

31ST ANNUAL
**LABOR AND EMPLOYMENT LAW
CONFERENCE**



May 30–31, 2024
AT&T Conference Center ■ Austin, Texas

 **Live Webcast May 30–31**

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Times listed are in Central Time

THURSDAY MORNING, MAY 30, 2024

Presiding Officer:

Amber K. Dodds, Bracewell LLP, San Antonio, TX

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr

Federal Employment Law Update

Analyze recent U.S. Supreme Court and Fifth Circuit decisions, federal legislative developments, and administrative actions.

Luke MacDowall, Littler Mendelson P.C., Houston, TX
Elizabeth "BB" Sanford, The Sanford Firm, Dallas, TX

9:15 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

10:00 a.m. 15-Minute Break

10:15 a.m. .75 hr

Developments In Wage-Hour Compliance and FLSA Litigation

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

Kimberly Miers, Littler Mendelson P.C., Austin, TX

11:00 a.m. .75 hr

Major Developments Under the NLRA Amid the Resurgence of Organized Labor

NLRB Update: A detailed review of the numerous 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

11:45 a.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

John V. Jansson, Jackson Walker LLP, Dallas, TX

LUNCHEON PRESENTATION

12:05 p.m. .50 hr

NLRB: An Inside the Beltway Perspective on the New Direction of Federal Labor Policy

The new NLRB majority is pushing beyond traditional boundaries in its effort to transform federal labor policy affecting both union and non-union workplaces. Review the most significant recent developments and discuss other potential future changes.

John F. Ring, Morgan, Lewis & Bockius LLP and Former Chairman, NLRB, Washington, DC

12:35 p.m. 15-Minute Break

12:50 p.m. .75 hr

Groff v. DeJoy: A Year Later and Other Emerging Issues in Religious Accommodation

In 2023, the United States Supreme Court issued its decision in *Groff v. DeJoy* and reversed years of precedent concerning religious accommodations. Explore how lower courts have been applying this new standard and discuss other emerging issues in religious accommodation, including the potential implications of the Religious Freedom Restoration Act.

David Schlottman, Jackson Walker LLP, Dallas, TX

1:35 p.m. .50 hr

Retaliation: Still the Most Attractive Claim for Plaintiffs and Most Complicated for Defendants

Don't get mad. Get even. Retaliation is in a league all its own, but almost always included with other claims. How is it different, and how does that impact the guidance we give our clients?

Sarah Glaser, Lloyd Gosselink Rochelle & Townsend, P.C., Austin, TX

2:05 p.m. 15-Minute Break

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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 11.75 hours, of which 2.00 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).

CONCURRENT TRACKS

SPECIAL NOTICE: Live Webcast Includes Workforce Solutions Only

The live webcast includes the Workforce Solutions track but not the Litigation Strategies track. The materials for both tracks are available in the course materials, and approximately 6–8 weeks after the conference the Workforce Solutions video and Litigation Strategies audio will both be available in "Your Briefcase."

TRACK A: WORKFORCE SOLUTIONS

Presiding Officer:

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

2:20 p.m. .50 hr

The New World of Pregnancy Accommodations

Explore the Pregnancy Workers Fairness Act (PWFA) effective in June 2023, the EEOC's new accompanying regulations to the PWFA, and the PUMP for Nursing Mothers Act effective in December 2022. Walk away with an understanding of the new requirements imposed on employers and what changes may need to be made to current policies and practices.

Abigail Madrigal, Schmoyer Reinhard LLP,
San Antonio, TX

2:50 p.m. .75 hr | .25 hr ethics

Yet Another Acrimonious Election Year: The Challenge of Political Talk at Work (and On Social Media)

Discussions of political and social issues continue to dominate our newsfeeds and social media, and are sure to heat up heading into the election this Fall. When those discussions boil over into the workplace, it can be challenging for employers to balance employees' exercise of self-expression with maintaining a respectful and productive workplace. Join us for a discussion of the legal issues around workplace expression in a charged political climate, including protected concerted activity, free speech implications, workplace respect and social media policies, and claims of retaliation.

Erika Leonard, Ogletree, Deakins, Nash, Smoak &
Stewart, P.C., Austin, TX

3:35 p.m. .50 hr | .25 hr ethics

We're Still Trying to Figure It Out: Best Practices and Legal Compliance in the Evolving World of Remote Work

Out of state remote workers pose many challenges for employment law compliance. Discuss lingering issues for employers, employees, and the lawyers who advise them.

