

23rd Annual Labor and Employment Law Conference
May 3-4, 2016 • AT&T Conference Center • Austin, TX
May 3-4, 2016 • Live Webcast

Tuesday Morning, May 3, 2016

Presiding Officer:

Laura M. Merritt, Boulette Golden & Marin L.L.P. - Austin, TX

7:30 am In Austin Only	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.75 hr	State Employment Law Update: Texas and Beyond A review of employment-related developments under Texas state law with a discussion of significant new Texas cases and important trends in other states. Clara "C. B." Burns, Kemp Smith LLP - El Paso, TX
9:15 am 0.75 hr	Federal Law Developments An analysis of recent Supreme Court decisions and significant federal cases, legislative developments and regulatory changes. Linda Ottinger Headley, Littler Mendelson P.C. - Houston, TX
10:00 am 0.50 hr	Wage and Hour Update In recent years, wage and hour lawsuits have proliferated. This presentation examines the intricacies of the FLSA and continuing trends, including pending Supreme Court cases involving wage and hour issues. Robert E. Sheeder, Bracewell - Dallas, TX
10:30 am	Break
10:45 am 0.75 hr	The Future of Employment Explore the effects of the sharing economy on the traditional employment model as companies use technology to connect providers and end-users in novel ways and employees increasingly view themselves as individual entrepreneurs with their own business aspirations. Specific topics include the scope of the limitations of the employee vs. contractor classification system, the use of arbitration agreements as a response to judicial second-guessing, the scope of an employee's fiduciary duty, the ownership of employee inventions, and some of the potential consequences associated with replacing the traditional employment model with individually-defined, market-driven, peer-to-peer business relationships. Jason Boulette, Boulette Golden & Marin L.L.P. - Austin, TX

11:30 am 0.75 hr	<p>Recent Developments Under the National Labor Relations Act</p> <p>In the past year, a revitalized National Labor Relations Board has addressed a number of significant issues affecting union and nonunion workplaces. Hear recent developments from regulation of employer arbitration and e-mail policies to expansion of the joint employer doctrine.</p> <p>Jay K. Rutherford, Jackson Walker LLP - Fort Worth, TX Rod Tanner, Tanner and Associates, PC - Fort Worth, TX</p>
12:15 pm In Austin Only	<p>Pick Up Lunch (in Austin)</p> <p>Included in registration.</p>

Tuesday Afternoon, May 3, 2016

Presiding Officer:

Kenneth D. Hughes, Hughes Roch LLP - Houston, TX

LUNCHEON PRESENTATION

12:35 pm 0.75 hr	<p>Judicial Insights</p> <p>Hear federal and state judges discuss trends in employment law and get practical tips for working effectively with the judiciary.</p> <p>Moderator: John V. Jansonius, Jackson Walker LLP - Dallas, TX Panelists: Hon. Alfred H. Bennett, U.S. District Court, Southern District of Texas - Houston, TX Hon. Robert L. Pitman, U.S. District Court, Western District of Texas - San Antonio and Austin, TX Hon. Melody M. Wilkinson, 17th District Court - Fort Worth, TX</p>
1:20 pm	Break
1:35 pm 0.75 hr	<p>Public Sector Update</p> <p>Developments in substantive and procedural due process protections, as well as underlying principles governing public sector employment law.</p> <p>Ricardo J. Navarro, Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C. - Harlingen, TX</p>
2:20 pm 0.50 hr	<p>Federal Contracting Update</p> <p>Who is now considered a federal contractor (you may be surprised!), updates on obligations and recent Office of Federal Contract Compliance Programs (OFCCP) regulations and executive orders.</p> <p>Shafeeqa W. Giarratani, Norton Rose Fulbright - Austin, TX</p>
2:50 pm	Break

Track A: Litigation Strategies

Presiding Officer:

Robert E. Sheeder, Bracewell - Dallas, TX

3:00 pm In Austin Only 0.75 hr 0.25 hr ethics	Trade Secret and Non-Compete Update A discussion of recent cases involving trade secrets and non-competes, including an emphasis on practical courtroom advice. Elizabeth Siberry Chestney, Cornell Smith Mierl & Brutocao, LLP - Austin, TX Hon. Grant Dorfman, 334th District Court - Houston, TX Kenneth D. Hughes, Hughes Roch LLP - Houston, TX
3:45 pm In Austin Only 0.50 hr 0.25 hr ethics	Arbitration Strategies A lawsuit was filed, but there is an arbitration agreement. Now what? From compelling arbitration to trying a case before an arbitrator, survey decision points from the beginning of a dispute to enforcing or appealing an arbitral award and ethical issues unique to the arbitration world. Vanessa M. Griffith, Vinson & Elkins LLP - Dallas, TX Christopher H. Hahn, Dell - Round Rock, TX
4:15 pm In Austin Only 0.50 hr	Hot Topics and Trends in FLSA Collective Actions Attorneys from both sides of the bar will keep you up to date about the latest trends in conditional certification and the hottest topics facing lawyers litigating in this fast-growing area. J. Derek Brazier, Lee & Brazier, LLP - Dallas, TX Kevin J. White, Hunton & Williams LLP - Houston, TX
4:45 pm In Austin Only 0.50 hr	Using Experts in Employment Cases Beyond damages, what insight or support can experts offer in employment cases? Lauren E. Mutti, Jackson Walker LLP - Dallas, TX
5:15 pm In Austin Only	Adjourn

