

# 27<sup>th</sup> Annual Labor and Employment Law Conference

## May 7-8, 2020 • Live Webcast

### Thursday Morning, May 7, 2020

#### Presiding Officer:

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

8:20 am	<b>Welcoming Remarks</b>
8:30 am 0.75 hr	<b>State Employment Law Update: Texas and Beyond</b>  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
9:15 am	<b>5-Minute Break</b>
9:20 am 0.75 hr	<b>Federal Employment Law Update</b>  Analyze recent U.S. Supreme Court decisions, significant federal case law, and federal legislative developments.  Danielle K. Herring, Littler Mendelson P.C. - Houston, TX
10:05 am	<b>5-Minute Break</b>
10:10 am 0.75 hr	<b>NLRB Update</b>  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
10:55 am	<b>5-Minute Break</b>
11:00 am 0.75 hr	<b>Wage and Hour Update</b>  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
11:45 am	<b>5-Minute Break</b>

11:50 am 0.50 hr	<b>Religion at Work</b>  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 pm	<b>Break for Lunch—Presentation Resumes at 12:45 p.m.</b>

## Thursday Afternoon, May 7, 2020

### Presiding Officer:

**B. Lee Crawford Jr.,** City of Austin Law Department - Austin, TX

### LUNCHEON PRESENTATION

12:45 pm 0.75 hr 0.25 hr ethics	<b>Consulting a Consultant: How to Choose One and Perhaps Become One</b>  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
1:30 pm	<b>5-Minute Break</b>
1:35 pm 0.75 hr 0.25 hr ethics	<b>Whistleblowers</b>  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
2:20 pm	<b>5-Minute Break</b>
2:25 pm 0.75 hr 0.25 hr ethics	<b>Navigating the TWC/EEOC</b>  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 Malinda A. Gaul, Gaul and Dumont - San Antonio, TX Gilbert L. Sanchez, Kemp Smith LLP - El Paso, TX
3:10 pm	<b>Break—Presentations Resume at 3:20 p.m.</b>

### Track A: Workforce Solutions

#### Presiding Officer:

**B. Lee Crawford Jr.,** City of Austin Law Department - Austin, TX

	<p><b>SPECIAL NOTICE: Live Webcast Includes <i>Workforce Solutions</i> Only</b></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. The <i>Litigation Strategies</i> track will be pre-recorded and the video will be made available in “Your Briefcase” on the first day of the conference.</p>
3:20 pm 0.50 hr 0.25 hr ethics	<p><b>Internal Investigations</b></p> <p>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.</p> <p>Tara M. Kumpf, Ogletree, Deakins, Nash, Smoak &amp; Stewart, P.C. - Austin, TX</p>
3:50 pm	<p><b>5-Minute Break</b></p>
3:55 pm 0.50 hr	<p><b>Challenges and Parameters of Diversity Initiatives</b></p> <p>Explore important legal principles to be aware of in crafting inclusion and diversity initiatives, as well as how federal contractor status impacts legal obligations.</p> <p>Shafeeqa W. Giarratani, Ogletree, Deakins, Nash, Smoak &amp; Stewart, P.C. - Austin, TX</p>
4:25 pm	<p><b>5-Minute Break</b></p>
4:30 pm 0.50 hr	<p><b>Riding the Paid Sick Leave Wave: An Update on Texas Paid Sick Leave Ordinances</b></p> <p>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.</p> <p>Luke MacDowall, Littler Mendelson P.C. - Houston, TX</p>
5:00 pm	<p><b>Adjourn</b></p>

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**Track B: Litigation Strategies (not available in a live format, but included with webcast registration)**

**Presiding Officer:**

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

	<p><b>SPECIAL NOTICE: Live Webcast Includes <i>Workforce Solutions</i> Only</b></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. The <i>Litigation Strategies</i> track will be pre-recorded and the video will be made available in “Your Briefcase” on the first day of the conference.</p>
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0.75 hr	<p><b>Arbitration Intersects With Employment Law</b></p> <p>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.</p> <p>Moderator: David Schlottman, Jackson Walker LLP - Dallas, TX</p> <p>Panelist: Hon. Alvin L. Zimmerman, Spencer Fane LLP - Houston, TX</p> <p>Materials By: David T. Lopez, Attorney-Arbitrator-Mediator - Houston, TX</p>
0.50 hr	<p><b>Texas Citizen's Participation Act: Recent Statutory and Decisional Developments</b></p> <p>How have recent amendments and decisions affected the scope and viability of the TCPA? What strategies are effective for TCPA movants and respondents?</p> <p>David C. Holmes, Law Offices of David C. Holmes - Houston, TX</p>
0.50 hr	<p><b>Appellate Judge's View of Employment Law Cases</b></p> <p>A mid-level update of employment law opinions from our intermediate courts of appeal.</p> <p>Hon. Amanda L. Reichek, Fifth Court of Appeals - Dallas, TX</p>
0.50 hr 0.25 hr ethics	<p><b>Preparing Witnesses: Practical and Ethical Considerations</b></p> <p>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.</p> <p>Vianei Lopez Braun, Decker Jones, P.C. - Fort Worth, TX Joseph Gillespie, Gillespie Sanford LLP - Dallas, TX</p>

