.

- ☐ Course Binder Without Conference Registration \$250
Note: Conference Registration includes Course Binder.
☐ Audio MP3 Speeches on CD \$130
☐ Audio CD Set \$210
☐ eBinder on CD (PDF format) \$250/\$50
(\$250 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)
☐ 2011 Guide to Essential Employment \$125

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

Allow 3–5 weeks from the conference date for delivery. Approved for Texas MCLE credit.

- ☐ In-House CLE for 2—Includes Audio CD Set and Course Binders \$900
_____ Add participants (includes Course Binder) for \$250 each \$ _____

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AUSTIN

May 17–18, 2012

CONFERENCE LOCATION



AT&T Conference Center - Hotel at UT

The University of Texas at Austin
1900 University Avenue
Austin, TX 78705
512-404-3600

Special Room Rate: \$169
good through April 16, 2012
(subject to availability)

Parking:

Free daily self-parking at UT garages.
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overnight parking.

KEY DATES

May 9, 2012, 5 p.m.

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

May 11, 2012, 5 p.m.

last day for full refund

May 14, 2012, 5 p.m.

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May 17, 2012, 9 a.m.

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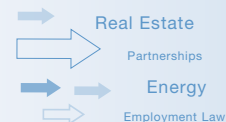


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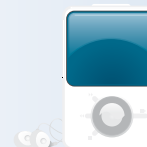
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