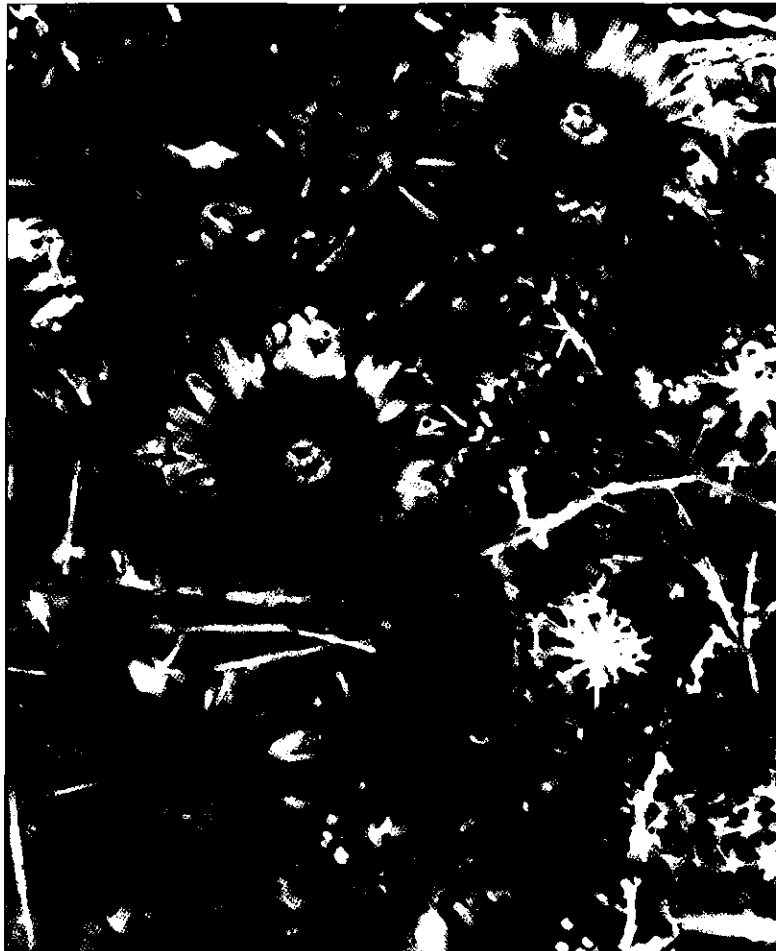




The University of Texas School of Law

— 6TH ANNUAL CONFERENCE ON —

# LABOR AND EMPLOYMENT LAW



May 6 & 7, 1999

The Westin Oaks Hotel  
Houston, Texas

May 20 & 21, 1999

Cityplace Conference Center  
Dallas, Texas

SPONSORED BY THE UNIVERSITY OF TEXAS SCHOOL OF LAW



# LABOR AND EMPLOYMENT LAW

May 6 & 7, 1999 • The Westin Oaks Hotel • 5011 Westheimer • Houston, Texas  
May 20 & 21, 1999 • Cityplace Conference Center • 2711 North Haskell • Dallas, Texas

## THURSDAY MORNING

Presiding Officers—Houston: Brian S. Greig, Austin  
Dallas: Jaime Ramón, Dallas

**8:00 a.m. LATE REGISTRATION**

Continental breakfast to be provided.

**8:45 a.m. WELCOMING REMARKS**

**9:00 a.m. STATE CASE LAW UPDATE—(0.75 hour)**

Recent decisions from Texas appellate courts concerning issues such as preemption of claims by the Worker's Compensation Act, worker's comp retaliation, intentional infliction of emotional distress, exhaustion of administrative procedures under the TCHRA, and other significant issues relating to employment tort claims.

Kevin M. Sadler, Austin

**9:45 a.m. LEGISLATIVE AND REGULATORY UPDATE—(0.75 hour)**

The Texas legislature is in session and is considering many bills of interest to employees and employers. These will be reviewed, as will any new activity at the federal level.

Christopher A. Knepp, Austin

**10:30 a.m. BREAK**

**10:45 a.m. DISCRIMINATION UPDATE—(1.00 hour)**

An update of significant court and administrative cases and their implications for employment practices and litigation.

Dennis P. Duffy, Houston

**11:45 a.m. SEXUAL HARASSMENT PREVIEW—(0.25 hour)**

Update on developments in harassment law after The Supreme Court rulings of 1998.

