

## IN THIS ISSUE

- [THE TREASURER'S TAKE](#)
- [JUSTICE RUTH BADER GINSBURG VIDEOTAPED FOR VHP](#)
- [WRITING COMPETITION](#)
- [20<sup>TH</sup> ANNUAL INDUCTION DINNER](#)
- [11<sup>TH</sup> CIRCUIT'S ANNUAL PROGRAM SET](#)
- [SPOTLIGHT ON FELLOWS](#)
- [IN MEMORIAM](#)

## THE TREASURER'S TAKE

What do Starbucks' selling Frappucinos, the introduction of the George Forman Grill, the start of Match.com, eBay going live, and the College of Labor and Employment Lawyers all have in common?

They all had their start 20 years ago! Incorporated in the fall of 1995, one hundred twenty-five of the premiere labor and employment attorneys in the country were inducted as the first class of Fellows of the College of Labor and Employment Lawyers in August 1996 at a dinner in Orlando, Florida. We've come a long way since then. When we gather in Philadelphia in November 2015, we will be welcoming 72 new Fellows, bringing the total number of Fellows to 1,362, all of whom exhibit the highest standards of professionalism and achievement.



Twenty years has a special meaning within the College. It is the minimum number of years of practice needed to qualify for admission. Just think, the College has now been around long enough that attorneys just starting their careers in 1995 are now eligible to be nominated for membership.

The College is a dynamic group and brings in new members each year. Although we have not even inducted our newest Fellows yet, it is not too early to nominate candidates for the Class of 2016. The College depends on you to identify and nominate new members. One of the attributes of the College, which adds to its richness, is that Fellows are the best-of-the-best from all constituencies in the field of Labor and Employment Law: management; unions; employees; neutrals; law professors; and government officials. We also benefit from members in various stages of their careers, including those just starting out when the College began 20 years ago. These are the people who will help move the College forward as we enter our next decade. The application deadline is Monday, February 1, 2016. Applications can be found on the College website by clicking [here](#). We hope you will consider nominating a highly deserving labor and employment practitioner for the Class of 2016. In the meantime, I look forward to seeing many of you in Philadelphia and celebrating with the Class of 2015!

*Lynne Deitch*  
Treasurer

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## JUSTICE RUTH BADER GINSBURG VIDEOTAPED FOR COLLEGE'S VHP

September was a busy month for VHP producer/director Carol M. Rosenbaum. Three new interviews were completed for the College's historical library of labor and employment law



icons. Supreme Court Justice Ruth Bader Ginsburg, former EEOC Chair Bill Brown and Judge Laurence Silberman (US Court of Appeals for the DC Circuit) were recorded. Justice Ginsburg's two hour interview focused on her role as the "Architect" of 1970's women's rights litigation during her tenure as chair of the ACLU Project on Women's Rights and her opinions and dissents in major civil rights and employment law cases involving the Equal Protection Clause and Title VII. As a former Solicitor and Under Secretary for the

Department of Labor, Judge Silberman's interview covered his role as the moving force behind the revised "Philadelphia Plan." Both were interviewed by Fellow Bill Kilberg. Former EEOC Chair Bill Brown (1969-73), who was also interviewed in September,

focused his discussion on the acquisition of enforcement authority that occurred during his tenure, the impact on state and local agencies' employees, and obstacles he faced with the new authority. All three interviews will be featured on the College website and available through The Kheel Center for Labor-Management Documentation & Archives at Cornell University.

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## 2015 WRITING COMPETITION WINNER

Congratulations to Stephanie Richards, this year's winner of the College of Labor and Employment Lawyers and the ABA Section of Labor and Employment Law Student Writing Competition. A distinguished panel of attorneys from around the country reviewed papers on current and relevant topics of labor and employment law.

Ms. Richards (photo right) holds a B.A., magna cum laude in History from Whitworth University in Spokane, Washington, where she lives with her husband, Steve. Her paper is titled "[Screening for Integrity: What's Missing From Integrity Staffing Solutions, Inc. v. Busk](#)". Prior to law school, Ms. Richards' experience included thirteen years in the health insurance industry with a focus on large group sales, self-insured medical plans, provider network contracting, and utilization review.



As a member of Gonzaga Law's inaugural accelerated class, Ms. Richards will complete her 90-credit J.D. in only two years, graduating in May, 2016. She is an associate editor of the Gonzaga Law Review and last summer, completed an externship with Chief Judge Rosanna Peterson of the District Court for the Eastern District of Washington. Ms. Richards is interested in public service, and perhaps working for a local government entity after graduation.

