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THE VICE PRESIDENT'S VIEWS

In his February column, College President **Norm Brand** invited us to share our stories about how civility made a difference in our practice. So, when he gave me the opportunity to write this column, it was only natural that it be about civility. Norm told an amazing story. (If you did not read it, I encourage you to do so. You can find it at <http://www.laborandemploymentcollege.org/images/pdfs/February2017newsletter/February2017final.pdf>). My story is much more mundane



than the one Norm told. But, it is one that made a lasting impression on me. It is my earliest experience with judicial civility “Southern Style.”

My first job after law school was as an attorney in the Appellate Court Branch of the National Labor Relations Board. It was a dream job! There are very few places where six months out of law school you are standing up alone, presenting oral argument before the second highest court in the country.

My first oral argument was in the Fourth Circuit. I do not remember the case or who opposing counsel was or many other details. Here is what I do remember: Fellow **John Ferguson** was my supervisor on that first case.* (Thank you John for teaching me how to write a brief. You also taught me to always have a pad of paper and pen with me when going to meet with someone to discuss a matter. It is advice I have shared with others many times over the years.) The case was heard in a courtroom in the post office in Alexandria, Virginia, not in the Richmond courthouse. Sometime after the argument I learned that one of the judges who had been on the panel had died and the court issued a per curiam opinion with a footnote saying that the judge had voted before he died. The judges came down from the bench to shake hands with the attorneys after each oral argument. When they came down after my case, I recall one of them asking me whether it was my first time arguing in the Fourth Circuit. When I told him it was my first time arguing a case, he told me what a good job I had done. I can still remember how good that made me feel.

By the time I left the Board I had argued in 11 of the 12 circuits, but that is the only time I ever argued in the Fourth Circuit. And, it is the only time I ever saw judges come down from the bench to shake hands with the attorneys. Prior to writing this column I checked and was heartened to learn this is a practice that is still followed.

The moral of this story is that sometimes it is the smallest gestures that leave the most lasting impact. This is a lesson that can serve us well far beyond our work as labor and employment lawyers.

Before ending this column, on behalf of the Board, I would like to extend our congratulations and welcome to the newest class of Fellows. We’ll see you in Washington, DC on November 11th!

Lynne Deitch
Vice President

CONGRATULATIONS TO THE CLASS OF 2017

Please join the Board of Governors in welcoming the following distinguished lawyers who were elected Fellows of the College of Labor & Employment Lawyers in the Class of 2017.