Track B: Workforce Strategies

Presiding Officer:

Steven L. Mierl, Cornell Smith Mierl & Brutocao, LLP - Austin, TX

3:00 pm 0.75 hr 0.25 hr ethics	Anticipating, Receiving and Resolving Workplace Conflicts Lawyers for employers and employees present a candid discussion of best practices for addressing problems and working effectively to a mutually acceptable resolution. Vianei Lopez Braun, Shannon, Gracey, Ratliff & Miller, LLP - Fort Worth, TX David T. Lopez, Attorney-Arbitrator-Mediator - Houston, TX
3:45 pm 0.50 hr 0.25 hr ethics	Navigating Employee Data Privacy in the Digital Age An overview of current hot topics in the area of employee data privacy, including issues regarding the authorized and unauthorized access of employees' personal information from current and former employers. Jason M. Storck, Wilson Sonsini Goodrich & Rosati, P.C. - Austin, TX

4:15 pm 0.50 hr	<p>What's New with the Affordable Care Act?</p> <p>As employers continue to adapt to the Affordable Care Act's requirements, many new practical challenges have arisen with health plan design, tax reporting, staffing and scheduling practices among others, and more are sure to follow in 2016 and beyond. Explore an up-to-the-minute survey of these and other ACA compliance concerns and obtain practical tips and insights for ensuring that you are prepared for the challenges to come.</p> <p>Timothy G. Verrall, Ogletree, Deakins, Nash, Smoak & Stewart, P.C. - Houston, TX</p>
4:45 pm 0.50 hr	<p>Employee Handbooks</p> <p>Practical tips to update existing policies and adopt new ones in light of recent NLRB, EEOC and court activity.</p> <p>Steven L. Mierl, Cornell Smith Mierl & Brutocao, LLP - Austin, TX</p>
5:15 pm	<p>Adjourn</p>

Wednesday Morning, May 4, 2016

Presiding Officer:

John V. Jansonius, Jackson Walker LLP - Dallas, TX

7:30 am In Austin Only	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.75 hr	<p>Leaves of Absence Update</p> <p>Discover tips, tricks and strategies to deal with issues like intermittent leave, leave abuse, ADA accommodation, certification and return to work documentation, psychiatric health conditions and more.</p> <p>Katrina Grider, Attorney at Law - Cypress, TX</p>
9:15 am 0.75 hr	<p>Developments in Disability Discrimination Law: 2015 to 2016</p> <p>A review of significant developments under the Americans with Disabilities Act and insights into emerging disability issues.</p> <p>James H. Kizziar Jr., Bracewell - San Antonio, TX and Washington, DC</p>
10:00 am	<p>Break</p>
10:15 am 0.75 hr	<p>Practical Accommodations</p> <p>Practical tips and techniques on accommodating pregnancy, religion, gender identity, and disability, and lessons from recent Supreme Court and EEOC guidance on maintaining a productive and orderly work environment while steering clear of violating employee rights.</p> <p>Shannon B. Schmoyer, Schmoyer Reinhard LLP - San Antonio, TX</p>

11:00 am 0.75 hr ethics	The Impaired Employee or Client How to identify and address suicidal risks and mental health crises in employee and clients. Searcy L. Simpson Jr., Law Offices of Skip Simpson - Frisco, TX
11:45 am In Austin Only	Pick Up Lunch (in Austin) Included in registration.

Wednesday Afternoon, May 4, 2016

Presiding Officer:

James H. Kizziar Jr., Bracewell - San Antonio, TX and Washington, DC

LUNCHEON PRESENTATION

12:05 pm 0.75 hr	Lawyers, Guns, and Money The Texas Legislature has been on a steady march to broaden the places and manner in which firearms may be possessed. Learn how it affects employers and employees, and see the role lawyers have to play, as well. Michael J. Golden, Boulette Golden & Marin L.L.P. - Austin, TX
12:50 pm	Break
1:05 pm 0.50 hr	Modern Hiring An exploration of common mistakes employers should avoid in the hiring process, including the use of outdated applications, performing background checks which are unlawful under the FCRA and Title VII, relying on overly aggressive social media policies and using words which create red flags in job postings. Victoria Martin Phipps, Littler Mendelson P.C. - Houston, TX
1:35 pm 0.75 hr	Pretext Pretext from the perspective of an experienced worker-side attorney—learn what employers are doing today that may get them in trouble tomorrow. Amy Gibson, Gibson Wiley PLLC - Dallas, TX
2:20 pm 0.50 hr	Guardians of the IP Law Galaxy: What Employment Lawyers Need to Know Employment lawyers are often closest to the daily employment law issues that actually impact a client's intellectual property. Get practical tools to protect your clients in this quickly transforming information age. Howard L. Steele Jr., Steele Law Group, PLLC - Houston, TX Daisy Olivera, Buzz Points - Austin, TX

2:50 pm
0.75 hr ethics

Ethics for Employment Lawyers

Annual update on cutting-edge ethics issues in employment litigation and counseling including, attorney-client privilege and waiver issues, ethical issues in internal investigations, ex parte communication issues, employee use of social media and employer computer equipment, in-house ethical issues, and ethics and disclosure issues in settlement and negotiations.

Dennis P. Duffy, Baker & Hostetler LLP - Houston, TX

3:35 pm

Adjourn