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THE PRESIDENT'S PERSPECTIVE

If our friendship encourages others to appreciate that some very good people have ideas with which we disagree, and that, despite differences, people of goodwill can pull together for the well-being of the institutions we serve and our country, I will be overjoyed, as I am confident Justice Scalia would be.

Ginsburg, R Bader. "Foreword." *Scalia Speaks*, Crown Publishing, 2017, p. 11.

Veteran's Day, November 11, inspired us in many ways this year. First, we honored our veterans, to whom the day is dedicated. At the LEL Section meeting, Chair **Don Slesnick**, himself a veteran, asked veterans to stand and be recognized by the Section. The moment reminded us all how much we owe to those who stood, and to those who are no longer with us.



The College itself had two unforgettable events. First, thanks to Past President **Bill Killberg**, on Saturday afternoon 400 Fellows and their guests listened to a conversation between Bill and Justice Ruth Bader Ginsburg: "the legal architect of the modern women's movement." Justice Ginsburg talked with Bill about the cases she chose and the strategies she employed to promote "equal citizenship stature for men and women." It was a rare opportunity to listen to Justice Ginsburg discuss why she took certain cases, how she and her colleagues worked to find those cases, and how she tried to move the Court incrementally toward "equal citizenship."



Photo courtesy of Joel D'Alba

Justice Ginsburg also joined us at our Induction Dinner, where I was honored to present her with an Award from the College in recognition of, and appreciation for, her contributions to the field of labor and employment law. It was the first time a sitting Supreme Court Justice attended our induction dinner. After her brief remarks, we joined with the late Justice Scalia, who wished her "a hundred years" – and gave her a thunderous standing ovation.

The induction dinner gave me an opportunity to reflect on where the College has been, where it is today, and where it is going. I joined the College in 1998, when I knew a large percentage of Fellows. Many were – to me – paragons of collegial practice. I had seen some in arbitration or mediation, vigorously representing clients and courteously working with their opponents. I had been on committees with others and admired the way they worked toward our common goals. I was proud to be part of a well-balanced group of the top practitioners of labor and employment law.

Twenty years later, I am still proud to be a Fellow and honored to serve the College. But I worry about our future. In the last five years, between 54% and 73% of our new Fellows have been from Management. I do not doubt their qualifications – they were vetted by our rigorous Circuit Credential Committees. Nevertheless, I am concerned about the potential consequences of the growing imbalance between constituencies.

We humans are tribal (and as lawyers we qualify as humans). Group members attribute good qualities to themselves and less good qualities to the "other." Collegiality is a process of overcoming the tribal impulse with a rational response. We must recognize the other person as not only a member of a different constituency, but also a member of a larger tribe we both belong to – the College.

We have, as a group, chosen each Fellow to be a member of our larger tribe. Collegiality and respect, regardless of constituency is what we owe each of them – from new inductees to our founding members.

To mitigate the growing imbalance in our inductees, the Strategic Planning Committee is searching for ways to involve more of the top professionals from our less numerous constituencies in the College. We welcome your suggestions. As Treasurer **David Borgen** wrote in the last newsletter, it is up to all of us to nominate Fellows from constituencies other than our own.

Finally, when I think of collegiality I am reminded of one of my favorite old New Yorker magazine cartoons. In six panels, two lawyers go toe to toe in a courtroom, vigorously representing their clients. In the seventh panel they leave the courtroom, and in the eighth they have lunch together. That's collegiality.

Norman Brand
President

Audio of Justice Ginsburg's conversation with Bill Kilberg can be accessed here:

<https://soundcloud.com/user-431650800/justice-ginsburgs-conversation-at-aba>

Photos of the 22nd Annual Induction Dinner can be found using the following links:

Step and repeat photos

<http://www.jasondixson.com/Events/2017/College-of-Labor-and-Employment-Lawyers/Step-and-Repeat/n-FPK277/>

Candid shots from the dinner and induction ceremony

<http://www.jasondixson.com/Events/2017/College-of-Labor-and-Employment-Lawyers/Reception-and-Dinner/n-23G6WL/>

DIRECTORY UPDATES

Last chance reminder! It's time to review your [directory listing](#) and notify us of any changes, updates, or errors before we print the 2018 edition. This year we have decided to go 'green' and streamline the process by sending a pdf of the directory, instead of mailing the usual hard copy letter. Please take a moment to look over your entry, as well as your listing in the STATE section at the end of the document, and let [Jen Motley](#) know of any changes no later than **JANUARY 2, 2018**.

THERE IS NO NEED TO RESPOND IF EVERYTHING IS CORRECT.

CLASS OF 2018 APPLICATIONS

The College is accepting nominations for the Class of 2018 now through the Thursday, February 1, 2018 deadline. The election of new Fellows is a very structured process and Fellows should make sure to submit completed and thorough packages. Please review the instructions and related materials in their entirety. A link to the information on the College website is included (<http://laborandemploymentcollege.org/for-fellows/nominations>) as well as the requisite forms that must be completed: [Part A - Nominator Form](#) and the [Part B - Nominee Form](#). If you are nominating a neutral, please use this [Part B - Neutral](#). If you are nominating a law professor, please use this [Part B – Law Professor](#). As always, don't hesitate to contact [Susan Wan](#) with any questions.