CLASS OF 2017

Lisa J. Banks, Washington, DC	Michael J. McAuley, Chicago, IL
Maurice Baskin, Washington, DC	Ronald J. McRobie, Montreal, QC, Canada
Susan Sangillo Bellifemine, Cedar Grove, NJ	Gregory K. McGillivray, Washington, DC
Alan D. Berkowitz, Philadelphia, PA	Ian D. Meklinsky, Lawrenceville, NJ
Mark W. Berry, Bellevue, WA	Michael J. Moberg, Minneapolis, MN
Esta R. Bigler, New York, NY	Donald J. Munro, Washington, DC
Stephen J. Bird, Ottawa, ON, Canada	Tibor Nagy, Jr., Tucson, AZ
Allan S. Bloom, New York, NY	Kerry E. Notestine, Houston, TX
Bernard J. Bobber, Milwaukee, WI	Bridget O'Connor, Washington, DC
Daniel F. Brent, Princeton, NJ	R. Scott Oswald, Washington, DC
Lewis G. Brewer, Charleston, WV	Christopher A. Parlo, New York, NY
James W. Bucking, Boston, MA	Jerry L. Pigsley, Lincoln, NE
C.B. Burns, El Paso, TX	Fred M. Plevin, San Diego, CA
Ronald W. Chapman, Jr., Dallas, TX	Charles A. Powell, IV, Birmingham, AL
Jeffrey P. Chicoine, Portland, OR	Lorne A. Richmond, Toronto, ON, Canada
Michael Cohen, Montreal, QC, Canada	Beth M. Rivers, Royal Oak, MI
Linda M. Correia, Washington, DC	Howard Z. Robbins, New York, NY
Gregory N. Dale, Indianapolis, IN	Ira G. Rosenstein, New York, NY
John F. Dickinson, Jacksonville, FL	Merrick T. Rossein, New York, NY
Molly Ann Elkin, Washington, DC	Bradley H. Schleier, Phoenix, AZ
Dennis R. Favaro, Palatine, IL	Mark D. Schneider, Upper Marlboro, MD
Ann Haley Fromholz, Los Angeles, CA	Mark W. Schneider, Minneapolis, MN
Andrew M. Gould, Dallas, TX	Alan H. Schorr, Cherry Hill, NJ
Douglas W. Hall, Washington, DC	Harry J. Secaras, Chicago, IL
Virginia Lee Hardwick, Doylestown, PA	Richard B. Sigmond, Philadelphia, PA
Owen E. Herrnstadt, Upper Marlboro, MD	W. Thomas Siler, Jr., Jackson, MS
Ann Cranston Hodges, Richmond, VA	Barry E. Simon, Arlington Heights, IL
Beverly Jane Hodgson, New Haven, CT	Michael H. Slutsky, Chicago, IL
Lauren Simon Irwin, Concord, NH	Jennifer Platzkere Snyder, Philadelphia, PA
Joshua M. Javits, Washington, DC	Timothy M. Threadgill, Ridgeland, MS
Maurice G. Jenkins, Southfield, MI	Rosemary Angela Townley, Larchmont, NY
Gail Oxfeld Kanef, Newark, NJ	Reginald M. Turner, Jr., Detroit, MI
(Mary) Colleen Kinerk, Seattle, WA	Sherrie E. Voyles, Chicago, IL
Erin Renee Kuzz, Toronto, ON, Canada	David M. Wachtel, Washington, DC
Guy Lavoie, Montreal, QC, Canada	Gerald M. Waites, Washington, DC
David Leach, III, Newark, NJ	Louis Hanner Watson, Jr., Jackson, MS
P. David Lopez, Washington, DC	Robert E. Weisberg, Miami, FL
Michael J. Lotito, San Francisco, CA	Anne Widlak, Detroit, MI
David A. Lowe, San Francisco, CA	Roger A. Wolfe, Charleston, WV

22ND ANNUAL INDUCTION DINNER



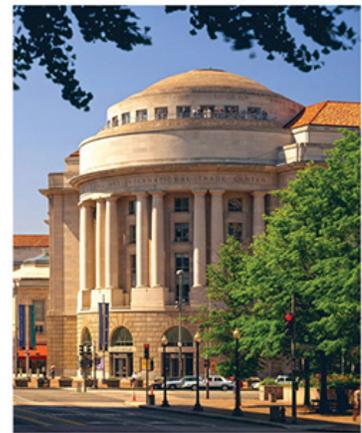
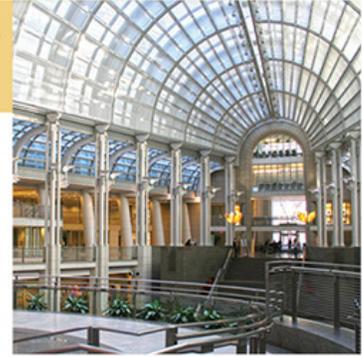
THE 22ND ANNUAL INDUCTION DINNER Saturday, November 11, 2017 Washington, DC

Mark your calendars now for a memorable evening at the **22nd Annual Induction Dinner** scheduled for Saturday, November 11, 2017 in Washington, DC. **The Ronald Reagan Building and International Trade Center** will host Fellows, their guests and members of the Class of 2017 for an evening of celebration and commemoration.

We'll begin in the Atrium Ballroom with cocktails and hors d'oeuvres followed by an elegant dinner and program under the dazzling glass and steel framework of the iconic Atrium. Designed by the renowned architectural firm of Pei Cobb & Freed, the Ronald Reagan Building and International Trade Center is located on historic Pennsylvania Avenue in the heart of Washington, DC, within walking distance of the White House, the Capitol, Smithsonian Museums and many historical sites and cultural organizations.

