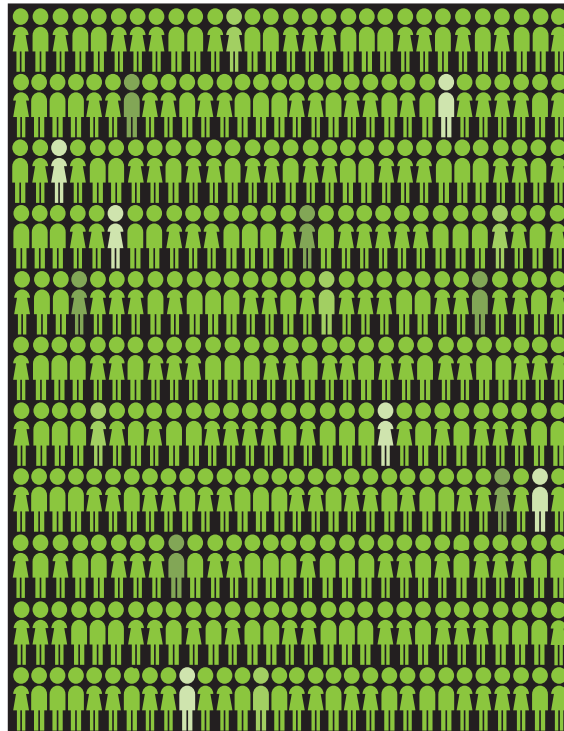


24TH ANNUAL
**LABOR AND EMPLOYMENT
LAW CONFERENCE**



June 12–13, 2017
AT&T Conference Center ■ Austin, Texas

 **Live Webcast June 12–13**

Earn up to 14.00 Hours of Credit Including 2.25 Hours of Ethics Credit
Specialization Credit Approved for: Civil Appellate Law, Civil Trial Law, and Labor and Employment Law
PHR, SPHR, and GPHR Recertification Credit Expected
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PHR, SPHR, and GPHR Recertification Credit Expected
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MONDAY MORNING

Presiding Officer:

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

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr

**State Employment Law Update:
Texas and Beyond**

Review 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 a.m. .75 hr | .25 hr ethics

**Federal Employment and Labor Law
Developments in 2016 – 2017**

Look back at significant developments in the legislative and executive branches, federal agencies, the Supreme Court and lower federal courts, and explore what the future may hold.

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

ACCREDITATION

CLE CREDIT

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 14.00 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 (#179).

LEGAL SPECIALIZATION

Civil Appellate Law
Civil Trial Law
Labor and Employment Law

PROFESSIONAL ACCREDITATION

PHR, SPHR, and GPHR Recertification Credit Expected
SHRM-CPSM/SHRM-SCPSM Recertification Credit Expected

Earn up to 17.00 credits in TX Accounting #250

10:00 a.m. .50 hr

Federal Contractor Update

Hear updates on federal contractor compliance obligations and recent Office of Federal Contract Compliance Programs (OFCCP) regulations, including a review of the Trump Administration's impact.

Derek T. Rollins, Ogletree, Deakins, Nash, Smoak &
Stewart, P.C., Austin, TX

10:30 a.m. Break

10:45 a.m. .75 hr

**Recent Developments and A Look Ahead
Under the National Labor Relations Act**

In recent years, the National Labor Relations Board has implemented expedited union election rules and rendered major decisions regulating employer arbitration, confidentiality and e-mail policies, expanding the joint employer doctrine, and aiding union organization of small employee units. Hear two seasoned labor lawyers address such recent developments and preview a reexamination by the Trump NLRB of a number of significant issues affecting union and nonunion workplaces.

John V. Jansonius, Jackson Walker LLP, Dallas, TX
Rod Tanner, Tanner and Associates, PC, Fort Worth, TX

11:30 a.m. .50 hr

**Hidden Traps at the Texas Workforce
Commission**

Helping your clients deal effectively with unemployment or wage claims before the Texas Workforce Commission involves not only knowledge of the basic laws, but also awareness of some special rules and guidelines that can be traps for inexperienced attorneys. Learn about the most important hidden hazards in handling wage payment, unemployment claims, and unemployment tax issues at the TWC.

William T. (Tommy) Simmons, Texas Workforce
Commission, Austin, TX

12:00 p.m. .50 hr | .25 hr ethics

Developments in Whistleblower Cases

Last year was a banner year for whistleblower cases. Hear the latest in the developments and examine the drivers behind big verdicts and judgments.

