

19th Annual Labor and Employment Law Conference
May 17-18, 2012 • AT&T Conference Center • Austin, TX

Thursday Morning, May 17, 2012

Presiding Officer:

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

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.75 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 am 0.75 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 am	Break
10:45 am 0.75 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 am 0.75 hr 0.25 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 pm	Lunch on Your Own

Thursday Afternoon, May 17, 2012

Presiding Officer:

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

1:30 pm 0.75 hr 0.25 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 L.L.P. - Austin, TX
2:15 pm 0.75 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. Patricia Gail Sargent, The Sargent Law Group PLLC - Houston, TX
3:00 pm	Break

Track A: Human Resources

Presiding Officer:

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

3:15 pm 0.75 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. William T. Simmons, Texas Workforce Commission - Austin, TX
4:00 pm 0.50 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 pm 0.50 hr 0.25 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 pm 0.50 hr 0.25 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 pm 0.00 hr ethics	Track A Adjourn

Track B: Litigation

Presiding Officer:

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

3:15 pm 0.75 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 pm 0.50 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 pm 0.50 hr 0.25 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 pm 0.50 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 Judicial District Court - Dallas, TX Panelists: Hon. Ravi K. Sandill, 127th District Court - Houston, TX
5:30 pm 0.00 hr ethics	Track B Adjourn

Friday Morning, May 18, 2012

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8:00 am	Conference Room Opens Includes continental breakfast.
8:30 am 0.75 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 - Houston, TX
9:15 am 0.75 hr	Disability Rights in Transition Guidance regarding changing legal requirements and employer obligations from the ADAAA, EEOC regulations and post-amendment court decisions. James H. Kizziar Jr., Bracewell & Giuliani LLP - San Antonio, TX
10:00 am	Break
10:15 am 0.50 hr 0.25 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 am 0.75 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. Allison Lynn Bowers, Hutcheson Bowers LLP - Austin, TX Richard R. Brann, Baker Botts, L.L.P. - Houston, TX Shannon Harpold Hutcheson, Hutcheson Bowers LLP - Austin, TX
11:30 am 0.75 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

Friday Afternoon, May 18, 2012

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	Luncheon Presentation
12:15 pm	Break for Buffet Lunch Included in conference registration fee.
12:35 pm 0.75 hr 0.25 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 John W. Griffin Jr., Marek, Griffin & Knaupp - Victoria, TX
1:20 pm	Break
1:30 pm 0.75 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 Elaine Reinhard, Schmoyer Reinhard LLP - San Antonio, TX
2:15 pm 0.75 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: Vianei Lopez Braun, Buck Keenan LLP - Houston, TX Panelists: Karan Cummings Ciotti, Ogden Gibson Broocks Longoria & Hall, LLP - Houston, TX Panelists: Michael Vincent Galo Jr., Galo Law Firm - San Antonio, TX
3:00 pm 0.50 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 pm	Adjourn