For information regarding the dinner and hotel accommodations including access to the College's courtesy room blocks at the JW Marriott Washington DC and the Willard InterContinental hotels, please visit the College website at www.laborandemploymentcollege.org

Formal invitations will be mailed the end of August. For additional information, please contact Jen Motley at jmotley@laborandemploymentcollege.org or (410) 972-4712.



The College of Labor and Employment Lawyers has two room blocks in Washington, DC in conjunction with the Induction dinner. The pass keys are below and they are open. Please note the special instructions if you choose the Willard property.

The ABA Labor and Employment Law Section's room block at the Washington Hilton will be available to College Fellows later in the summer. The Section's CLE Seminar will take place at the Washington Hilton as well as the College's Saturday afternoon program. Information on how to make reservations for that will be posted on the College website once it has been received.

All Fellows are responsible for making their own reservations. More hotel options that are conveniently located to both the annual induction dinner and the Section's CLE seminar are listed on our web site at: <http://laborandemploymentcollege.org/upcoming-events>.

JW Marriott Washington, DC

1331 Pennsylvania Avenue
Washington, DC 20004

<https://aws.passkey.com/event/49113427/owner/559/landing?gtid=313875aa7671e02a15521e1c840d6eb9>

InterContinental The Willard, DC
1401 Pennsylvania Avenue
Washington, DC 20004
202-637-7315

[College of Labor & Employment Lawyers](#)

Please call the hotel directly (Katie Ozga) if your planned stay is longer than the 2 room night block of Friday/Saturday

AUGUST HAPPY HOUR FOR FELLOWS IN NYC

Mark your calendar and plan to attend the 6th Annual Fellows Happy Hour! Friday, August 11th from 5:00 pm to 7:00 pm in New York City This annual event takes place during the ABA Annual Meeting and has become the place to be for those attending the ABA events as well as for those Fellows who live and work in the host city. This year's happy hour will take place in a mid-town Manhattan location close to the Section's Hotel - NY Hilton Midtown on 6th Avenue! An email invitation will be sent in early July.

INCIVILITY AND WOMEN IN THE WORKPLACE 9TH CIRCUIT NORTH REGIONAL MEETING

Following the success of its Seattle program on "Ethics in the Profession," the 9th Circuit North Regional Planning Committee organized and presented a program on "Civility and the Elimination of Unprofessional Conduct Towards Women." The program was held on April 27 in San Francisco at the offices of Davis Wright Tremaine LLP which also generously hosted a pre-program reception. The well-attended program was moderated by Fellow [Judith Droz Keyes](#). Panelists were US District Court Judge Claudia Wilken, Alameda County Superior Court Judge Brad Seligman, Wendy Wen Yun Chang, a partner at Hinshaw & Culbertson and Lori Rifkin, a partner at Hadsell Stormer & Renick. The panelist's insightful and pointed comments on this timely and important topic generated a high level of interest and discussion.

Discussion continued late into the evening at a dinner for Fellows following the program. Fifteen Fellows attended the lively and cordial dinner. It was a rare opportunity for Fellows

to get together in an informal atmosphere and discuss issues of importance to the College and future projects.

View the meeting materials [here](#) and download a copy of the [bookmark](#) and [CD cover](#).



LEGISLATIVE PANELS TALK POLITICS AT DC REGIONAL MEETING

Washington, DC area Fellows and invited guests gathered on June 8th to hear discussions on two timely topics – the changing world of the workplace and the future direction of labor relations. Fellow **Hal Coxson** moderated the first panel, “DOL, EEOC & State Laws,” which featured Seema Nanda, Executive VP & COO, Leadership Conference on Civil & Human Rights; Michael Eastman, Managing Counsel, NT Lakis, and VP, Public Policy, Equal Employment Advisory Council; Seth Harris, Harris Law; former Deputy Secretary & Acting Secretary of Labor; and Marc Freedman, Executive Director of Labor Law Policy, U.S. Chamber of Commerce.

Fellow **John Higgins** served as moderator for the second panel, “NLRB & Labor Management Relations,” with speakers Steven Greenhouse, retired labor and workplace writer, NY Times; author of *The Big Squeeze: Tough Times for the American Worker*; Lynn Rhinehart, General Counsel, AFL-CIO and Fellow **Brian Hayes**, Shareholder & Co-Chair, Traditional Labor Law Practice Group, Ogletree Deakins; former Member, NLRB.

