

29TH ANNUAL
**LABOR AND EMPLOYMENT LAW
CONFERENCE**



May 5–6, 2022
AT&T Conference Center ■ Austin, Texas

 Live Webcast May 5–6

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Times listed are in Central Time

THURSDAY MORNING, MAY 5, 2022

Presiding Officer:
Jason Boulette, Boulette Golden & Marin L.L.P., Austin, 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

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.

Christopher Benoit, Coyle & Benoit, PLLC, El Paso, TX
Clara "C. B." Burns, Kemp Smith LLP, El Paso, TX

9:15 a.m. .75 hr

Federal Employment Law Update

Analyze recent U.S. Supreme Court decisions, federal legislative developments, and administrative action.

Danielle K. Herring, Littler Mendelson P.C., Houston, TX
Elizabeth "BB" Sanford, The Sanford Firm, Dallas, TX

10:00 a.m. .50 hr

Wage and Hour Update

An overview of annual developments in the field of wage-and-hour law, including case law updates, regulatory changes, and more.

David Schlottman, Jackson Walker LLP, Dallas, TX

10:30 a.m. 15-Minute Break

10:45 a.m. .50 hr

Remote Workers: Not as Simple as You Think

The COVID-19 pandemic forced most employers to embrace work being done remotely, but few realized the consequences of allowing work to be performed across state lines as their teams scattered. This presentation identifies the trips and traps of this new way to work and provides resources to keep you in compliance with new legal obligations triggered by the exodus.

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

11:15 a.m. .50 hr

The New Landscape for Sexual Harassment Claims in Texas

Texas lawmakers have recently expanded the protections for employees asserting sexual harassment claims. Analyze the new longer statute of limitations, broader definition of employer, potential individual liability, heightened duty to respond, and more.

Harrison M. Smith, Schmoyer Reinhard LLP, Fort Worth, TX

11:45 a.m. .75 hr

NLRB 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

12:30 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:
John V. Jansonius, Jackson Walker LLP, Dallas, TX

LUNCHEON PRESENTATION

1:00 p.m. .50 hr

Union Organizer

Learn how changes and attitudes are impacting union organizing from an organizer's perspective.

Bridget Fitzgerald, International Association of Machinists and Aerospace Workers, Upper Marlboro, MD

1:30 p.m. 15-Minute Break

1:45 p.m. 1.00 hr

Lessons Learned from the Pandemic

The COVID-19 pandemic created unprecedented challenges for individuals and organizations alike. This panel discusses real-world dilemmas from the perspectives of a prominent disability rights advocate, senior in-house counsel, and experienced defense counsel.

Moderator:
Vianei Lopez Braun, Decker Jones, P.C., Fort Worth, TX

Panelists:
Lia Sifuentes Davis, Disability Rights Texas, Austin, TX
Danielle Needham, Bell Flight, Fort Worth, TX

Materials By:
Brian East, Disability Rights Texas, Austin, TX

2:45 p.m. .75 hr

ESG and Employment Lawyers

While ESG (environmental, social, and governance) disclosures appear to be the province of corporate and environmental lawyers in reporting on sustainability factors, employment lawyers should focus on "S" and "G" reporting metrics. These metrics, which often are public even if a company is privately held, may be used in litigation and include human capital disclosures about how a company treats its employees, working conditions, health and safety policies, diversity statistics, and planned recruitment and retention efforts.

Jennifer M. Trulock, Baker Botts, Dallas, TX
Katrina S. Patrick, Law Offices of Katrina Patrick, Bellaire, TX

3:30 p.m. 10-Minute Break

3:40 p.m. .75 hr

Balancing DEI

Now that your firm or department has committed to the ideals of diversity, equity, and inclusion, here are some specific actions you can consider and tips for developing an inclusive culture that works for all.

DeDe Church, DeDe Church & Associates, LLC, Austin, TX
Victoria Martin Phipps, Texas A&M University, College Station, TX

4:25 p.m. .50 hr

The Fundamentals of Early Dispute Resolution

Early Dispute Resolution (or EDR) seeks to short-circuit the traditional litigation model and provide parties with methods, optimally using the services of a trained neutral, to resolve almost all disputes within 30-60 days at a fraction of the cost.

Paul D. Clote, Attorney at Law, Houston, TX
Michael A. Hawash, Hawash Houston Mediation LLC, Houston, TX

4:55 p.m. .50 hr

Service and Emotional Support Animals in the Workplace

Discussion of federal and Texas laws pertaining to service, assistance, and emotional support animals in the workplace.

Randall E. Turner, Law Offices of Randall E. Turner, PLLC, Hurst, TX

5:25 p.m. Adjourn

NETWORKING RECEPTION

THANK YOU TO OUR SPONSORS

5:30 p.m. – 6:30 p.m.

Join us for drinks and hors d'oeuvres with program faculty and attendees.

FRIDAY MORNING, MAY 6, 2022

Presiding Officer:

Amy Gibson, Gibson Wiley PLLC, Dallas, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:25 a.m. Morning Announcements

8:30 a.m. .75 hr

Public Sector Update

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

Natalie G. DeLuca, Harris County Attorney's Office, Houston, TX
Robert W. Schmidt, Crews Law Firm, P.C., Austin, TX

9:15 a.m. .75 hr

Developments in Disability Discrimination Law

A comprehensive review of significant regulatory and court developments under the Americans with Disabilities Act and insights into emerging disability issues.

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

10:00 a.m. .50 hr

Pretext

Examples of pretext and review of case authority from a workers-side attorney.