Amy Gibson, Gibson Wiley PLLC, Dallas, TX

12:30 p.m. Pick Up Lunch

Included in registration.

MONDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:50 p.m. .50 hr

**Welcome Folks, to the Trump Administration:
What the First 100 Days Mean for Employers
and Employees**

Get the latest updates on the workplace impact of the new Administration's appointments, policy direction, and other developments.

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

1:20 p.m. Break

1:35 p.m. .75 hr

Pay Equity Panel

Explore the principle of pay equity, how it is reflected in the various statutes governing pay equity, and the legal and practical concerns in complying with those statutes.

Moderator:

Shafeeqa W. Giarratani, Ogletree, Deakins, Nash,
Smoak & Stewart, P.C., Austin, TX

Panelists:

Allan G. King, Littler Mendelson, P.C., Austin, TX
Robert B. Speakman Jr., Economists Incorporated,
College Station, TX

2:20 p.m. .50 hr

**Key Risk Management Considerations When
Working with a PEO**

Learn the ways to best utilize a PEO effectively to manage employer risk from an HR, legal, workers' comp, and overall business perspective. Get practical tips to help properly evaluate PEOs.

Mark Sinatra, Staff One, Inc., Dallas, TX

2:50 p.m. Break

Concurrent Sessions

TRACK A: WORKFORCE SOLUTIONS

Presiding Officer:

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

3:00 p.m. .50 hr

LGBTQ Issues in the Workplace

Explore the past, present, and future of LGBTQ rights in the workplace and what we can expect during the Trump Administration.

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

3:30 p.m. .50 hr | .25 hr ethics

Best Practices in Dispute Resolution

Get practical tips on how to anticipate, avoid, evaluate, negotiate, and resolve workplace conflicts from a mediator and arbitrator with 45 years of experience representing employees and employers.

David T. Lopez, Attorney-Arbitrator-Mediator, Houston, TX

4:00 p.m. .50 hr

Common Mistakes in Seeking/Disclosing Medical Information

The use and disclosure of medical information touches many aspects of the employment relationship, and confusion often exists as to the applicability of HIPAA in this process. Examine common misconceptions as to the applicability of HIPAA in using and disclosing medical information, and outline the steps employers should take to ensure that they do not run afoul of HIPAA's requirements.

Felicia A. Finston, Wilkins Finston Friedman Law Group LLP, Dallas, TX

4:30 p.m. .50 hr ethics

Background Checks: Why Your Clients Are Probably Doing It Wrong

Conducted incorrectly, employment background checks can create more risk for employers than they avoid. Explore the differences among information sources, the most common compliance mistakes employers (and their legal counsel) make, and how most employers are using their background checks incorrectly.

Mike Coffey, Imperative - Bulletproof Background Screening, Fort Worth, TX

5:00 p.m. **Adjourn**

TRACK B: LITIGATION STRATEGIES

Presiding Officer:

Amy Gibson, Gibson Wiley PLLC, Dallas, TX

3:00 p.m. .50 hr

What's New in Seeking, Getting, and Using Discovery

Learn what you need to know about keeping up with advances in electronic discovery, social media, and changes to the state and federal rules.

Susan E. Hutchison, Hutchison & Stoy, PLLC, Fort Worth, TX

3:30 p.m. .50 hr | .25 hr ethics

Social Media as a Tool for Evidence

Social media is growing increasingly prevalent as a source of evidence in employment law cases, if you can discover it and get it admitted. Review ethical discovery methods related to social media, the nuts and bolts of admitting social media data into evidence, and strategies for using that evidence on both liability and damages claims.

Michael J. Golden, Boulette Golden & Marin L.L.P., Austin, TX

4:00 p.m. .50 hr

Non-Competes Under Attack

State-level initiatives are making it more challenging to establish and enforce non-competes in many jurisdictions. Discuss evolving strategies for multi-state employers looking to establish and enforce non-compete regimes.

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

4:30 p.m. .50 hr ethics

Communication with Adverse Parties

How can communicating with adverse parties minimize or maximize your effectiveness as an advocate, affect client service, and impact staff morale? It is not uncommon for the lofty ideals of legal professionalism to fade alongside the more instinctive goal of winning for our clients by using words or actions to crush our opponents. But using words to unnecessarily embarrass or demean can change how others perceive you, affect the willingness of your opponent to cooperate, and most importantly, may violate the rules of professionalism. Review the rules that speak to how we communicate with adverse parties, and the practical consequences of ignoring those rules.