Linda Ottinger Headley, Houston

**12:00 p.m. BOX LUNCH—HARASSMENT PANEL—(1.00 hour)**

Panel to include a plaintiff's attorney, a defense attorney, and a human resource professional to discuss the practical impact of the sexual harassment cases on harassment issues in the workplace. *Box lunch included with registration fee.*

Moderator: Linda Ottinger Headley, Houston  
Hal K. Gillespie, Dallas  
John Bercen, Austin

## THURSDAY AFTERNOON CONCURRENT SESSIONS

*(Registrants may move freely between sessions. Sessions are intended to encourage audience participation.)*

Presiding Officers—Houston: Brian S. Greig, Austin  
Linda Ottinger Headley, Houston  
Dallas: Jaime Ramón, Dallas  
Linda Ottinger Headley, Houston

**1:30 p.m. TELECOMMUTING—(0.75 hour)**

Learn to recognize and address the wide variety of employment law issues raised by the practice of telecommuting.

Ann Abrams Price, Austin

**OR DRAFTING AND NEGOTIATING AGREEMENTS WITH EXECUTIVES—(0.75 hour)**

An overview of the legal, tax, and strategic principles for designing, drafting, negotiating and administering executive employment, settlement, severance, and confidentiality agreements.

Cynthia Marcotte Stamer, Dallas

**2:15 p.m. ISSUES IN PUBLIC EMPLOYMENT LITIGATION—(0.75 hour)**

Causes of action that are unique to public employment, such as due process, free speech retaliation, and whistleblower actions; defenses that are available only to public employer defendants, such as governmental, official, and qualified immunity.

James Todd, Austin

**OR REMEDIES IN EMPLOYMENT CASES—(0.75 hour)**

An examination of recent developments in remedies in employment cases including decisions concerning statutory damages caps, lost future earnings and mental anguish damages.

Rod Tanner, Fort Worth

**3:00 p.m. BREAK**

**3:15 p.m. ISSUES OF THE HUMAN WORK ENVIRONMENT—(0.75 hour)**

A review of issues involving the workplace environment, including unusual employee susceptibility to workplace atmosphere (noxious fumes, hazardous chemicals, perfume, etc.), bloodborne pathogens, design and modification of equipment, OSHA-proposed ergonomic standards, "sick building" syndrome, and related issues.

Charles C. High, Jr., El Paso

**OR NEGOTIATION TECHNIQUES—(0.75 hour)**

Tips for a successful negotiation, with special emphasis on negotiating structured settlements.

Hon. John A. Coselli, Jr., Houston

**4:00 p.m. WORKPLACE PRIVACY/SURVEILLANCE—(0.75 hour)**

Do individuals give up all rights to privacy for the (mere) privilege of having a job? Can supervisors search a person's purse or briefcase at will—or listen in on conversations a parent has with a child's physician? Do employers have a right to know whether employees are misusing the company's e-mail, or bringing illicit or dangerous things to work in their briefcases? Where do (and should) courts draw the line between these two competing rights?

Margaret A. Harris, Houston

**OR BACK AT THE CROSSROADS: THE FMLA/ADA/WORKER'S COMP MAZE IN 1999—(0.75 hour)**

Despite significant appellate court decisions, navigating the minefield of ADA, family and medical leave rights, and worker's compensation remains a complex and challenging subject. This presentation will off a roadmap to help you through the maze.

B. Lee Crawford, Jr., Diboll

**4:45 p.m. ADJOURN**

## FRIDAY MORNING

Presiding Officers—Houston: Brian S. Greig, Austin  
Dallas: Rod Tanner, Fort Worth

*note early starting time*

**8:30 a.m. DEVELOPMENTS IN DISABILITY DISCRIMINATION LAW—(1.00 hour)**

Significant developments under the Americans With Disabilities Act and their impact on attorney, employer and advocacy group strategies.

James H. Kizziar, Jr., San Antonio

**9:30 a.m. NRLA—(0.75 hour)**

Recent developments and trends under the National Labor Relations Act.

Robert E. Sheeder, Dallas

**10:15 a.m. BREAK**

**10:30 a.m. GUERRILLA RECRUITING, TRADE SECRETS—(0.75 hour)**

Legal issues employers face in recruiting and retaining employees and protecting intellectual property in a competitive environment: trade secrets, covenants not to compete, and employee raiding.

Regina Williams, Austin

**11:15 a.m. MERGERS AND ACQUISITIONS, REORGANIZATIONS, REDUCTIONS IN FORCE—(0.75 hour)**

How to identify and handle labor and employment law issues in acquiring or selling a business involving reorganization and reductions in force.