Thanks to Ogletree Deakins for co-hosting this event at Joe’s Seafood Restaurant, which made the after program happy hour a big hit!

View the program materials [here](#).

NJ FELLOWS MEET FOR DINNER

On June 21st, nineteen New Jersey Fellows met in New Brunswick at The Frog and the Peach restaurant to celebrate the College's principles of civility and collegiality and to decide how best to move forward with regional activities. The State Bar Labor and Employment Law Section –which many Fellows lead– does such a fine job supporting the New Jersey Institute of Continuing Legal Education's subject matter programming. Therefore, we decided to focus on delivering the College's message to the cadre of rising young partners, associates and neutrals who will be tomorrow's leaders of our profession. We will be scheduling another dinner meeting this Fall to which Fellows will bring target colleagues to show them how we operate with civility and collegiality notwithstanding our representing adversarial interests. A fine time was had by all.

VIDEO HISTORY PROJECT – WOMEN'S RIGHTS & LABOR AND EMPLOYMENT LAW

View a clip from the most recent [Video History Project](#) interview: [Women's Rights and Labor and Employment Law](#). Perspectives from three prominent women attorneys who were part of the rise of women in law schools during the 1960s and spearheaded women's rights before the EEOC and in the courts. David Cashdan moderates a panel that includes Janice Goodman, Susan Deller Ross and Mary O'Melveny.

POLITICS AROUND THE WATER COOLER

Written by and reprinted with permission of Thom K. Cope

Basketball, football, and baseball seasons come and go, but one spectator sport that is always in play is politics. It used to be that in polite society, no one spoke about religion or politics. This is no longer the case.

In November and December of 2011, Harris Interactive on behalf of CareerBuilder conducted a survey of more than 7,000 full-time workers nationwide. The survey results showed that while most conversations around politics were good-natured or even-tempered, almost a quarter of workers who have discussed politics at work reported they had a heated discussion or fight with a co-worker, boss or someone else higher up in the organization. One out of ten workers said their opinion about a co-worker changed after they discovered that person's political affiliation, with most stating it changed for the negative. At the same time, according to a survey conducted during the 2008 presidential election by the Society for Human Resource Management, only about 25 percent of organizations have a written policy on political activities.

Recently, Harris Poll on behalf of CareerBuilder conducted a follow up survey of more than 3,200 workers and 1,900 managers in the private sector from May to June of 2016. This survey focused on the 2016 presidential election, and how the political tension affected the workplace. According to the survey, 30 percent of employers and 17 percent of employees argued at work about the presidential election. The survey also found that 22 percent of workers believe that political correctness has made their business stronger, versus 34 percent who believe their workplace has been hindered by it.

The First Amendment does not protect free speech in the private sector, but employees also want to feel they have a right to discuss the issues of the day with their colleagues. At the same time, political discussions can touch on deeply-held beliefs and can cause a drop in morale in the listener who disagrees with his or her colleague, particularly when the differing opinion comes from a superior. Conversations regarding candidates often focus on race, sex or religion and can easily provide potential grounds for employer liability for harassment, race, religious, age and/or gender, among other forms of discrimination, retaliation or other types of workplace complaints.

Finally, employers should consider the cost of allowing too much political chatter. Ideally, an employee's focus at work should be job-related; too much non-work-related discussion can cost the employer in terms of productivity.

To best manage these issues, employers should consider whether they want to instill a balanced policy regarding political discussion in the workplace.

SPOTLIGHT ON FELLOWS

- Fellow **Karen Buesing** was recently elected to serve on the Board of Directors for The Florida Bar Foundation and Metropolitan Ministries. During her term at The Florida Bar Foundation, she will help advance organization's mission of providing greater access to justice throughout the state. At Metropolitan Ministries, Buesing will contribute to its mission of alleviating suffering, promoting dignity, and instilling self-sufficiency for homeless and at-risk families.
- Fellows **Mark Cousens** and **Bruce Miller** were honored by Wayne State University on June 5th at the 7th Annual Labor Leaders on Labor Forum for a lifetime of dedicated service.
- Honorary Fellow Judge **Bernice Donald** will be honored as one of this year's *Margaret Brent Award* winners. The ABA *Margaret Brent Women Lawyers of Achievement Award*, established in 1991, honors outstanding women lawyers who have achieved professional excellence in their area of specialty and have actively paved the way to success for others.

