

STATE BAR OF TEXAS  
P.O. Box 12487  
Austin, Texas 78711-2487

**AUGUST 19-20, 2016**

NON PROFIT ORGANIZATION  
US POSTAGE  
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STATE BAR *of* TEXAS  
Labor & Employment Law Section

27th Annual  
Labor and Employment  
Law Institute

August 19-20, 2016  
JW Marriott Houston Galleria  
5150 Westheimer Rd.  
Houston, TX 77056

# EVENT PROGRAM

11 hrs including 2.25 hrs ethics

## FRIDAY, AUGUST 19

(4 hrs including .5 hr ethics)

- 12:00 **Registration**
- 12:45 **Welcome**
- 1:00–1:45 **Federal Law Update** .75 hr  
Katherine Butler, Houston  
Butler & Harris
- Linda Headley, Houston  
Littler Mendelson PC
- 1:45–2:30 **State Law Update** .75 hr  
Prof. Richard Carlson, Houston  
South Texas College of Law
- 2:30–2:45 **Break**
- 2:45–3:15 **Who's Who: Employer, Employee, or Other?** .5 hr  
Gilbert Sanchez, El Paso  
Kemp Smith, LLP
- 3:15–3:45 **Where It's At: Workplace Issues in Our Modern Economy** .5 hr  
Prof. Michael Green, Fort Worth  
Texas A&M University School of Law
- 3:45 – 4:15 **See You In Court? Arbitration and Jury Waivers** .5 hr  
Edward Barbarie, Dallas  
Littler Mendelson PC
- 4:15 – 4:30 **BREAK**
- 4:30 – 5:00 **Can We Talk? Are You My Client? Timeless Ethics Questions For All of Us** .5 hr (.5 hr ethics)  
Teresa Valderrama, Houston  
Fisher & Phillips LLP
- 5:00 – 5:30 **Finding (or Losing) One's Religion at Work: What Should Our Clients Do (or Not Do)?** .5 hr  
Michael Fox, Austin  
Ogletree Deakins Nash Smoak & Stewart PC
- 5:30 **RECEPTION**

## SATURDAY, AUGUST 20

7.0 hrs including 1.75 hr ethics

- 8:30–9:00 **Breakfast Provided**
- 9:00–9:30 **King Tut? TUTSA's Reach, Risks & Rewards** .5 hr  
Jeff Barnes, Houston  
Fisher & Phillips LLP
- 9:30–10:00 **The Competitive World of Non-Competes** .5 hr  
Patrick J. Maher, Fort Worth  
Shannon Gracey Ratliff & Miller LLP
- 10:00–10:45 **Big Data: Litigation Tips, Traps in Data Privacy & Security** .75 hr (.5 hr ethics)  
Jason Boulette, Austin  
Boulette Golden & Marin LLP
- 10:45–11:00 **BREAK**

## SATURDAY, AUGUST 20 (con't)

- 11:00–11:45 **Equal Pay: New Reporting Rules, Potential Impact on Collective Actions** .75 hr  
Karla Jackson Edwards, Dallas  
Trial Attorney, U.S. Dept. of Labor, Office of the Solicitor
- Joseph H. Gillespie, Dallas  
Gillespie Sanford LLP
- 11:45–12:15 **New FLSA Regulations** .5 hr  
Trang Tran, Houston  
Tran Law Firm LLP
- 12:15–12:30 **BREAK (PICK UP LUNCH & RETURN)**
- 12:30–1:15 **DOL Litigation Update (Lunch Presentation)** .75 hr  
M. Patricia Smith  
Solicitor, U.S. Department of Labor
- 1:15–1:30 **BREAK**
- 1:30–2:00 **NLRB: New Regs Shine a Light on Consultants and Persuaders** .5 hr (.25 hr ethics)  
Rodolfo "Fito" Agraz, Dallas  
Ogletree Deakins Nash Smoak & Stewart PC
- 2:00–2:30 **Know What You Don't Know: Tips, Traps in Representing Executives** .5 hr (.5 hr ethics)  
Joseph Ahmad  
Ahmad Zavitsanos Anaipakos Alavi & Mensing PC
- 2:30–3:00 **Shooting from the HIP(AA): Avoiding Misfires When Handling Medical Info in Litigation** .5 hr (.25 hr ethics)  
David Wiley, Dallas  
Gibson Wiley
- 3:00–3:15 **BREAK**
- 3:15–3:45 **Stuck to Your Guns? Legal Compliance in the Age of Open Carry** .5 hr  
Vicki Phipps, Houston  
Littler Mendelson PC
- Valerie Simpson, Houston  
Houston Community College System
- 3:45–4:15 **Let's Talk About Sex: LGBT Rights & Remedies** .5 hr  
Susan Motley, Denton  
Wood Thacker & Weatherly PC
- 4:15–5:00 **"Why, I Oughta ..." Resist Retaliation Or Risk Being a Stooge** .75 hr (.25 ethics)  
Andrew Golub, Houston  
Dow Golub Remels & Beverly LLP
- Mark Oberti, Houston  
Oberti Sullivan LLP
- 5:00 **ADJOURN**

**DON'T FORGET TO RESERVE  
YOUR ROOM BEFORE JULY 28TH!**



## HOTEL ACCOMMODATIONS

Hotel rooms have been blocked at a special rate on a space available basis.  
Room rate: \$131 for a Standard, King or 2 Doubles.