REGIONAL PROGRAMS

UPCOMING EVENTS

February 16-17, 2018 – New Orleans, LA: Joint Regional Program

The 5th and 11th Circuit Regional Committees have joined forces to offer Fellows and guest a unique programming opportunity that will take place over President's Day Weekend in New Orleans, LA at the historic Le Pavillon Hotel. The weekend starts Friday evening, February 16th, with a dinner at the famous Galatoire's Restaurant on Bourbon Street. The Saturday morning program will feature outgoing NLRB Chair **Phil Miscimarra** sharing his thoughts on the time he spent as Chair and what's ahead for the Board. Fellows **Michael Green** and **Rod Tanner** will discuss Speech Protections and Black Lives Matter in the Workplace, sharing their perspectives on how, and if, the speech of the protesting worker should be protected. Professor William Corbett, the Frank L. Maraist Professor of Law and Wex S. Malone Professor of Law at Paul Herbert Law Center, Louisiana State University, will address recent developments in labor and employment law. Over lunch, Honorary Fellow, and recently retired 7th Circuit Court of Appeals Judge, the Honorable **Richard Posner**, will join us to discuss his experiences as they relate to civility in the courtroom and his new venture – a pro bono law firm benefiting *pro se* litigants. We'll wrap up the day with a cocktail reception on the rooftop terrace of Le Pavillon. Register now and make your room reservations. We expect a capacity crowd for the weekend's events. Our room block at Le Pavillon will expire on **JANUARY 24, 2018**, so book your room now!

The program announcement with registration form can be found [here](#).

RECENT EVENTS

November 14, 2017 – New York, NY

Thanks again to Fellow **Evan Spelfogel** who organized another stellar semi-annual supper meeting of the 2nd Circuit Fellows on November 14, at the Proskauer law firm conference center in mid-town Manhattan. Fellows and guest were treated to a first-hand opportunity to learn what the DOL and OSHRC are doing and what can be expected during the Trump Administration featuring speakers Nicholas Geale, Acting US Solicitor of Labor, and Heather MacDougall, Chair of the US Occupational Safety and Health Review Commission. During the second part of the program, renowned European labor and employment attorney, Gerlind Wisskirchen, shared a somewhat frightening vision of the future work force with artificial intelligence and robots and how this might impact the US labor market. Fellows **Susan Ritz** and **Lou DiLorenzo** served as program panelists.



November 16, 2017 – Denver, CO



Thanks to Fellow **Steve Sufas** for organizing a small, but engaged, group of 10th Circuit Fellows, who gathered at the offices of Ballard Spahr LLP on November 16. In addition to an evening of collegiality, Fellows discussed next steps for future programs. In attendance were Fellows **Sean Gallagher**, **Jim Hautzinger**, **Diane King**, **Larry Marquess**, **Ted Olsen**, **Bob Truhlar**, and host **Steve Sufas**.

THANK YOU TO OUR DONORS

The Board of Governors would like to acknowledge the following Fellows and firms for their generous contributions to the **STEVE E. TALLENT VIDEO HISTORY PROJECT** in 2017. Your support is vital to the continuation of this very important project.

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There is still time to make a year-end tax-deductible contribution to the Video History Project. Donate online at <http://laborandemploymentcollege.org/index.php/for-fellows/payment-options>.

SPOTLIGHT ON FELLOWS

- Fellow **Lynne Bernabei** participated in a roundtable discussion on *PBS News Hour* about sexual harassment. Read the transcript [here](#).
- Fellow **Mark A. Carter** was named Committee Chair of the Human Resources committee of the West Virginia Chamber of Commerce.
- Fellow **J. Bruce Cross** [addressed](#) the Fort Smith Regional Chamber of Commerce and spoke about policies for medical marijuana use in the workplace.
- An [opinion piece](#) by Fellow **Samuel Estreicher** appeared in the *Malay Mail Online*.
- Fellow **Stuart M. Israel** is the author of *Taking and Defending Depositions—Second Edition* (American Law Institute CLE 2017) and the co-author, with Professor Peter T. Hoffman, of *Effective Discovery* (National Institute for Trial Advocacy 2017). The first edition of Israel's deposition book was an ALI-ABA best seller. Israel and Fellow **Barry Goldman** are the co-authors of *Opinions—Essays on Lawyering, Litigation and Arbitration, the Placebo Effect, Chutzpah, and Related Matters* (Amazon Createspace 2016), with a foreword by Emeritus Fellow **Theodore J. St. Antoine**.
- Fellow **James V. Meath** was one of twenty-six lawyers who have been on the *Virginia Business Legal Elite* list every year since its inception in 2000 in collaboration with the Virginia Bar Association.
- Fellow **Nancy Morrison O'Connor**, a retired partner of the law firm Bracewell LLP and an adjunct professor at the University of Notre Dame Law School, recently accepted the

General Counsel position at the Catholic University of America.

- Fellow **Jeff Scott Olson** was featured in a profile in *Madison Magazine*. Read the full article at <https://www.channel3000.com/madison-magazine/city-life/jeff-scott-olson-a-civil-rights-crusader/660033303>.

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