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## 20<sup>TH</sup> ANNUAL INDUCTION DINNER FESTIVITIES

The deadline is rapidly approaching to RSVP for The College of Labor and Employment Lawyers' **20<sup>th</sup> Annual Induction Dinner**. If you have not already done so, please reply to Jen Motley at 410-972-4712 or [jmotley@laborandemploymentcollege.org](mailto:jmotley@laborandemploymentcollege.org). Payment can be made online using the following link - <http://www.laborandemploymentcollege.org/payment-form.aspx>

In addition, the **National Constitution Center** is offering reduced price tickets, at a cost of \$10.00 per ticket, that can be used anytime during the November 7th weekend. Please send ticket requests to [Jen Motley](#). Tickets will be available for pick up at the NCC's Will Call window beginning Friday morning, November 6th.



And finally, please join us for *Lessons From Our Northern Neighbors: Civility and Professionalism in the Practice of Canadian Labor and Employment Law* on Saturday, November 7 at 12:30 PM. The program will be held at the Loews Philadelphia Hotel. RSVP is necessary for admission. Contact [Jen Motley](#) to reserve your space.



LESSONS FROM OUR NORTHERN NEIGHBORS:

## Civility & Professionalism

in the Practice of Canadian Labor and Employment Law  
Saturday, November 7, 2015 - 12:30 to 2:00 p.m.

All dispute resolution systems, including both private arbitration forums and the public courts, are based upon the premise that the parties participating in any particular matter should act in a civil manner in order to reach a fair and just disposition. In this moderated panel discussion of civility and professionalism in Canadian courts and arbitration forums, you will learn that the Canadian national tendency to talk things out with reasonable politeness (which has permitted Canada to build an enviable nation of competing regional and cultural interests with a minimum of rancor) is also reflected in the civility and professionalism exhibited in its courts and arbitration forums. While rare instances of notably uncivil and unprofessional behavior do occur, Canadian labor and employment lawyers are well-known to adhere to principles of civility and professionalism that should be the envy of their American counterparts. In a fun-filled and educational multi-media presentation, the eminent Canadian practitioners and neutrals (and College Fellows) on the panel, Toronto arbitrator James Hayes, management attorney Danny Kaufer (Quebec), union attorney Ron Pink (Halifax, Nova Scotia) and management attorney and neutral Frederick von Veh (Toronto), will reveal how Canadian lawyers promote public confidence in the legal system by employing representational tactics that are legal, honest and respectful, acting with integrity and professionalism, and taking the time to fully educate their clients regarding the advantages of dealing with opponents in a civil manner.

Please join us on Saturday, November 7<sup>th</sup> from 12:30 to 2:00 p.m. at the Loews Philadelphia Hotel, 1200 Market Street, Philadelphia, Pennsylvania.

RSVP is necessary for admission.  
Seating is limited. Please contact Jennifer Motley at:  
Phone: 410-972-4712  
Email: [jmotley@laborandemploymentcollege.org](mailto:jmotley@laborandemploymentcollege.org)

## 11<sup>TH</sup> CIRCUIT'S ANNUAL PROGRAM SET FOR JANUARY 23, 2016

The 11th Circuit Regional Committee will hold its 5th Annual Program Event at the beautiful Biltmore Hotel in Coral Gables on Saturday January 23, 2016. A three part program is planned this year featuring the following topics and speakers:

(1) ***The Current Washington Scene on Labor Issues*** will feature Lynne Rhinehart, AFL-CIO General Counsel, Randal Johnson, Senior Vice President, Labor, Immigration and Employee Benefit at the US Chamber of Commerce, and tentatively, US Congressman Bradley Byrne, 1st District of Alabama and Member of the House Education and the Workforce Committee.

(2) ***ADA/Website Accessibility*** will focus on the new wave of litigation developing under Title II and III of the ADA attacking the accessibility of websites of private companies and government. Fellow Cynthia Sass along with technology expert, and CIO of the Year,

Eric Singleton will be joined by Rebecca Bond, Chief of the Disability Rights Section for the Civil Rights Division of the Department of Justice for a discussion on the recent cases, settlements, and how to come into compliance as best as possible.

(3) ***Protecting Your Most Valuable Asset: Your Cognitive Ability*** is an interactive program designed to empower lawyers to connect more joyfully with one another. Debra Norwood, LAUGHTER LAWYER USA, is an attorney who also is a resilience trainer, writer and motivational speaker. She has designed an unconventional conflict resolution model that incorporates principles of mindfulness, brain health, and therapeutic humor and laughter to help acquire trust-building, anger management and conflict resolution skills enabling attorneys to become more empathic and mindful in every aspect of their dealings with the courts, opposing counsel and clients.

