

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

## May 6-7, 2021 • Live Webcast

### Thursday Morning, May 6, 2021

#### Presiding Officer:

**B. Lee Crawford Jr.**, City of Austin Law Department - Austin, 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.  Christopher Benoit, The Law Office of Lynn Coyle, PLLC and Texas RioGrande Legal Aid, Inc. - El Paso, TX Clara "C. B." Burns, Kemp Smith LLP - El Paso, TX
9:15 am	<b>10-Minute Break</b>
9:25 am 0.75 hr	<b>Federal Employment Law Update</b>  Analyze recent U.S. Supreme Court decisions, federal legislative developments, and administrative action.  Danielle K. Herring, Littler Mendelson P.C. - Houston, TX
10:10 am	<b>10-Minute Break</b>
10:20 am 0.75 hr	<b>NRLB 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
11:05 am	<b>10-Minute Break</b>
11:15 am 0.50 hr	<b>Wage and Hour Update</b>  Review developments in wage and hour enforcement and law over the past year.  David Schlottman, Jackson Walker LLP - Dallas, TX
11:45 am	<b>Break for Lunch (30-minutes)</b>  Presentations resume at 12:15 p.m.

## Thursday Afternoon, May 6, 2021

### Presiding Officer:

**Shannon B. Schmoyer**, Schmoyer Reinhard LLP - San Antonio, TX

### LUNCHEON PRESENTATION

12:15 pm 0.50 hr	<b>Taking Stock of the New Supreme Court</b>  The Supreme Court will soon wind down its first term with Justice Amy Coney Barrett—and a solid 6-3 conservative majority for the first time in generations. What are some of the key takeaways from the new Court, both procedurally and substantively? How big a difference has Justice Barrett’s replacement of Justice Ruth Bader Ginsburg actually made? And what does all of this portend for the Court’s near- and longer-term future in general, and for labor and employment law, specifically? Obviously, there’s lots to discuss.  Stephen Vladeck, The University of Texas School of Law - Austin, TX
12:45 pm	<b>10-Minute Break</b>
12:55 pm 0.75 hr	<b>Do Your Pay Equity Practices Support Your Policies of Diversity and Inclusion?</b>  Many employers have announced great policies supporting diversity and inclusion for women and other protected classes, but have not checked to see if a pay equity analysis would show adherence to those policies. In the last few years, employers have faced increased litigation and loss of productivity due to claims that organizations still pay women and people of color less than white men for the same work—and these earnings gaps compound over time. Review how to address those issues in order to minimize risk and possibly improve morale and productivity.  Victoria Martin Phipps, Texas A&M University - College Station, TX
1:40 pm	<b>10-Minute Break</b>
1:50 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
2:35 pm	<b>10-Minute Break</b>
2:45 pm 0.75 hr	<b>Recent Developments and Best Practices in Diversity and Inclusion</b>  Review best practices in diversity and inclusion, with a specific focus on the evolving impact of the pandemic (health and racial).  Shafeeqa W. Giarratani, Ogletree, Deakins, Nash, Smoak & Stewart, P.C. - Austin, TX Mickey L. Washington, Washington & Associates, PLLC - Houston, TX
3:30 pm	<b>10-Minute Break</b>

3:40 pm 0.75 hr 0.25 hr ethics	<b>Workforce Has Been Reshaped, Forever?</b>  Now that many employers and employees have experienced remote work for at least a year, the genie is out of the bottle. From hiring and onboarding new employees to managing their performance remotely, employers have to change their playbooks. Timekeeping and overtime risks remain issues, but consider state tax issues and additional cyber risks that go with a remote working environment.  Jennifer M. Trulock, Baker Botts - Dallas, TX
4:25 pm	<b>10-Minute Break</b>
4:35 pm 0.75 hr 0.25 hr ethics	<b>Employment Beyond Borders: Expat and Inpat Issues for Employers and Employees</b>  Continually expanding trade and commerce increases the assignment of employees abroad and into the United States, presenting the need for significant attention to temporary and long-term assignments, compensation, taxation, and applicable foreign and domestic laws. A brief survey of the issues is intended to avoid problems and facilitate the resolution of disputes.  David T. Lopez, Attorney-Arbitrator-Mediator - Houston, TX
5:20 pm	<b>Adjourn</b>