Douglas E. Hamel, Houston

**12:00 p.m. LUNCH ON YOUR OWN**

**PRESIDING OFFICERS**

**BRIAN S. GREIG**  
Fulbright & Jaworski L.L.P.  
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Samsung Austin Semiconductor  
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Fort Worth

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125th District Court  
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**B. JEFF CRAWFORD, JR.**  
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Gillespie, Rozen, Tanner & Watsky, P.C.  
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Office of the Attorney General  
General Litigation Division  
Austin

**E. WENDY TRACHTE-HUBER**  
American Arbitration Association  
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**REGINA WILLIAMS**  
Thompson & Knight, P.C.  
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**MCLE**

An application for accreditation for this activity has been submitted to the MCLE Committee of the State Bar of Texas and is pending. It is expected that this program will be accredited by the State Bar of Texas for up to 12.75 hours of Continuing Legal Education credit, of which up to 1.00 hour will apply to the legal ethics/professional responsibility requirement. Credit in other states also is available. CPAs may obtain 15.00 hours of CPE credit toward licensing with the Texas State Board of Public Accountancy. Sponsor #250.

**FRIDAY AFTERNOON**

**Presiding Officers—Houston: Brian S. Greig, Austin  
Dallas: Rod Tanner, Fort Worth**

**1:15 p.m. HOW ARBITRATION WORKS AND IS WORKING FOR EMPLOYMENT LAW DISPUTES—(1.00 hour)**  
Arbitration of employment law disputes is still evolving. The mechanics of an arbitration and the law surrounding the enforceability of arbitration agreements will be discussed.  
Michael W. Fox, San Antonio  
E. Wendy Trachte-Huber, Houston

**2:15 p.m. ETHICS: DUAL REPRESENTATION AND OTHER ISSUES—(1.00 hour ethics/PR credit)**  
Confidentiality, conflicts of interest, and other ethical issues that arise when an attorney represents a company, with emphasis on representing the insured client.  
Terry S. Boone, Fort Worth

**3:15 p.m. BREAK**

**3:30 p.m. THE GLOBAL AND MULTISTATE EMPLOYER—(0.75 hour)**  
What impact do multistate and multinational laws and regulations have upon today's companies? How do companies effectively manage multicultural workforces?  
Katrina Grider, Houston  
Hugh E. Hackney, Dallas

**4:30 p.m. ADJOURN**

Please mail this registration form or fax a copy:

**REGISTRATION FORM**

The University of Texas School of Law • Office of Continuing Legal Education  
Attn: EL99 • 727 East Dean Keeton Street • Austin TX 78705-3224

Please indicate your site selection:

Houston (May 6 & 7)  Dallas (May 20 & 21)

I would like to register for the conference as follows:

**PRE-REGISTRATION FEE** ..... \$350.00  
(DUE BY MAY 5 FOR HOUSTON; MAY 19 FOR DALLAS)

**Door Registration Fee** ..... \$385.00

I cannot attend the conference. Please forward the following:

Audiocassettes and written materials at \$350.00 ..... \$ \_\_\_\_\_

Written materials only at \$140.00 ..... \$ \_\_\_\_\_

**EL99 TOTAL ENCLOSED** ..... \$ \_\_\_\_\_

NO REFUNDS after 5:00 p.m. May 4 (Houston site); May 18 (Dallas site).

Name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

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

Telephone \_\_\_\_\_ Bar Card# \_\_\_\_\_

non-lawyer

Indicate below any special needs you have so we may arrange to accommodate you.

Paid by :  Check  VISA  Mastercard

Make Checks Payable to: The University of Texas at Austin

Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Authorized Signature \_\_\_\_\_

## GENERAL INFORMATION

### SPECIALIZATION

Accreditation from the Texas Board of Legal Specialization has been sought for this conference.

### PRE-REGISTRATION

In order to allow us to serve you more effectively, UT-CLE strongly recommends that you pre-register for our conferences. The pre-registration deadline for the *6th Annual Conference on Labor and Employment Law* is May 5, 1999 at 5:00 p.m. for the Houston conference and May 19 for Dallas. Door registration is subject to an additional fee of \$35.00. Please register as early as possible in order to assure that we can accommodate you. We will hold, until the first break, seats and written materials sufficient to accommodate all who have pre-registered for the conference. At a sold-out conference, door registrants will be accommodated on a first-come, first-served basis after all pre-registrants have been provided for. Please call us in advance if you know you will be arriving late for a conference.

### REGISTRATION BY PHONE/FAX

You may register for any UT-CLE conference by calling our special registration line (512) 475-6700 between the hours of 8:00 a.m. and 5:00 p.m. or by FAX at (512) 475-6876 at any time using the registration form in this brochure. All phoned or faxed registrations must be accompanied by a VISA or MASTERCARD number and expiration date.