The beautiful Biltmore Hotel will once again host the program and will be followed by lunch Saturday afternoon. Rooms at the Biltmore are available at the rate of \$279 a night. Please contact Susan Wan ([swan@laborandemploymentcollege.org](mailto:swan@laborandemploymentcollege.org)) or Jen Motley ([jmotley@laborandemploymentcollege.org](mailto:jmotley@laborandemploymentcollege.org)) if you would like more information on this program.

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## SPOTLIGHT ON FELLOWS

- Fellow **Allan Drachman** was selected as the recipient of the American Bar Association Section of Labor and Employment Law's 2015 Arvid Anderson Public Sector Labor and Employment Attorney of the Year Award. This award recognizes an attorney whose career substantially contributed to the development of public sector labor law as exemplified by Arvid Anderson.
- On Friday, September 18, 2015, Southern Company and Perennial Strategy Group joined together to host the seventh annual Evening of Excellence, which this year recognized individuals who have greatly empowered the lives of youth and young professionals through mentorship and advocacy. Hosted as a part of the Congressional Black Caucus Foundation's (CBCF) 45th Annual Legislative Conference, over 600 guests attended the event at the Ronald Reagan Building and International Trade Center in Washington, D.C. The Lifetime Achievement Award was presented to College Fellow, and former Chief Judge of the US District Court for the Northern District of Alabama, The Honorable **U.W. Clemon**, who was also the first African-American appointed to the federal bench in Alabama.



- Hunton & Williams LLP is pleased to announce that Fellow **Ronald Meisburg**, former Board Member and General Counsel of the National Labor Relations Board, has become Special Counsel in their Washington, DC office.
- Fellow **Joseph V. Kaplan** has been appointed an adjunct professor at the American University Washington College of Law where he will teach an upper-level skills course on “Lawyer Bargaining.” Mr. Kaplan also continues to serve on American University’s School of Public Affairs’ adjunct faculty where he teaches graduate courses in the MPA program on “Legal Bases of Public Administration” and in its Key Executive Leadership Program where he teaches “Leading in the Context of Constitutional Government.” Mr. Kaplan also continues his full time law practice as Managing Principal at Passman & Kaplan, P.C., in Washington, D.C.
- Fellow **Peter Bennett** has been appointed Special Advisor to the American Bar Association Standing Committee on the American Judicial System. The appointment was made by ABA President William C. Hubbard following the creation of the new committee by the ABA House of Delegates. The committee focuses on protecting fair and impartial courts, improving the administration of justice, ensuring adequate court funding, and defending against unfair attacks on the judicial branch. The committee supports efforts to increase public understanding about the role of the judiciary and the importance of fair courts within the American democracy.
- Fellow **Steven W. Sufilas** recently joined Ballard Spahr’s Denver office to lead an expansion of the Labor and Employment Practice in the West. He also assumed the role of Managing Partner.
- MGM Grand Detroit, the city’s premier entertainment destination, has appointed Fellow **Louis Theros** as Vice President and General Counsel. The twenty-six year law veteran will report directly to Steve Zanella, President and Chief Operating Officer. As a member of MGM Grand Detroit’s executive committee and the company’s internal legal counsel, Theros is responsible for ensuring that business practices, policies and dealings of MGM Grand Detroit meet regulatory requirements. The position brings Theros in-house with a company that he previously represented as outside counsel.
- The NLRB recently changed the definition of joint employer — a change that has implications for the client-vendor outsourcing relationship. Prior to this ruling, the definition for joint employment was determined by the level of direct control over working conditions. Under the new ruling, a company that exerts indirect control over wages and terms and conditions of employment, such as in the case of outsourcing. Fellow and Professor **Michael Green** from Texas A&M University discussed the implications of these changes to the outsourcing relationship and what clients and vendors can do to clarify their contractual relationship in light of this recent ruling on a recent podcast series titled Nearshore Cafe. Listen to his podcast [here](#).

- Frost Brown Todd attorneys and College Fellows **Deborah S. Adams, James K. L. Lawrence, George E. Yund, Richard S. Cleary** and **D. Patton Pelfrey** are listed in *The Best Lawyers in America*© 2016.
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### **IN MEMORIAM**

The College is saddened to learn recently of the passing of Fellow **Louis Fuselier**. Inducted in the inaugural class of Fellows in 1996, Mr. Fuselier started practicing labor relations law in Jackson, Mississippi in 1963 and retired after more than forty years as a partner in the firm of Young Williams Henderson and Fuselier.

<http://www.legacy.com/obituaries/clarionledger/obituary.aspx?pid=174800116>

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The views expressed herein are not necessarily those of The College of Labor and Employment Lawyers, Inc.