

**30<sup>th</sup> Annual Labor and Employment Law Conference**  
**June 1-2, 2023 • AT&T Conference Center • Austin, TX**  
**June 1-2, 2023 • Live Webcast**

**Thursday Morning, Jun. 1, 2023**

**Presiding Officer:**

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

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|---------------------------|--|
| 7:30 am<br>In Austin Only | <b>Registration Open</b><br><br>Includes continental breakfast.  |
| 8:20 am                   | <b>Welcoming Remarks</b>   |
| 8:30 am<br>0.75 hr        | <b>State Employment Law Update: Texas and Beyond</b><br><br>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.<br><br>Christopher Benoit, Coyle & Benoit, PLLC - El Paso, TX<br>Clara "C. B." Burns, Kemp Smith LLP - El Paso, TX |
| 9:15 am<br>0.75 hr        | <b>Federal Employment Law Update</b><br><br>Analyze recent U.S. Supreme Court decisions, federal legislative developments, and administrative action.<br><br>Danielle K. Herring, Littler Mendelson P.C. - Houston, TX<br>Elizabeth "BB" Sanford, The Sanford Firm - Dallas, TX  |
| 10:00 am<br>0.50 hr       | <b>Wage and Hour Update</b><br><br>An overview of annual developments in the field of wage-and-hour law, including case law updates, regulatory changes, and more.<br><br>Abel Martinez, H-E-B - San Antonio, TX   |
| 10:30 am                  | <b>15-Minute Break</b>   |
| 10:45 am<br>0.75 hr       | <b>NLRB Update</b><br><br>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.<br><br>Robert E. Sheeder, Morgan, Lewis & Bockius LLP - Dallas, TX<br>Rod Tanner, Tanner and Associates, PC - Fort Worth, TX  |

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| 11:30 am<br>0.50 hr        | <b>Post-COVID Jury Verdicts</b><br><br>The presentation will be a survey and discussion of trends in post-COVID verdicts in employment cases.<br><br>Brian Sanford, The Sanford Firm - Dallas, TX |
| 12:00 pm<br>In Austin Only | <b>Pick Up Lunch (in Austin)</b><br><br>Included in registration.   |

## Thursday Afternoon, Jun. 1, 2023

### Presiding Officer:

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

### LUNCHEON PRESENTATION

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| 12:20 pm<br>0.50 hr        | <b>How to Cultivate a Better Workplace</b><br><br>Quiet quitting. Hey Boomer. Gen X. Gen Z. Millennial. Anti-work. Current workplace structures aren't always working. Hear from a worker-side trial attorney about how to build a better workplace and why we all have more in common than we might think.<br><br>Amy Gibson, Gibson Wiley PLLC - Dallas, TX |
| 12:50 pm<br>In Austin Only | <b>15-Minute Break (Austin)</b>   |

### Track A: Workforce Solutions

#### Presiding Officer:

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

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|                    | <b>SPECIAL NOTICE: Live Webcast Includes BOTH Tracks</b><br><br><b>NEW THIS YEAR!</b> The live webcast includes both the <i>Workforce Solutions</i> track and 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 video recordings from both tracks will be available in "Your Briefcase." |
|                    | <b>Direct Links to Concurrent Tracks (Webcast)</b><br><br><b>Workforce Solutions</b> — Please go to <a href="#">the main webcast page</a> .<br><br><b>Litigation Strategies</b> — Please go to <a href="#">the secondary webcast page</a> .  |
| 1:05 pm<br>0.50 hr | <b>Trade Secret Update</b><br><br>A focus on trade secret cases involving what is required to prove a trade secret, the use of expert testimony, and what evidence is required to prove misappropriation. Additionally, the discussion includes damage theories and injunctive relief.<br><br>Kenneth D. Hughes, Hughes PLLC - Houston, TX   |

