

24th Annual Labor and Employment Law Conference
June 12-13, 2017 • AT&T Conference Center • Austin, TX
June 12-13, 2017 • Live Webcast

Monday Morning, June 12, 2017

Presiding Officer:

Audrey E. Mross, Munck Wilson Mandala, LLP - Dallas, 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 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 am 0.75 hr 0.25 hr ethics	Federal Employment and Labor Law Developments in 2016 - 2017 Look back at significant developments in the legislative and executive branches, federal agencies, and the Supreme Court and lower federal courts, and explore what the future may hold. Linda Ottinger Headley, Littler Mendelson P.C. - Houston, TX
10:00 am 0.50 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 am	Break
10:45 am 0.75 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 am 0.50 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 pm 0.50 hr 0.25 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 pm In Austin Only	Pick Up Lunch (in Austin) Included in registration.

Monday Afternoon, June 12, 2017

Presiding Officer:

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

LUNCHEON PRESENTATION

12:50 pm 0.50 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 pm	Break
1:35 pm 0.75 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 pm 0.50 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 pm In Austin Only	Break (in Austin)
Track A: Workforce Solutions Presiding Officer: Connie L. Cornell , Cornell Smith Mierl & Brutocao, LLP - Austin, TX	
	SPECIAL NOTICE: Live Webcast Includes <i>Workforce Solutions</i> Only The live webcast includes the <i>Workforce Solutions</i> track but not the <i>Litigation Strategies</i> track. The materials for both tracks are available in the course materials, and approximately 6-8 weeks after the conference the <i>Workforce Solutions</i> video and <i>Litigation Strategies</i> audio will both be available in "Your Briefcase."
3:00 pm 0.50 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 pm 0.50 hr 0.25 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 pm 0.50 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 pm 0.50 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 pm	Adjourn

Track B: Litigation Strategies
Presiding Officer:
Amy Gibson, Gibson Wiley PLLC - Dallas, TX

In Austin Only	<p>SPECIAL NOTICE: Live Webcast Does Not Include <i>Litigation Strategies</i></p> <p>The live webcast includes the <i>Workforce Solutions</i> track but not the <i>Litigation Strategies</i> track. The materials for both tracks are available in the course materials, and approximately 6-8 weeks after the conference the <i>Workforce Solutions</i> video and <i>Litigation Strategies</i> audio will both be available in "Your Briefcase."</p>
3:00 pm In Austin Only 0.50 hr	<p>What's New in Seeking, Getting, and Using Discovery</p> <p>Learn what you need to know about keeping up with advances in electronic discovery, social media, and changes to the state and federal rules.</p> <p>Susan E. Hutchison, Hutchison & Stoy, PLLC - Fort Worth, TX</p>
3:30 pm In Austin Only 0.50 hr 0.25 hr ethics	<p>Social Media as a Tool for Evidence</p> <p>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.</p> <p>Michael J. Golden, Boulette Golden & Marin L.L.P. - Austin, TX</p>
4:00 pm In Austin Only 0.50 hr	<p>Non-Competes Under Attack</p> <p>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.</p> <p>Sean M. Becker, Vinson & Elkins LLP - Houston, TX</p>
4:30 pm In Austin Only 0.50 hr ethics	<p>Communication with Adverse Parties</p> <p>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.</p> <p>Victoria Martin Phipps, Littler Mendelson P.C. - Houston, TX</p>
5:00 pm In Austin Only	<p>Adjourn</p>

Tuesday Morning, June 13, 2017

Presiding Officer:

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

7:30 am In Austin Only	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
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8:30 am 0.75 hr	<p>Public Sector Employment Law Update</p> <p>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.</p> <p>Philip Durst, Deats, Durst & Owen, P.L.L.C. - Austin, TX Monika Lucia Arvelo, City of Austin Law Department - Austin, TX</p>
9:15 am 0.50 hr	<p>Who's the Boss? Update on Employee vs. Contractor and Joint Employer Status</p> <p>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.</p> <p>Audrey E. Mross, Munck Wilson Mandala, LLP - Dallas, TX</p>
9:45 am 0.50 hr	<p>Protecting Confidential Information in the Age of Cyber Attacks: Do You Have a Plan?</p> <p>Explore current hot topics in cybersecurity and protecting sensitive personal information, trade secrets, and other confidential business information in the digital age.</p> <p>Jason M. Storck, Wilson Sonsini Goodrich & Rosati, P.C. - Austin, TX</p>
10:15 am	<p>Break</p>
10:30 am 0.75 hr	<p>General Counsel Panel: What HR, Outside Counsel, and Plaintiffs' Counsel Need to Know</p> <p>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.</p> <p>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</p>
11:15 am 0.75 hr	<p>Wage and Hour Update</p> <p>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.</p> <p>Robert E. Sheeder, Bracewell - Dallas, TX</p>
12:00 pm In Austin Only	<p>Pick Up Lunch (in Austin)</p> <p>Included in registration.</p>

Tuesday Afternoon, June 13, 2017

Presiding Officer:

Howard L. Steele Jr., Steele Law Group, PLLC - Houston, TX

LUNCHEON PRESENTATION

12:20 pm 0.50 hr	<p>Gens, Gender and Culture, Oh My!</p> <p>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.</p> <p>Petey Parker, Petey Parker and Associates - Dallas, TX</p>
12:50 pm	Break
1:05 pm 0.75 hr	<p>Trade Secrets Update</p> <p>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?</p> <p>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</p>
1:50 pm 0.75 hr	<p>Developments in Disability Discrimination Law</p> <p>Review significant regulatory and court developments under the Americans with Disabilities Act, and gain insights into emerging disability issues.</p> <p>James H. Kizziar Jr., Bracewell - San Antonio, TX and Washington, DC</p>
2:35 pm	Break
2:45 pm 0.50 hr 0.25 hr ethics	<p>From Parties to Presidents: The Use of Social Media to Prove Animus</p> <p>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.</p> <p>Jason Boulette, Boulette Golden & Marin L.L.P. - Austin, TX</p>
3:15 pm 0.75 hr ethics	<p>Ethics for Employment Lawyers</p> <p>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.</p> <p>Dennis P. Duffy, Baker & Hostetler LLP - Houston, TX</p>
4:00 pm	Adjourn