

# 2016 Essential Non-Compete and Trade Secret Law: A Practical Guide to Talent Management

September 9, 2016 • Cityplace Conference Center • Dallas, TX

September 30, 2016 • Norris Conference Center • Austin, TX

October 7, 2016 • Norris Conference Center - CityCentre • Houston, TX

## Friday Morning, Sep. 9, 2016

### Presiding Officer:

**Stephen E. Fox**, Polsinelli PC - Dallas, TX

7:30 am	<b>Registration Opens</b>  Includes continental breakfast.
8:20 am	<b>Opening Remarks</b>

### The Latest in Talent Management: Non-Compete Agreements

8:30 am 0.75 hr	<b>Protecting Business Interests with Non-Compete Agreements</b>  In an age when employee mobility is the norm, non-compete agreements can serve as a valuable tool to protect business interests. Learn the essential elements of an enforceable non-compete agreement, and identify possible pitfalls in your talent management practices.  In Dallas: Stephen E. Fox, Polsinelli PC - Dallas, TX In Houston: Robert James Garrey, Polsinelli PC - Dallas, TX
9:15 am 0.25 hr	<b>Drafting Tips for Effective Non-Compete Agreements</b>  The enforceability of a non-compete agreement hinges on precise drafting. Get tips on how to make sure your agreement is legally enforceable and how to avoid common drafting pitfalls.  In Dallas: Stephen E. Fox, Polsinelli PC - Dallas, TX In Houston: Robert James Garrey, Polsinelli PC - Dallas, TX

### The Latest in Talent Management: Trade Secrets and Non-Disclosure Agreements

9:30 am 0.75 hr	<b>Trade Secrets: Texas Law and the New Federal Legislation</b>  An in-depth look at the Texas Uniform Trade Secrets Act and new federal Defend Trade Secrets Act, and what they mean for your business.  In Dallas: John C. C. Sanders Jr., Fish & Richardson P.C. - Dallas, TX In Houston: John C. C. Sanders Jr., Fish & Richardson P.C. - Dallas, TX
--------------------	---

10:15 am 0.25 hr	<p><b>Drafting Tips for Effective Non-Disclosure Agreements</b></p> <p>Get practical tips on how to draft effective, enforceable non-disclosure agreements to protect your company or client's intellectual property interests.</p> <p>In Dallas: John C. C. Sanders Jr., Fish &amp; Richardson P.C. - Dallas, TX In Houston: John C. C. Sanders Jr., Fish &amp; Richardson P.C. - Dallas, TX</p>
10:30 am	<b>Break</b>
<b>Temporary Restraining Orders: Protection and Process</b>	
10:45 am 0.50 hr	<p><b>The TRO Process Explained</b></p> <p>The temporary injunction hearing is the key moment in non-compete enforcement. Get practical tips on what you need to establish, and specifically what constitutes imminent irreparable harm.</p> <p>In Dallas: Steven L. Mierl, Cornell Smith Mierl &amp; Brutocao, LLP - Austin, TX In Houston: Steven L. Mierl, Cornell Smith Mierl &amp; Brutocao, LLP - Austin, TX</p>
11:15 am 0.50 hr	<p><b>Fight at the TI Corral</b></p> <p>The temporary injunction (TI) fight is an essential step in non-compete litigation, but it comes early in the process and litigants can get caught unprepared! Many lawyers express that a case may be won or lost at this early stage. How does this hearing differ from the TRO hearing? What should litigants do to prepare for success at this critical hearing? What are the anticipated issues and arguments? Learn how to avoid the traps and set yourself up for an effective litigation.</p> <p>In Dallas: Steven L. Mierl, Cornell Smith Mierl &amp; Brutocao, LLP - Austin, TX William E. Hammel, Constangy, Brooks, Smith &amp; Prophete, LLP - Dallas, TX In Houston: Steven L. Mierl, Cornell Smith Mierl &amp; Brutocao, LLP - Austin, TX Mark Temple, Reed Smith LLP - Houston, TX</p>
11:45 am 0.50 hr	<p><b>The Local TRO Process</b></p> <p>The process for obtaining a temporary restraining order (TRO) can vary from jurisdiction to jurisdiction, and even from judge to judge. Get practical tips from seasoned local practitioners on how to obtain a TRO in your local courtroom.</p> <p>In Dallas: William E. Hammel, Constangy, Brooks, Smith &amp; Prophete, LLP - Dallas, TX In Houston: Mark Temple, Reed Smith LLP - Houston, TX</p>
12:15 pm	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Friday Afternoon, Sep. 9, 2016

### Presiding Officer:

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

### LUNCHEON PRESENTATION

12:35 pm  
In Dallas Only  
0.50 hr

#### **Video Replay: 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. Originally recorded at the [23rd Annual Labor and Employment Law Conference](#).

Jason M. Storck, Wilson Sonsini Goodrich & Rosati, P.C. - West Lake Hills, TX

1:05 pm

#### **Break**

### Employee Departures: The Experts Speak

1:20 pm  
1.00 hr

#### **Investigating the Employee Departure**

Departing employees can carry the risk of losing company assets—both literally and figuratively. Learn how to investigate possible misappropriation of company assets, and how to prevent their misappropriation in the first place.

In Dallas:

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

In Houston:

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

2:20 pm  
0.50 hr

#### **Mediation of Non-Compete and Non-Disclosure Disputes**

More often than not, disputes involving departing employees end up in mediation. Hear from local mediators about what they look for in resolving these disputes, and what you can do to help avoid them in the first place.

In Dallas:

Will Pryor, Will Pryor Mediation & Arbitration - Dallas, TX

In Houston:

Will Pryor, Will Pryor Mediation & Arbitration - Dallas, TX

2:50 pm

#### **Break**

3:00 pm  
1.00 hr

#### **Tips for the New Employer and the Former Employer**

Get practical tips on hiring key talent from the competition while minimizing the chance of litigation and maximizing the chance of success in the event of a suit, and learn to manage the departure of key talent to a direct competitor for both business and litigation purposes.

In Dallas:

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

In Houston:

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

4:00 pm

#### **Adjourn**