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| 1:35 pm<br>0.75 hr | <b>Diversity, Equity, and Inclusion Hot Topics</b><br><br>This presentation covers the latest hot topics in diversity, equity, inclusion, and belonging.<br><br>Shafeeqa W. Giarratani, Ogletree, Deakins, Nash, Smoak & Stewart, P.C. - Austin, TX<br>Victoria Martin Phipps, Texas A&M University - College Station, TX   |
| 2:20 pm            | <b>10-Minute Break</b>  |
| 2:30 pm<br>1.00 hr | <b>Remote Workers: Not as Simple as You Think</b><br><br>Employers have good reasons to allow or expand the use of remote workers but many fail to recon and plan for unfamiliar legal requirements in their new territories. States, counties, and municipalities are regulating employer conduct and a single employee in a city or state can trigger an avalanche of obligations and penalties for the unwary. This checklist approach will help identify the traps awaiting employers who expand without a plan.<br><br>Christopher H. Hahn, Dell Technologies - Round Rock, TX<br>Materials By:<br>Audrey E. Mross, Munck Wilson Mandala, LLP - Dallas, TX |
| 3:30 pm            | <b>Adjourn</b>  |

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## Track B: Litigation Strategies

### Presiding Officer:

**Sean M. Becker**, Vinson & Elkins LLP - Houston, TX

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|--------------------|--|
|                    | <b>SPECIAL NOTICE: Live Webcast Includes BOTH Tracks</b><br><br><b>NEW THIS YEAR!</b> The live webcast includes both the <i>Litigation Strategies</i> track and the <i>Workforce Solutions</i> track. The materials for both tracks are available in the course materials, and approximately 6-8 weeks after the conference the video recordings from both tracks will be available in "Your Briefcase." |
|                    | <b>Direct Links to Concurrent Tracks (Webcast)</b><br><br><b>Litigation Strategies</b> — Please go to <a href="#">the secondary webcast page</a> .<br><br><b>Workforce Solutions</b> — Please go to <a href="#">the main webcast page</a> .  |
| 1:05 pm<br>0.50 hr | <b>Settlement Agreements: Yes, No, Maybe So</b><br><br>Now that you have orally agreed to resolve that legal dispute, here are some specific provisions you should say "yes", "no" or "maybe so" to in the written settlement agreement.<br><br>Katrina S. Patrick, Law Offices of Katrina Patrick - Houston, TX   |
| 1:35 pm<br>0.75 hr | <b>War Stories, Trial Tips, and Trial Skills Comparison: New vs. Established</b><br><br>Two trial lawyers discuss tried and true methods for winning jury trials.<br><br>John W. Griffin Jr., Marek, Griffin & Knaupp - Victoria, TX<br>Deontae Wherry, Rob Wiley, P.C. - Dallas, TX   |
| 2:20 pm            | <b>10-Minute Break</b>   |

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| 2:30 pm<br>0.50 hr | <p><b>Arbitration is NOT Litigation</b></p> <p>Arbitration is intended to be more prompt and less costly. All it takes is using it intelligently, collegially and differently from litigation. It is widely used in labor union contracts and is particularly suited for non-union employment conflicts.</p> <p>David T. Lopez, David T. Lopez &amp; Assoc. - Houston, TX</p>  |
| 3:00 pm<br>0.50 hr | <p><b>Anatomy of a TRO and Temporary Injunction Hearing</b></p> <p>A discussion of best practices and “do’s and don’ts” for Texas District Court practitioners in temporary restraining order (“TRO”), temporary injunction and expedited discovery hearings, with a special emphasis on non-competition, non-solicitation and trade secrets issues.</p> <p>Hon. Lauren Reeder, 234th Civil District Court - Houston, TX<br/>E. Phileda Tennant, Vinson &amp; Elkins LLP - Houston, TX</p> |
| 3:30 pm            | <p><b>Adjourn</b></p>  |
| In Austin Only     | <p><b>Networking Reception (3:30 p.m. - 4:30 p.m.)</b></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, Jun. 2, 2023