Victoria Martin Phipps, Littler Mendelson P.C., Houston, TX

5:00 p.m. **Adjourn**

TUESDAY MORNING

Presiding Officer:

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

7:30 a.m. **Conference Room Opens**
Includes continental breakfast.

8:30 a.m. .75 hr

Public Sector Employment Law Update

Discuss recent developments of importance for representing government employees and employers, including free speech, due process, privacy, political patronage, and state law developments in the public workplace.

Monika Lucia Arvelo, City of Austin Law Department, Austin, TX
Philip Durst, Deats, Durst & Owen, P.L.L.C., Austin, TX

9:15 a.m. .50 hr

Who's the Boss? Update on Employee vs. Contractor and Joint Employer Status

Cash-strapped taxing authorities and employee rights agencies want a clearly defined employer (or two) to take responsibility. The gig economy and other lovers of freedom and flexibility prefer the independence of temporary alliances and blurred lines. Mix in a new Administration and the task of proper classification—and avoiding the costs of a mistake—just became trickier.

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

9:45 a.m. .50 hr

Protecting Confidential Information in the Age of Cyber Attacks: Do You Have a Plan?

Explore current hot topics in cybersecurity and protecting sensitive personal information, trade secrets, and other confidential business information in the digital age.

Jason M. Storck, Wilson Sonsini Goodrich & Rosati, P.C., Austin, TX

10:15 a.m. **Break**

10:30 a.m. .75 hr

General Counsel Panel: What HR, Outside Counsel, and Plaintiffs' Counsel Need to Know

Listen as general counsel share perspectives on how to efficiently and effectively interact with in-house counsel, including interactions regarding litigation, company policies, and labor law requirements.

Moderator:
Elaine Flud Rodriguez, Dallas Fort Worth International Airport, DFW Airport, TX

Panelists:
K. Bradleigh LeBlanc, Petro Harvester Oil & Gas, LLC, Plano, TX
Darryl R. Marsch, Wingstop, Dallas, TX

11:15 a.m. .75 hr

Wage and Hour Update

Wage and hour lawsuits continue to proliferate, and rules continue to evolve. Examine intricacies of the FLSA and developing trends in regulation and case law.

Robert E. Sheeder, Bracewell, Dallas, TX

12:00 p.m. **Pick Up Lunch**

Included in registration.

TUESDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:20 p.m. .50 hr

Gens, Gender and Culture, Oh My!

Our workforce spans five generations, each with a distinctive form of communicating. Throw in the gender and cultural diversity and you find yourself feeling like Dorothy skipping down the yellow brick road trying to find her way home, only to find out that the Wizard was all razzle-dazzle and not real at all. Get some clarity and find your way through this complex subject.

Petey Parker, Petey Parker and Associates, Dallas, TX

12:50 p.m. **Break**

1:05 p.m. .75 hr

Trade Secrets Update

Examine the handling of trade secret issues in the courtroom. What works and what doesn't with judges? Have the recently enacted federal and state statutes on trade secrets changed the way courts analyze these claims? What are the keys for handling emergency hearings involving injunctive relief? What are the best ways to protect the confidentiality of the trade secret in litigation?

Hon. Elizabeth S. Chestney, U.S. District Court, Western District of Texas, San Antonio, TX
Kenneth D. Hughes, Hughes Roch LLP, Houston, TX
Howard L. Steele Jr., Steele Law Group, PLLC, Houston, TX

1:50 p.m. .75 hr

Developments in Disability Discrimination Law

Review significant regulatory and court developments under the Americans with Disabilities Act, and gain insights into emerging disability issues.

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

2:35 p.m. **Break**

2:45 p.m. .50 hr | .25 hr ethics

From Parties to Presidents:

The Use of Social Media to Prove Animus

Explore the use of off-the-job social media statements by decision-makers to demonstrate unlawful animus. Hear an in-depth examination of the legal standards for direct evidence and the stray remark doctrine, along with potential strategies for rehabilitating compromised decision-makers.