- Fellow **Phil Miscimarra** has been named Chairman of the National Labor Relations Board by President Donald J. Trump. Read the press release [here](#). Also announced this week, Fellow **Bill Emanuel** has been nominated to fill one of the two remaining seats on the Board. Littler Mendelson’s press release is attached [here](#).
- Fellow **David Petersen** was elected President-Elect of the National Academy of Arbitrators (NAA). Petersen will succeed current President and Fellow **Kathleen Miller** when her term expires in May 2018.
- Past CLEL President **John Sands** and his wife, Diana, returned on June 19th from a two-week tour of Iran sponsored by the *New York Times* entitled “Tales from Persia.” “It was a spectacular trip,” John said, “and the Iranians we met were without exception friendly, welcoming, and most excited to be visited by Americans.” John recommends that Fellows consider visiting Iran themselves to form their own opinions concerning the current reality on the ground in that fascinating yet vilified country with such a rich history. John included these two pictures, which Fellows might find interesting.



- Fellow **Don Slesnick** accepted the Gold Medal honor for an individual highlighting his outstanding contributions to Greater Miami at *Miami Today's* Gold Medal Awards dinner in April.
- Fellow **Beth Walker** is one of three women justices currently serving on the West Virginia Supreme Court of Appeals, making the Mountain State one of just eleven states with a majority of justices who are female. All three were recently interviewed by *The State Journal*. Read the complete interview [here](#).

- Fellow **Nancy Walker** was appointed Chief Deputy Attorney General, to head up the Office's new Fair Labor Section, by Pennsylvania Attorney General Josh Shapiro. The Fair Labor Section will engage in investigative and enforcement actions, as well as policy initiatives, in an effort to combat wage theft and other labor violations.
- Fellow **Richard Zuckerman** has been elected to a two-year term as chairman of the New York State Bar Association's Local and State Government Law Section.

IN MEMORIAM

The College mourns the recent passing of the following Fellows.

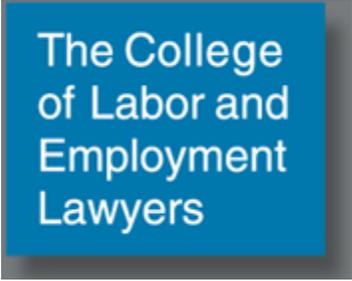
G. Allen Butler passed away on April 13th passed away on April 13th. A member of the Class of 1997, he was a member of Clark, West, Keller, Butler & Ellis for forty years and was still acting as a mediator in labor disputes until his death. A link to his obituary can be found [here](#).

Inducted a Fellow in 2009, **Donald J. Veldman** passed away on June 18th at the age of 91. Don practiced his entire career in Michigan where he enjoyed teaching and being a mentor to lawyers and clients. He was very active in the community, serving on the Board of the Employers Association in Muskegon, and as a member of the Muskegon County Bar Association, the State Bar of Michigan and the American Bar Association. Memorial contributions may be made to the USS Silversides Submarine Museum, 1346 Bluff Street, Muskegon, Michigan 49441. A link to his obituary can be found [here](#).

Members of the College strive to promote achievement, advancement and excellence in the practice of labor and employment law. These Fellows distinguished themselves as leaders in the field, and the College was proud to have been able to call them Fellows. Our thoughts are with their family and friends.

CLEL LOGO

Fellows are encouraged to include the College logo on their website. Please contact [Susan Wan](#) for a downloadable file or download the logo.



The College
of Labor and
Employment
Lawyers

THE COLLEGE OF LABOR & EMPLOYMENT LAWYERS

1997 Annapolis Exchange Parkway

Suite 300

Annapolis, MD 21401

(410) 972-4711 Telephone

(410) 972-4701 Fax

www.laborandemploymentcollege.org

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