

27TH ANNUAL
**LABOR AND EMPLOYMENT LAW
CONFERENCE**



May 7–8, 2020

 Live Webcast Presentation

Earn up to 14.25 Hours of Credit Including 3.25 Hours of Ethics (Hours Vary by State)

MCLE Credit Approved in TX, CA, and OK

TX Legal Specialization Credit Approved for Civil Appellate Law, Civil Trial Law, and Labor and Employment Law

Professional Accreditation Available: Human Resources PHR/SPHR/GPHR (Expected) and

SHRM-CPSM/SHRM-SCPSM Recertification Credit

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THURSDAY MORNING, MAY 7, 2020

Presiding Officer:

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

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr

State Employment Law Update: Texas and Beyond

Examine employment-related developments under Texas state law, including a discussion of significant new Texas cases. Also explore important trends developing in other states, and what they might mean for Texas.

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

9:20 a.m. .75 hr

Federal Employment Law Update

Analyze recent U.S. Supreme Court decisions, significant federal case law, and federal legislative developments.

Danielle K. Herring, Littler Mendelson P.C., Houston, TX

10:10 a.m. .75 hr

NRLB Update

A detailed discussion of the dramatic changes that affect unionized and non-unionized workers and employers that have occurred in the last 12 months under the National Labor Relations Act.

Robert E. Sheeder, Morgan, Lewis & Bockius LLP, Dallas, TX
Rod Tanner, Tanner and Associates, PC, Fort Worth, TX

11:00 a.m. .75 hr

Wage and Hour Update

Review developments in wage and hour enforcement and law over the past year.

John V. Jansonius, Jackson Walker LLP, Dallas, TX
Aaron Johnson, Equal Justice Center, Austin, TX

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11:50 a.m. .50 hr

Religion at Work

The American workplace is becoming an epicenter for the escalating clash between employees and employers over religious beliefs and practices. Trace the core legal rights and duties, and highlight emerging developments.

Sheila B. Gladstone, Lloyd Gosselink Rochelle & Townsend, P.C., Austin, TX

12:20 p.m. Break for Lunch

Presentation Resumes at 12:45 p.m.

THURSDAY AFTERNOON

Presiding Officer:

Rod Tanner, Tanner and Associates, PC, Fort Worth, TX

LUNCHEON PRESENTATION

12:45 p.m. .75 hr | .25 hr ethics

Consulting a Consultant: How to Choose One and Perhaps Become One

Learn when to retain an outside consultant and a template for ensuring you've found the right one. In addition, hear what it's like to be a consultant in today's complicated employment world—in case you are ready to jump ship!

DeDe Church, DeDe Church & Associates, LLC, Austin, TX

1:35 p.m. .75 hr | .25 hr ethics

Whistleblowers

A plaintiff-side and defense-side lawyer discuss protections and pitfalls for individuals and employers under state and federal whistleblower statutes.

Drew L. Harris, Office of the Attorney General, Austin, TX
Austin Kaplan, Kaplan Law Firm, Austin, TX

2:25 p.m. .75 hr | .25 hr ethics

Navigating the TWC/EEOC

Get practical tips to ethically navigate through the TWC and EEOC administrative process from the perspective of the employee, employer, and TWC/EEOC. Stories from the front line identify best practices when involved in TWC hearings and EEOC litigation.

Suzanne M. Anderson, U.S. Equal Employment Opportunity Commission, Dallas, TX
Ross Brennan, Texas Workforce Commission Civil Rights Division, Austin, TX
Malinda A. Gaul, Gaul and Dumont, San Antonio, TX
Gilbert L. Sanchez, Kemp Smith LLP, El Paso, TX

3:10 p.m. Break

Presentations Resume at 3:20 p.m.

ABOUT THE COVER



"Foggy Lullaby" by Philip Durst
www.davisgalleryaustin.com/artist.durst.html

2019 ESSENTIAL EMPLOYMENT LAW HANDBOOK

The Definitive Resource Guide for Employment Lawyers and HR Professionals

Unsure if there is ever an obligation to give a reference on a former employee? Can employee violence really be prevented? What is the difference between disparate treatment and disparate impact, and why does it matter? What is working time? How is overtime calculated?

The Essential Employment Law Handbook addresses these questions, and provides best practices on "employment-at-will," discrimination and harassment issues, wage and hour violations, retaliation, hiring, firing, documentation, performance reviews, FMLA, and much more.

Available for download only. To purchase, select on the registration form or visit www.utcle.org/conferences/EE19 and click on "Materials" by "Related products".