### CANCELLATIONS

If your plans for attendance change, simply call or write to us by May 4 (Houston registrants) or May 18 (Dallas registrants) at 5:00 p.m. in order to receive either a refund, or to receive written materials with a partial refund, or to transfer the registration fee to any of our other conferences. No phone call is necessary for a substitution by another person for all or part of a conference; however, please check in at the conference registration desk. If no cancellation is made, the written materials will be sent automatically to paid no-shows; please allow 4-6 weeks for delivery. A \$35 administrative fee will be charged for cancellations or transfers requested less than one week prior to the start of the conference.

### MEAL FUNCTIONS

The registration fee covers all food-and-beverage expenses related to hosting the conference, including the continental breakfast to be provided each morning. Additionally, the **Thursday box lunch is included in the cost of registration.**

### SPECIAL ACCOMMODATIONS

The University of Texas School of Law offers its continuing legal education programs and related services to disabled persons on a nondiscriminatory basis and at accessible sites. Disabled persons with special communication or other needs should contact the CLE Registrar as far in advance of the program as possible in order that their needs may be addressed.

### ABOUT THE COVER

Cover graphic by Bill Conley, UT-CLE staff.



## LABOR AND EMPLOYMENT LAW

THE UNIVERSITY OF TEXAS SCHOOL OF LAW  
727 East Dean Keeton Street • Austin, TX 78705-3224

*This program is not printed or mailed at state expense.*

*To find out more about any of our conferences, visit our Web site at [www.utexas.edu/law/cle](http://www.utexas.edu/law/cle). Also, you may e-mail us at: [utcle@mail.law.utexas.edu](mailto:utcle@mail.law.utexas.edu). Or, call us at 512-475-6700.*

## Spring 1999 CLE Calendar

### 9TH ANNUAL ENTERTAINMENT LAW INSTITUTE

March 19 & 20, 1999 • Austin

### 25TH ANNUAL OIL, GAS & MINERAL LAW INSTITUTE

March 26, 1999 • Houston

### 11TH ANNUAL HEALTH LAW CONFERENCE

April 8 & 9, 1999 • Houston

### 11TH ANNUAL ADVANCED INTERNATIONAL LAW INSTITUTE

April 15 & 16, 1999 • Dallas

### 21ST ANNUAL CORPORATE COUNSEL INSTITUTE

April 22 & 23, 1999 • Houston *and*

May 13 & 14, 1999 • Dallas

### 4TH ANNUAL EVIDENCE AND PROCEDURE SYMPOSIUM

April 29 & 30, 1999 • Austin

### 12TH ANNUAL COMPUTER LAW CONFERENCE

May 20 & 21, 1999 • Austin

### 9TH ANNUAL CONFERENCE ON STATE AND FEDERAL APPEALS

June 3 & 4, 1999 • Austin

### CURRENT ISSUES AFFECTING PARTNERSHIPS, LIMITED PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES

July 8 & 9, 1999 • Austin

### FAMILY LAW LEGISLATIVE UPDATE

July 9, 1999 • Dallas

July 15, 1999 • Austin

July 16, 1999 • Houston

## HOTEL ACCOMMODATIONS AND PARKING

**HOUSTON SITE:** For room reservations, please contact the **THE WESTIN OAKS HOTEL** • 5011 Westheimer, Houston, TX 77056 • phone (713) 960-8100. A special block of rooms has been reserved at the rate of \$118.00 for single or double occupancy. The hotel will release all unused rooms on the **CUTOFF DATE OF APRIL 14, 1999**. You must make your reservation before this date in order to get the special rate. Valet day parking is \$8.00 and overnight valet parking is \$16.00. Parking space is also available in the Galleria.

**DALLAS SITE:** The conference facility is Cityplace Conference Center • 2711 North Haskell • (214) 828-7050. There is free parking at Cityplace in the garage.

*For sleeping room reservations in Dallas, please contact THE MELROSE HOTEL* • 3015 Oak Lawn Avenue • phone (214) 521-5151. A special block of rooms has been reserved at the rate of \$139.00 for single or double occupancy. The hotel will release all unused rooms on the **CUTOFF DATE OF MAY 5, 1999**. You must make your reservation before this date in order to get the special rate. The hotel offers limited complimentary self-parking in surrounding parking lots.

When contacting a hotel for sleeping rooms for any UT-CLE conference, please identify yourself as a participant with the conference by name in order to obtain a room from a reserved block. **NOTE: Your room reservation will be confirmed by the hotel. Please do not send any payment for accommodations to the School of Law.**

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