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

3:15 p.m. .75 hr ethics

Ethics for Employment Lawyers

An update on cutting-edge ethics and professionalism issues in employment litigation and counseling, including attorney-client privilege and waiver issues, ethical issues in internal investigations, ex parte communications, and inadvertent disclosure rules.

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

4:00 p.m. **Adjourn**

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*Planning Committee member

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School of Law
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Austin, TX 78713-7759

Fax:

512.475.6876

Questions? 512.475.6700

*Dietary requirements or Accessibility needs?
Call 512.475.6700 or email service@utcle.org*

REGISTRATION BENEFITS

Before the Conference: Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in "Your Briefcase" 48 hours before the conference.

After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in "Your Briefcase."

eConference: Complimentary 180-day access to the eConference—with papers, slides, and audio—for CLE credit (TX and CA) you may have missed at the live conference. Available in "Your Briefcase" 6–8 weeks after the conference.

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ECONFERENCE AND COMPLETE CONFERENCE MATERIALS

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Complete eConference package includes all conference materials for download from "Your Briefcase" at utcle.org.

Complete Conference Materials

Comprehensive Binder and Audio products from the live conference—for research and self-study. Available for download and shipping.

REGISTRATION FORM

PLEASE PRINT CLEARLY

EL17

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Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations, and receipts are emailed to these addresses.

REGISTRATION

Special group registration rates available. Call 512.475.6700.

Select Registration Type

- Individual registration by June 7 \$ 645
 Individual registration after June 7 \$ 695

Printed course binder available for an additional fee through June 7

Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase" at utcle.org

- Printed Course Binder \$27.06
Price includes 8.25% Sales Tax
 Printed Course Binder for tax exempt registrants \$25
(e.g., government employees and nonprofits)

Tuesday Afternoon Concurrent Sessions—Select One

- Track A: Workforce Solutions
 Track B: Litigation Strategies

WEBCAST REGISTRATION

Please note ONLY Track A: Workforce Solutions will be available via webcast

- Individual registration \$595
Includes Electronic Course Binder Download (PDF) in "Your Briefcase" at utcle.org

ECONFERENCE—For Texas MCLE Credit

Complete eConference package includes all conference materials for download from "Your Briefcase" at utcle.org. Available 6–8 weeks after the live conference date.

- Individual eConference \$595
Call 512.475.6700 to register additional participants

COMPLETE CONFERENCE MATERIALS[†]—For Research and Self-Study

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- eBinder Download (PDF) \$225
 Printed Binder \$275
 Audio Download (MP3) \$175
 2016 Essential Employment Law Handbook eBinder Download \$125
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AUSTIN

June 12–13, 2017

CONFERENCE LOCATION



AT&T Conference Center
The University of Texas at Austin
1900 University Avenue
Austin, TX
877.744.8822

Special Room Rate: \$185
good through May 17, 2017
(subject to availability)

Parking:

Free daily self-parking at UT garages.
Separate fees apply for valet and
overnight parking.
(subject to change)

KEY DATES

June 5, 2017

last day for cancellation (full refund)

June 7, 2017

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

June 9, 2017

last day for cancellation (partial refund)
\$50 processing fee applied

June 12, 2017, 8:20 a.m.

Conference begins

REASONS TO ATTEND LABOR AND EMPLOYMENT LAW

The **24th Annual Labor and Employment Law Conference** offers two days of timely updates and emerging trends in employment law from leading members of the employment law bench and bar along with HR and personnel experts. Highlights include:

- *Welcome Folks, to the Trump Administration: What the First 100 Days Mean for Employers and Employees*, with **Laura M. Merritt**, Boulette Golden & Marin, L.L.P.
- A deep dive into the principle of pay equity, how it is reflected in statute, and the legal and practical concerns in complying with those statutes
- **William T. (Tommy) Simmons** of the Texas Workforce Commission examining important hidden hazards in handling wage payment, unemployment claim, and unemployment tax issues at TWC
- General counsel perspectives on how to efficiently and effectively interact with in-house counsel, including interactions regarding litigation, company policies, and labor law requirements
- Focused presentation series on litigation strategies (featuring updates on discovery and social media) and workforce strategies (featuring updates on LGBTQ issues and background checks)
- The latest federal and state employment case law and legislative developments, including disability issues under the ADA, guidance under the NLRA, and more

2016 ESSENTIAL EMPLOYMENT LAW HANDBOOK

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