TRACK A: WORKFORCE SOLUTIONS

Presiding Officer:

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

3:20 p.m. .75 hr

Hire Power: Best Hiring Practices

From identifying the needed skills to on-boarding the best hire, a lot can go wrong in the hiring process. Identify the legal requirements and gain practical tips that will help you source, evaluate, and select talent like a pro.

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

4:10 p.m. .50 hr | .25 hr ethics

Internal Investigations

Artful Inquisitions—how to master internal investigations to uncover the truth. Employee interviews are critical to conducting an effective and thorough workplace investigation. Get informative tips on preparing investigation interviews, applying effective questioning techniques, and using emotional intelligence to elicit key information.

Tara M. Kumpf, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Austin, TX

4:45 p.m. .50 hr

Challenges and Parameters of Diversity Initiatives

Explore important legal principles to be aware of in crafting inclusion and diversity initiatives, as well as how federal contractor status impacts legal obligations.

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

5:20 p.m. .50 hr

Riding the Paid Sick Leave Wave: An Update on Texas Paid Sick Leave Ordinances

In 2019, Texas was swept-up in the nationwide trend of municipal ordinances, mandating that employers provide employees with protected, paid time away from work for health and wellness reasons. Austin, San Antonio, and Dallas have all passed ordinances of this kind, and each is being challenged in court. Hear a general overview of these ordinances, the state of the surrounding litigation, and a preview of where we may end up from here.

Luke MacDowall, Littler Mendelson P.C., Houston, TX

5:50 p.m. Adjourn

TRACK B: LITIGATION STRATEGIES

Presiding Officer:

**Rod Tanner, Tanner and Associates, PC,
Fort Worth, TX**

3:20 p.m. .75 hr

Arbitration Intersects with Employment Law

Experienced arbitrators discuss the advantages and pitfalls of arbitration as an alternative to litigation, trends in arbitrating employment cases, interpretation of arbitration clauses, and what both sides can do to reduce costs and make effective presentations.

Moderator:
David Schlottman, Jackson Walker LLP, Dallas, TX

Panelists:
David T. Lopez, Attorney-Arbitrator-Mediator,
Houston, TX
Hon. Alvin L. Zimmerman, Spencer Fane LLP,
Houston, TX

4:10 p.m. .50 hr | .25 hr ethics

Preparing Witnesses; Practical and Ethical Considerations

Witness preparation involves both practical and ethical challenges. How do you ensure your witnesses are well prepared and comfortable with the process? And how do you navigate between zealous advocacy and the duty of candor to the tribunal? Gain useful tips from both the plaintiff and defense perspective.

Vianei Lopez Braun, Decker Jones, P.C., Fort Worth, TX
Joseph Gillespie, Gillespie Sanford LLP, Dallas, TX

4:45 p.m. .50 hr

Texas Citizen's Participation Act: Recent Statutory and Decisional Developments

How have recent amendments and decisions affected the scope and viability of the TCPA? What strategies are effective for TCPA movants and respondents?

David C. Holmes, Law Offices of David C. Holmes,
Houston, TX

5:20 p.m. .50 hr

Appellate Judge's View of Employment Law Cases

A mid-level update of employment law opinions from our intermediate courts of appeal.

Hon. Amanda L. Reichek, Fifth Court of Appeals,
Dallas, TX

5:50 p.m. Adjourn

Presiding Officer:

**Kathryn Youker, Texas Riogrande Legal
Aid, Brownsville, TX**

8:30 a.m. .75 hr

Public Sector Update

Get the latest on representing government employees, including developments in the First Amendment, due process, privacy, political patronage, and state law protections in the public workplace.

B. Craig Deats, Deats, Durst & Owen, P.L.L.C.,
Austin, TX
Natalie G. DeLuca, Metropolitan Transit Authority of
Harris County, Texas, Houston, TX

9:20 a.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.

Amber K. Dodds, Bracewell LLP, San Antonio, TX
James H. Kizziar Jr., Bracewell LLP, San Antonio, TX
and Washington, DC

10:10 a.m. .75 hr | .25 hr ethics

Beyond Accommodation: Mental Health Issues in the Workplace

Employers are confronted with mental health issues in a variety of ways. Whether it is an employee suicide or a psychotic break, dealing with increased stress and anxiety, handling threats of workplace violence, or trying to promote wellness in the workplace, this session covers the issues that mental health issues raise for employers beyond reasonable accommodation under the ADA.

Jennifer M. Trulock, Baker Botts, Dallas, TX

11:00 a.m. .50 hr

Pay Equity

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

11:35 a.m. .50 hr ethics

The Ethics of Civility

Our revered colleague Phil Durst passed away in 2019. Two lawyers who were frequently his opposing counsel—one an in-house attorney and the other litigation counsel—reflect on Phil's civility and humor as key to his effectiveness as a lawyer and fealty to the lawyers' professional duties of courtesy, candor, and cooperation with opposing counsel.