### Presiding Officer:

**Shafeeqa W. Giarratani**, Ogletree, Deakins, Nash, Smoak & Stewart, P.C. - Austin, TX

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|---------------------------|--|
| 7:30 am<br>In Austin Only | <p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>   |
| 8:30 am<br>1.00 hr        | <p><b>Public Sector Update</b></p> <p>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.</p> <p>Natalie G. DeLuca, Harris County Attorney's Office - Houston, TX<br/>Robert W. Schmidt, Robert W. Schmidt Law Firm - Austin, TX</p> |
| 9:30 am<br>0.75 hr        | <p><b>Developments in Disability Discrimination Law</b></p> <p>A comprehensive review of significant regulatory and court developments under the Americans with Disabilities Act and insights into emerging disability issues.</p> <p>Amber K. Dodds, Bracewell LLP - San Antonio, TX<br/>Laura M. Merritt, Boulette Golden &amp; Marin L.L.P. - Austin, TX</p>                          |
| 10:15 am                  | <p><b>15-Minute Break</b></p>  |

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| 10:30 am<br>0.75 hr<br>0.25 hr ethics | <b>Whistleblowers</b><br><br>A plaintiff-side and defense-side lawyer discuss protections and pitfalls for individuals and employers under state and federal whistleblower statutes.<br><br>Drew L. Harris, Office of the Attorney General - Austin, TX<br>Austin Kaplan, Kaplan Law Firm - Austin, TX   |
| 11:15 am<br>0.75 hr                   | <b>Mediation Strategies, Solutions and Lessons Learned</b><br><br>The success of mediation is influenced by the information exchanged in advance, the type of mediation (remote or in-person), the inclusion or exclusion of a joint opening session, and many other factors. This panel discusses best practices for opening lines of communication, getting past the impasse, and finding a resolution.<br><br>Moderator:<br>Viane Lopez Braun, Decker Jones, P.C. - Fort Worth, TX<br>Panelists:<br>Hon. Elizabeth S. Chestney, U.S. District Court, Western District of Texas - San Antonio, TX<br>Connor Throckmorton, Throckmorton Law Firm PLLC - Houston, TX |
| 12:00 pm<br>In Austin Only            | <b>Pick Up Lunch (in Austin)</b><br><br>Included in registration.  |

## Friday Afternoon, Jun. 2, 2023

### Presiding Officer:

Michael W. Fox, Austin, TX

### LUNCHEON PRESENTATION

|                     |  |
|---------------------|--|
| 12:20 pm<br>0.50 hr | <b>Hot Topics</b><br><br>Catch up on the latest legal issues for employers, including a discussion of pending state and federal legislation, proposed rules, and other topics that keep employers up at night including the post- <i>Dobbs</i> workplace.<br><br>Leanne Thoreson, Baker Botts - Dallas, TX |
| 12:50 pm            | <b>15-Minute Break</b>   |
| 1:05 pm<br>0.50 hr  | <b>Off Duty Conduct</b><br><br>Out of sight but not out of mind. Limits on employers' ability to police off-duty conduct.<br><br>Paul Harris, Shellist   Lazarz   Slobin LLP - Houston, TX   |
| 1:35 pm<br>0.75 hr  | <b>Retaliation Limits of Protected Activity</b><br><br>Testing the bounds of protection in this cultural moment.<br><br>Amanda Hernandez, AH LAW, PLLC - Houston, TX<br>Harrison M. Smith, Schmoyer Reinhard LLP - Fort Worth, TX  |

2:20 pm  
1.00 hr ethics

### **Ethics: Can We Talk?**

This session explores the limits on attorney communication with employees, former employees, and other potential witnesses in the context of employment litigation. Special attention will be given to the ethical considerations associated with joint representation of a party and a potential witness, including concerns surrounding the use of such representation to limit the ability of the other side to communicate with a potential witness.

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

3:20 pm

### **Adjourn**