

29th Annual Labor and Employment Law Conference
May 5-6, 2022 • AT&T Conference Center • Austin, TX
May 5-6, 2022 • Live Webcast

Thursday Morning, May 5, 2022

Presiding Officer:

Jason Boulette, Boulette Golden & Marin L.L.P. - Austin, 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 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 am 0.75 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 am 0.50 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 am	15-Minute Break
10:45 am 0.50 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 am 0.50 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 am 0.75 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 pm In Austin Only	Pick Up Lunch (in Austin) Included in registration.

Thursday Afternoon, May 5, 2022

Presiding Officer:

John V. Jansonius, Jackson Walker LLP - Dallas, TX

LUNCHEON PRESENTATION

1:00 pm 0.50 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 pm	15-Minute Break
1:45 pm 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: Viane 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 pm 0.75 hr	<p>ESG and Employment Lawyers</p> <p>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.</p> <p>Jennifer M. Trulock, Baker Botts - Dallas, TX Katrina S. Patrick, Law Offices of Katrina Patrick - Bellaire, TX</p>
3:30 pm	10-Minute Break
3:40 pm 0.75 hr	<p>Balancing DEI</p> <p>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.</p> <p>DeDe Church, DeDe Church & Associates, LLC - Austin, TX Victoria Martin Phipps, Texas A&M University - College Station, TX</p>
4:25 pm 0.50 hr	<p>The Fundamentals of Early Dispute Resolution</p> <p>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.</p> <p>Michael A. Hawash, Hawash Houston Mediation LLC - Houston, TX Co-Author: Paul D. Clote, Attorney at Law - Houston, TX</p>
4:55 pm 0.50 hr	<p>Service and Emotional Support Animals in the Workplace</p> <p>Discussion of federal and Texas laws pertaining to service, assistance, and emotional support animals in the workplace.</p> <p>Randall E. Turner, Law Offices of Randall E. Turner, PLLC - Fort Worth, TX</p>
5:25 pm	Adjourn
In Austin Only	<p>Reception (in Austin from 5:30 p.m. - 6:30 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p> <p>Thank You to Our Sponsors!</p>

Friday Morning, May 6, 2022

Presiding Officer:

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

7:30 am In Austin Only	Conference Room Opens Includes continental breakfast.
8:25 am	Morning Announcements
8:30 am 0.75 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 am 0.75 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 Co-Author: James H. Kizziar Jr., Bracewell LLP - San Antonio, TX
10:00 am 0.50 hr	Pretext Examples of pretext and review of case authority from a workers-side attorney. Amanda Hernandez, AH LAW, PLLC - Houston, TX
10:30 am	15-Minute Break
10:45 am 0.75 hr 0.25 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 am 0.75 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. Tom Nesbitt, DeShazo & Nesbitt LLP - Austin, TX Carlos R. Soltero, Soltero Sapire Murrell PLLC - Austin, TX
12:15 pm In Austin Only	Pick Up Lunch (in Austin) Included in registration.

Friday Afternoon, May 6, 2022

Presiding Officer:

LUNCHEON PRESENTATION

12:45 pm 0.50 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
1:15 pm	15-Minute Break
1:30 pm 0.75 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 pm 0.50 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 pm 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 also touches upon 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 pm	Adjourn