## Friday Morning, May 7, 2021

### Presiding Officer:

**Tom Nesbitt**, DeShazo & Nesbitt LLP - Austin, TX

8:30 am 0.75 hr	<b>Public Sector Update</b>  Hear 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.  B. Craig Deats, Deats, Durst & Owen, P.L.L.C. - Austin, TX Natalie G. DeLuca, Harris County Attorney's Office - Houston, TX
9:15 am	<b>10-Minute Break</b>
9:25 am 0.75 hr	<b>Developments in Disability Discrimination Law</b>  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
10:10 am	<b>10-Minute Break</b>
10:20 am 0.75 hr	<b>Regulatory and Administrative Changes</b>  Dive in to the latest regulatory developments at the EEOC and discuss the EEOC's new strategic enforcement priorities under Chair Charlotte A. Burrows.  Katrina Grider, U.S. Equal Employment Opportunity Commission - Houston, TX

11:05 am	<b>10-Minute Break</b>
11:15 am 0.50 hr	<b>WARN Act and Workplace Restructuring</b>  Explore developments, issues, and strategy in workforce reductions and restructuring, including the WARN Act, state law notice requirements, and legal challenges to compliance and decisions made in planning and implementing furloughs, layoffs, and reductions-in-force.  Tasha Grinnell, The Neiman Marcus Group - Dallas, TX
11:45 am	<b>Break for Lunch (30-minutes)</b>  Presentations resume at 12:15 p.m.

## Friday Afternoon, May 7, 2021

### Presiding Officer:

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

### LUNCHEON PRESENTATION

12:15 pm 0.75 hr 0.25 hr ethics	<b>Covenants and Related Post-Employment Disputes</b>  What claims can parties assert after a ruling on injunctive relief in a non-compete or TUTSA case? What legal and equitable relief is available, and what defenses are available to other parties?  Kenneth D. Hughes, Hughes PLLC - Houston, TX Carlos Soltero, Soltero Sapire Murrell PLLC - Austin, TX
1:00 pm	<b>10-Minute Break</b>
1:10 pm 0.75 hr 0.25 hr ethics	<b>Top Drivers of Large Employee-Plaintiff Verdicts</b>  What happens at the workplace, before litigation, that drives large employee-plaintiff verdicts? What happens during the lawsuit that drives large employee-plaintiff verdicts? Understanding these drivers can help those on the worker-side develop a case toward a large verdict and help those on the management-side take action to avoid or limit a large verdict.  Amy Gibson, Gibson Wiley PLLC - Dallas, TX
1:55 pm	<b>10-Minute Break</b>
2:05 pm 0.50 hr	<b>#MeToo, Part 2</b>  #MeToo is still alive and impacting how organizations hire, fire, and much of what happens in between the two. Legislatures, agencies, and litigants are behind a substantial list of do's and don'ts that savvy employers should compare against their operating procedures and adjust accordingly.  Audrey E. Mross, Munck Wilson Mandala, LLP - Dallas, TX
2:35 pm	<b>10-Minute Break</b>

2:45 pm 1.00 hr ethics	<p><b>Ethics for Employment Attorneys: Am I Your Lawyer?</b></p> <p>Explore the point at which an attorney-client relationship forms, with particular reference to employment attorneys on both the plaintiff and defense side. Discussion includes casual conversation, client intake, the effect and importance of disclaimers, and the risk of individual representation of corporate agents.</p> <p>Jason Boulette, Boulette Golden &amp; Marin L.L.P. - Austin, TX</p>
3:45 pm	<b>10-Minute Break</b>
3:55 pm 0.75 hr 0.25 hr ethics	<p><b>Virtual Advocacy Part I: How to be Persuasive Virtually</b></p> <p>Part I focuses on the best method for virtually conducting depositions, mediations, hearings, trials, and arbitrations to be effective and persuasive. The panel also discusses what the future holds for virtual advocacy.</p> <p>Moderator: Malinda A. Gaul, Gaul and Dumont - San Antonio, TX</p> <p>Panelists: Elizabeth Larrick, Larrick Law Firm - Austin, TX Hon. Xavier Rodriguez, U.S. District Court, Western District of Texas - San Antonio, TX Robert R. Swafford, Strike for Cause Jury Consultants - Austin, TX</p>
4:40 pm	<b>10-Minute Break</b>
4:50 pm 0.75 hr 0.25 hr ethics	<p><b>Virtual Advocacy Part II: How to Handle Virtual Logistics</b></p> <p>Part II focuses on the logistics of conducting investigations and trainings and participating in hearings, trials, and arbitrations. Hear what this panel has to say regarding what the future holds for virtual advocacy.</p> <p>Moderator: Malinda A. Gaul, Gaul and Dumont - San Antonio, TX</p> <p>Panelists: Joseph Y. Ahmad, Ahmad, Zavitsanos, Anaipakos, Alavi &amp; Mensing P.C. - Houston, TX Hon. Elizabeth S. Chestney, U.S. District Court, Western District of Texas - San Antonio, TX Cecilia H. Morgan, JAMS - Dallas, TX</p>
5:35 pm	<b>Adjourn</b>