Christopher H. Hahn, Dell Technologies, Round Rock, TX

4:05 p.m. Adjourn

TRACK B: LITIGATION STRATEGIES

Presiding Officer:

**Dennis P. Duffy, Kane Russell Coleman &
Logan PC, Houston, TX**

2:20 p.m. .50 hr

What's It Going to Take: Settlement Value/ Monetizing Your Case

As lawyers return to the courtroom after the pandemic slow down, we are seeing large verdicts being returned by juries. Has that affected the settlement value of employment cases? The late Phil Durst had a very popular presentation as to how lawyers value cases. We will apply the Phil Durst Principles to see how lawyers are valuing cases today.

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

2:50 p.m. .75 hr

The New Balkans: Non-Compete and Restrictive Covenants Under Siege Yet Still Commonplace

Differences amongst the 50 states regarding non-competes creates uncertainty for 30 million employees. Now, the Federal Trade Commission has proposed a rule to ban non-competes. Discuss these developments and focus on recent Texas cases.

Kenneth D. Hughes, Ken Hughes PLLC, Houston, TX

3:35 p.m. .50 hr ethics

Why It's Best to Have a Lawyer on the Other Side: Dealing with Pro Se Plaintiffs and Lawyer-Less Defendants

A discussion of the ethical considerations when dealing with *pro se* litigants and zealously representing your client.

Michael Twomey, Kane Russell Coleman & Logan PC,
Houston, TX

4:05 p.m. Adjourn

FRIDAY MORNING, MAY 31, 2024

Presiding Officer:

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

7:30 a.m. Conference Room Opens
Includes continental breakfast.

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, Robert W. Schmidt Law Firm,
Austin, TX

9:15 a.m. .75 hr

The Evolving Law of Disability Discrimination and Accommodation

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

10:00 a.m. 15-Minute Break

10:15 a.m. .50 hr

It Says What?

Cases, statutes, and rules that you were surprised to learn.

Amanda Hernandez, AH LAW, PLLC, Houston, TX

10:45 a.m. 1.00 hr | .50 hr ethics

When Bad Things Happen to Good Employers: Crisis Management Strategies

Employment law issues can quickly become a crisis. This panel discusses how to manage an issue early and proactively, investigation challenges and strategies, communications planning, external/internal reporting and communications, and privilege implications.

Moderator:

Jennifer M. Trulock, Bradley Arant Boult Cummings
LLP, Dallas, TX

Panelists:

April Arias, Androvett, Houston, TX
Allison L. Bowers, Hutcheson | Bowers LLLP,
Austin, TX

11:45 a.m. Pick Up Lunch

Included in registration.

NETWORKING RECEPTION

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4:05 p.m. – 5:05 p.m.

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

FRIDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:05 p.m. .50 hr

What's Weird About Texas

Texas has some unique employment laws that may catch multi-state employers off guard. Topics include (i) sexual harassment investigations; (ii) non-competition agreements; and (iii) firearms in the workplace.

E. Phileda Tennant, Vinson & Elkins LLP, Houston, TX

12:35 p.m. 15-Minute Break

12:50 p.m. .75 hr

AI: Promising and Problematic

Hear legal and practical issues with generative artificial intelligence for employers and employees. Learn best practices for drafting acceptable use policies and procedures and human resources training for hiring and promotion of employees.

Wesley L. Nute, Jr., Eichelbaum Wardell Hansen Powell & Muñoz, P.C., Plano, TX

1:35 p.m. 1.00 hr ethics

Ethics: Officer of the Court

Explore the ethical obligations of attorneys as officers of the court, with a particular focus on the obligations of an attorney toward the bench.

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

2:35 p.m. Adjourn



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

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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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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" 6–8 weeks after the event.

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

- Live, In-Person Event Registration \$695 | \$795 after May 15
 Live Webcast Registration \$695 | \$795 after May 15

Thursday Afternoon Concurrent Sessions (Select One):

- Track A: Workforce Solutions
 Track B: Litigation Strategies (In-person and e-conference only. Not available on webcast.)

Printed and Shipped Binder with Registration (Shipping Included) – Available for order through Friday, May 31, 2024

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

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 Printed Post-Course Binder \$351.81 (\$325+)

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AUSTIN

May 30–31, 2024

CONFERENCE LOCATION



AT&T Conference Center
The University of Texas at Austin
1900 University Avenue
Austin, TX 78705
877.744.8822 (reservations)

Accommodations & Parking:

Please visit
www.utcle.org/conferences/EL24/#venue
for more information.

KEY DATES

May 15, 2024

Last day for early registration rates

May 24, 2024

Last day for full refund cancellation

May 28, 2024

Last day for partial refund cancellation
\$50 processing fee applied

May 30, 8:20 a.m., CT

Conference begins

May 31, 2024

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

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