To make your reservation, contact the hotel and indicate that you will be attending the State Bar Labor & Employment Law Institute or reserve your room online at the link below.

**Reservation Deadline Thurs. July 28, 2016**

**JW Marriott Houston Galleria  
5150 Westheimer Road  
Houston, TX 77056**

Resort Telephone: (713) 961-1500  
Toll-free Reservations: (877) 622-3056  
Mention State Bar of Texas Labor & Employment Law Institute

For online reservations, visit:  
<https://resweb.passkey.com/go/LaborEmployment>

*Confirmations will be sent by the hotel.  
Please read the hotel cancellation policy carefully.*

**RESERVE YOUR ROOM BEFORE JULY 28TH!**

# REGISTRATION FORM

Name \_\_\_\_\_ Texas Bar No. (required): \_\_\_\_\_

Firm/Organization: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

## CONFERENCE FEES:

### BEFORE JULY 19TH

\$ \_\_\_\_\_ **\$200 for Section Members**  
\$ \_\_\_\_\_ **\$250 for Non-Section Members**  
\$ \_\_\_\_\_ **\$230 for New Section Members**  
*(\$200 registration + \$30 annual membership dues)*

### AFTER JULY 19TH

\$ \_\_\_\_\_ **\$250 for Section Members**  
\$ \_\_\_\_\_ **\$300 for Non-Section Members**  
\$ \_\_\_\_\_ **\$280 for New Section Members**  
*(\$250 registration + \$30 annual membership dues)*

\$ \_\_\_\_\_ **50% Discount to Legal Service Attorneys who are Section Members.\***

\$ \_\_\_\_\_ **50% Discount to New Attorneys Licensed 3 Years or Less (subject to availability).**

\$ \_\_\_\_\_ My total registration fee. Make checks payable to: State Bar of Texas Labor and Employment Law Section.

**\*Legal Service Attorneys are those who work for LANWT, TRLA, Lone Star Legal Aid, or any of the 2015-17 recipients of grant funds from the Texas Access to Justice Foundation.**

## COURSE MATERIALS

This institute will be **paperless**. Hard-copy materials will not be available. Materials will be available in digital format only.

## REFUND POLICY

If you register and are unable to attend, full refunds will be provided for requests received on or before July 31, 2016. To request a refund, write or email Sandra Carlson at the State Bar of Texas Accounting Department:

**State Bar of Texas**  
**Attn: Sandra Carlson**  
**P.O. Box 12487**  
**Austin, TX 78711-2487**  
**Email: [scarlson@texasbar.com](mailto:scarlson@texasbar.com)**

### MAIL REGISTRATION

**State Bar of Texas**  
**Attn: Sections**  
**P.O. Box 12487**  
**Austin, TX 78711-2487**

**OR**  
**REGISTER ONLINE AT**  
**<http://laborlaw.org>**  
click on "Events"

## MCLE CREDIT AND LEGAL SPECIALIZATION CREDIT

This course has been approved for 11 hours of MCLE accreditation, including 2.25 hours of ethics credit. **The MCLE Course number is 901353557.** This course has also been accredited for 11 hours of legal specialization in the Labor & Employment Law specialization area. For out of state credit, request a Uniform Certificate of Attendance from the registration desk to use to apply for credit in other states.

## THE LABOR AND EMPLOYMENT LAW SECTION 2016–2017 OFFICERS AND COUNCIL

*Look forward to seeing you there!*

**Dan C. Dargene, Chair**  
**John W. Griffin Jr., Chair-Elect**

**Teresa Valderrama, Secretary**  
**Prof. Richard R. Carlson, Treasurer**  
**& Newsletter Editor**

**Leticia Dominguez, Immediate**  
**Past Chair**

**Chris Bacon**  
**Jason S. Boulette**  
**Karla Jackson Edwards**  
**Susan D. Motley**

**Teri L. Danish**  
**Shannon B. Schmoyer**  
**Gilbert Sanchez**  
**Trang Tran**

**John Wenke**  
**David Wiley**