Christopher H. Hahn, Dell, Round Rock, TX
Tom Nesbitt, DeShazo & Nesbitt LLP, Austin, TX

12:05 p.m. Break for Lunch

Presentation Resumes at 12:30 p.m.

CONFERENCE ACCREDITATION

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 14.25 hours, of which 3.25 credit hours will apply to the legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and Oklahoma Bar Association MCLE presumptively approved provider (#169).

Presiding Officer:

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

LUNCHEON PRESENTATION

12:30 p.m. .75 hr

**Leadership: Winning the Employee
Engagement War**

Over 63% of the American workforce is disengaged costing companies a whopping \$500 billion in lost productivity annually. Moreover, winning the war seems almost impossible for most organizations. Jeff unpacks the idea that leadership—in terms of leading self and others, applying the right things, the right way toward the right goal—is the greatest organizational defense against the costly enemy of employee disengagement and voluntary turnover.

Jeff Smith, FiveSeven Solutions, Dallas, TX

1:20 p.m. .75 hr

**Employee Activism and Workplace Political
Speech**

Analyze legal and practical implications of employee activism and political speech including best practices for employee training, policy development, and navigating related day-to-day workplace realities.

Jamie Gilmore, Tanner and Associates, PC,
Fort Worth, TX
Laura M. Merritt, Boulette Golden & Marin L.L.P.,
Austin, TX

2:10 p.m. .75 hr ethics

Ethics in Age of Digital Transactions

Examine how long established ethics rules and practices measure up with technology in the Digital age.

Trang Tran, Tran Law Firm, Houston, TX
Ashley Tremain, Tremain Artaza, PLLC, Dallas, TX

3:00 p.m. .75 hr ethics

Ethics for Employment Attorneys – 2020

Get updated on cutting-edge ethics issues, including attorney-client privilege and waiver issues, *ex parte* communications, access to social media and computer information, inadvertent disclosure and improper acquisition of confidential information, litigation holds and spoliation issues, and settlement negotiations.

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

3:45 p.m. Adjourn

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Thursday Afternoon Concurrent Sessions – Select One

- Track A: Workforce Solutions
 Track B: Litigation Strategies

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- Printed Course Binder \$75.78 (\$70*)

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 2019 Essential Employment Law Handbook eBinder Download \$135.31 (\$125*)

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LIVE WEBCAST PRESENTATION

May 7–8, 2020

KEY DATES

May 1, 2020

Last day for full refund cancellation

May 4, 2020

Last day for partial refund cancellation

\$50 processing fee applied

May 7, 2020, 8:20 a.m., CST

Webcast begins

May 8, 2020

Last day to order a printed binder

IN MEMORIAM

PHILIP DURST

1956–2019

This year's conference is dedicated to Phil Durst, a brilliant and widely respected attorney, a fierce social activist, and a beloved Adjunct Professor at the UT School of Law.

Phil's career spanned more than 30 years and for at least half of those years, he was a planning committee member of and speaker at this conference. As a talented artist, his newest designs and projects frequently accompanied him at planning meetings and

in ballroom foyers. A wayward pair of scissors even had to be returned to him once.

Phil was truly an exemplary man who loved helping people, his contributions of his time, his expertise, and especially his humor, are numerous and invaluable. Phil will be remembered for a very long time to come.



REASONS TO ATTEND LABOR AND EMPLOYMENT LAW

UT Law CLE's **Labor and Employment Law Conference** is the premier program on employment law practice in Texas. By bringing together leading members of the bar, personnel experts, and in-house counsel, the conference offers the timely updates, emerging trends, and the variety of perspectives practitioners need. 2020 highlights include:

- Updates on the latest federal and state employment case law and legislative developments, including disability issues under the ADA, changes under the NLRA, wage and hour enforcement, religion in the workplace, and more.
- Workplace issues facing employees and employers on whistleblower cases, navigating the TWC/EEOC process, diversity initiatives, sick leave ordinances, mental health, pay equity, and political activism.
- Focused presentation series on workforce solutions (featuring discussion of the best hiring practices and internal investigations) and litigation strategies (featuring discussion of effective arbitrations and preparing witnesses).
- 3.25 hours of ethics, including presentations on *The Ethics of Civility*, *Ethics in Age of Digital Transactions*, and *Ethics for Employment Lawyers*.

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UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, live conference attendees and live webcast customers will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.