## Friday Morning, May 8, 2020

### Presiding Officer:

**Kathryn Youker**, Texas RioGrande Legal Aid - Brownsville, TX

8:30 am 0.75 hr	<p><b>Public Sector Update</b></p> <p>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.</p> <p>B. Craig Deats, Deats, Durst &amp; Owen, P.L.L.C. - Austin, TX Natalie G. DeLuca, Metropolitan Transit Authority of Harris County, Texas - Houston, TX</p>
9:15 am	<p><b>5-Minute Break</b></p>

9:20 am 0.75 hr	<p><b>Developments in Disability Discrimination Law</b></p> <p>Review significant regulatory and court developments under the Americans with Disabilities Act and gain insights into emerging disability issues.</p> <p>Amber K. Dodds, Bracewell LLP - San Antonio, TX Materials By: James H. Kizziar Jr., Bracewell LLP - San Antonio, TX and Washington, DC</p>
10:05 am	<b>5-Minute Break</b>
10:10 am 0.75 hr 0.25 hr ethics	<p><b>Beyond Accommodation: Mental Health Issues in the Workplace</b></p> <p>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.</p> <p>Jennifer M. Trulock, Baker Botts - Dallas, TX</p>
10:55 am	<b>5-Minute Break</b>
11:00 am 0.50 hr	<p><b>Employee Activism and Workplace Political Speech</b></p> <p>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.</p> <p>Laura M. Merritt, Boulette Golden &amp; Marin L.L.P. - Austin, TX</p>
11:30 am	<b>5-Minute Break</b>
11:35 am 0.50 hr ethics	<p><b>The Ethics of Civility</b></p> <p>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.</p> <p>Christopher H. Hahn, Dell - Round Rock, TX Tom Nesbitt, DeShazo &amp; Nesbitt LLP - Austin, TX</p>
12:05 pm	<b>Break for Lunch—Presentation Resumes at 12:30 p.m.</b>

## Friday Afternoon, May 8, 2020

### Presiding Officer:

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

12:30 pm 1.00 hr	<p><b>Navigating Employment Law in a Pandemic</b></p> <p>An examination of the Emergency Paid Sick Leave Act (EPSLA) and Expanded Family Medical Leave Act (EFMLA) from the Families First Corona Response Act (FFCRA), the employment-related provisions of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), and state and local shelter-in-place orders. This session also examines the application of existing employment laws to the current pandemic, including the Texas Unemployment Compensation Act (TUCA), the America with Disabilities Act (ADA), the Occupational Safety and Health Act (OSHA), and the Worker Adjustment and Retraining Notification Act (WARN). Alternatives to layoffs, including pay reductions, work share arrangements, partial unemployment, and furloughs are also discussed.</p> <p>Jason Boulette, Boulette Golden &amp; Marin L.L.P. - Austin, TX Laura M. Merritt, Boulette Golden &amp; Marin L.L.P. - Austin, TX</p>
1:30 pm	<b>5-Minute Break</b>
1:35 pm 0.75 hr ethics	<p><b>Ethics in Age of Digital Transactions</b></p> <p>Examine how long established ethics rules and practices measure up with technology in the Digital age.</p> <p>Trang Tran, Tran Law Firm - Houston, TX Ashley Tremain, Tremain Artaza, PLLC - Dallas, TX</p>
2:20 pm	<b>5-Minute Break</b>
2:25 pm 0.75 hr ethics	<p><b>Ethics for Employment Attorneys - 2020</b></p> <p>Get updated on cutting-edge ethics issues, including attorney-client privilege and waiver issues, <i>ex parte</i> communications, access to social media and computer information, inadvertent disclosure and improper acquisition of confidential information, litigation holds and spoliation issues, and settlement negotiations.</p> <p>Dennis P. Duffy, Kane Russell Coleman &amp; Logan PC - Houston, TX</p>
3:10 pm	<b>Adjourn</b>