Amanda Hernandez, AH LAW, PLLC, Houston, TX

10:30 a.m. 15-Minute Break

10:45 a.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

11:30 a.m. .75 hr

Trade Secret and Non-Compete Update

Review a summary of recent developments in trade secret and non-compete cases. Hear both the employer and employee perspectives, as well as an analysis of recent cases involving injunctive relief, damages, and other issues.

Kenneth D. Hughes, Hughes PLLC, Houston, TX
Carlos R. Soltero, Soltero Sapire Murrell PLLC, Austin, TX

12:15 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:45 p.m. .50 hr

Retaliation: Winning the Battle, Losing the War

Why is retaliation the most dangerous cause of action, and what can you do about it?

Katrina Grider, U.S. Equal Employment Opportunity Commission, Houston, TX

This presentation was recorded and will be broadcast during the conference proceedings. The speaker will not be available in real-time to answer questions.

1:15 p.m. 15-Minute Break

1:30 p.m. .75 hr

Deep Dive on Accommodations

An employer's legal obligation to accommodate employees' unique needs can be confusing, surprising, and sometimes contradictory. Hear lawyers from both the employer and employee side as they discuss the practical application of the complex framework of disability, religion, and other circumstances that can require an employer to make adjustments to business as usual.

Malinda A. Gaul, Gaul and Dumont, San Antonio, TX
Laura M. Merritt, Boulette Golden & Marin L.L.P., Austin, TX

2:15 p.m. .50 hr

Unconscious Bias

Discuss unconscious bias in the workplace, its impact on employment decisions and best practices for supervisor training.

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

2:45 p.m. 1.00 hr ethics

What Do You Mean I'm a Witness?

Lawyers, particularly outside litigation counsel, sometimes operate under the mistaken impression that their role as counsel shields them from being called to testify as a witness. Explore the circumstances under which an attorney can be called to testify as a witness, including as a witness in proceedings in which the attorney is serving as an advocate. This session will also touch on the intersection between an attorney's first-hand factual knowledge and the protections of the attorney-client privilege.

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

3:45 p.m. Adjourn

ACTION THROUGH EDUCATION

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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 1.25 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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Mail:

The University of Texas
School of Law
ATTN: CLE
PO Box 7759
Austin, TX 78713-7759

Fax:

512.475.6876

Questions? 512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 days prior to the conference.

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Comprehensive Course Materials: Access course materials in "Your Briefcase" approximately 48 hours before the live webcast, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

Accredited eConference: Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in "Your Briefcase" 4–6 weeks after the live webcast.

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PLEASE PRINT CLEARLY

EL22

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EVENT REGISTRATION

Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.

- Live, In-Person Event Registration \$645 | \$695 after April 27
 Live Webcast Registration \$645 | \$695 after April 27

Printed and Shipped Binder with Registration (Shipping Included) – Available for order through Friday, May 6, 2022

Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

- Printed and Shipped Course Binder \$70.36 (\$65*)

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Register for the in-person conference and add on the webcast format for attendance flexibility.

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TOTAL EVENT REGISTRATION \$ _____

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- Electronic Post-Course Download (PDF) \$265.21 (\$245*)

- Printed Post-Course Binder \$319.34 (\$295*)

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Extensive resources including audio, video, papers, and slides from UT Law CLE programs.

- eLibrary 12-Month Subscription \$319.34 (\$295*)

TOTAL POST-CONFERENCE PRODUCTS \$ _____

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- Check (make check payable to The University of Texas at Austin)
 VISA MasterCard American Express P.O. (include a copy of the purchase order upon submission)

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Authorized Signature _____

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SCAN TO VIEW OUR
COVID-19 PROTOCOLS

See what we're doing differently this year to address the safety concerns of our staff and attendees at in-person events.



EL22

AUSTIN

May 5–6, 2022

CONFERENCE LOCATION



AT&T Conference Center
The University of Texas at Austin
1900 University Avenue
Austin, TX 78705

ACCOMMODATIONS

Please visit
www.utcle.org/conferences/el22#venue
for information regarding nearby hotels.

Parking:

Daily self-parking will be validated for the AT&T Conference Center garage or surrounding UT garages. Please note Dobie is not a UT garage and parking cannot be validated. Separate fees apply for valet and overnight parking.

KEY DATES

April 27, 2022

Last day for early registration rates

April 29, 2022

Last day for full refund cancellation

May 2, 2022

Last day for partial refund cancellation

\$50 processing fee applied

May 5, 8:20 a.m., CTT

Conference begins

May 6, 2022

Last day to order a printed and shipped course binder with in-person or webcast conference registration.

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This year's program features:

- Updates on the latest federal and state employment case law and legislative developments, including disability issues under the ADA, changes under the NLRB, wage and hour enforcement, the public sector, trade secrets and non-competes, and more.
- Workplace issues and developments facing employees and employers on remote working arrangements, whistleblower cases, sexual harassment claims, developing an inclusive culture, and emotional support animals in the workplace.
- An examination of the complex framework that employers must navigate and obligations they must meet in *A Deep Dive on Accommodations*.
- *ESG and Employment Lawyers*, learn about the latest in social and governance reporting metrics and the resulting impact on litigation.
- Multiple networking opportunities with program faculty and fellow practitioners, including the Thursday Evening Reception.

Following the conference, attendees will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.

UT Law CLE is committed to Practice Excellence.

We are here to support our community while we navigate the coronavirus pandemic together. Information and updates regarding our in-person conferences and live webcasts will be posted at www.utcle.org.

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

