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THE VICE PRESIDENT'S VIEW



During a recent conference call with the Executive Committee, one of us asked whether there was anything to really emphasize in a Spring Newsletter. Last year, when I had the opportunity to share my thoughts in this space, I reflected upon the importance of the College as a community providing collegiality, networking, and support to its members. This year, as I sit in my office following our Commonwealth's stay-at-home and social distancing orders, I must take this opportunity to again reflect on the importance of community in general and the College in particular.

I must first apologize if parts of this reflection may tend to sound personal, but we are all in a very personal time. I sincerely hope that each of you are safe wherever you are. Here, we

are fortunate to be working from our home office. I have plenty to write and am preparing to conduct virtual arbitration hearings. My wife, Vanessa, is across the room conducting virtual mediations and her 94-year old mother is communicating with family, writing letters, doing crossword puzzles and assisting us when needed. I have a general sense of gratitude for those who pick up our trash, stock the grocery shelves, deliver my mail and make deliveries when I order something or when I have the urge for takeout. I recall several presidential campaigns ago, Jesse Jackson stated that he was running for those people who “take the early bus.” This phrase takes on a new meaning in that it engenders an element of risk. This is not done by choice but for me it continues to be appreciated.

Normally this time of year, many of us are preparing or engaging in Regional Activities. Just this January I had the opportunity to attend the Regional Meeting of the 4th, 5th and 11th Circuits. This is at least my third or fourth opportunity to attend. As usual, the program was current and interesting, and I enjoyed getting together with regular attendees and meeting new Fellows. The organizing committee, Susan, and Jen work to put together an interesting and enjoyable venue. I look forward to more meetings in the future.

Over the past years the College has experienced an increasing drive to expand our regional activities. They have taken several forms, ranging from full-day presentations to dinner and cocktails. Regardless, it has been an opportunity for Fellows to come together, discuss areas of our practice, and to network. At this time of isolation, we hope to maintain that momentum. It would give us time to share experiences and plan for a time when we will all be able to get together in person. Some of our regions are beginning to organize their first set of activities. Keep it going.

Right now, maintaining community is more important than ever. If you can, take time to reach out to your colleagues to check in, share experiences and lend support. I continue to wish you continued safety and comfort.

Alan Symonette
Vice President

25TH ANNIVERSARY CELEBRATION UPDATE



The Board of Governors has reluctantly decided to postpone until 2021 the College's 25th Anniversary Celebration that was being planned in connection with the Annual Induction Dinner on November 14 in Beverly Hills, California. The Board concluded that the uncertainty and economic hardships resulting from the global pandemic made it unwise, if not impossible, to

proceed with the planned celebration of the College's 25th Anniversary. At the same time, the Board tentatively decided to proceed with plans for the annual induction dinner itself, while recognizing that such plans may yet have to be altered if the State of California has not by then lifted its current meeting limitations or if the ABA cancels the concurrent CLE.

CHRONICLES OF COVID 19

Unless you are living in the Arctic or under a rock, you are experiencing the unbelievable circumstances of our new reality. Social distancing, Zoom conferencing and face masks are now standard protocol. On March 24th, CLEL President David Borgen sent out an email message to all College members. In that email, he asked Fellows to share anecdotes of exemplary cooperation and civility experienced in the current climate which we can include in our newsletter. We'd like to broaden that request and encourage you to send stories of your COVID 19 experiences as they relate to work or everyday life – whether uplifting or inspiring, utilizing ingenuity or initiative – that we can print in future editions of the CLEL newsletter. Below is one received in response to Mr. Borgen's email:

At a trial (a matter of dismissal of a VP), I authorized a junior lawyer suffering from Cystic Fibrosis to listen in on the trial while sitting at home. Her senior partner was present, and she was on the phone (the court's clerk's phone was on speakerphone for her to listen while she herself was on mute). This way she could take notes. During breaks, the two could talk on their phones. This allowed accommodation of the junior counsel while continuing the trial for that day.

Opposing counsel was in agreement. That was on Friday the 13th. As I walked out of the courtroom, I looked at my emails and learned that all Courts in Quebec suspended all trials until further notice. I went

back to the courtroom and informed counsels who were picking up their files.

At least, we did the whole day.

Honorable Stéphane Lacoste
Superior Court of Quebec

RECENT REGIONAL EVENTS

2nd Circuit Regional Meeting (with Northern New Jersey): On Wednesday evening February 26, Fellows from the Second Circuit convened for their semi-annual CLE conference featuring US EEOC Commissioner Charlotte Burrows and Fellow **John Ring**, NLRB Chair, discussing recent cases and current agendas at their respective agencies, and answering questions from the panel of experts.

The two-panel format allowed each speaker to focus on topics relevant to their agency and engage in conversation and debate with Fellows representing opposing viewpoints. Chairman Ring was joined by Fellows **Marshall Babson** (Seyfarth Shaw LLP), a former NLRB member, and **Lou DiLorenzo** (Bond Schoeneck & King, PLLC). Commissioner Burrows was joined by **Wendi Lazar** (Outten & Golden), **Kirsten Branigan** (KS Branigan Law, PC) and **Darrell Gay** (Arent Fox). Attendees enjoyed a buffet supper and networking reception prior to the program. Post-program evaluations indicated that everyone experienced an outstanding program, and many attendees commented that it was the best Second Circuit College function to date. Thanks to Morgan Lewis & Bockius and Morgan Lewis Fellows **Chris Parlo**, **David McManus**, **Doug Schwarz** and **Ira Rosenstein** for hosting this meeting and making it possible for attendees to receive 3.0 credits of CLE. Special thanks to organizer and program coordinator Fellow **Evan Spelfogel** for executing another exceptional event!

LAW STUDENT WRITING COMPETITION

Papers for the CLEL/ABA Section of Labor & Employment Law's 2019-2020 Writing Competition for Law Students are now being accepted. Fellows who are adjunct professors at accredited law schools are encouraged to distribute and promote this wonderful opportunity with their students. And while we know that classes are not being held in the traditional sense during the global pandemic, we also recognize that now more than ever,

students will be looking for possible ways to supplement their income and their connections as they head toward graduation. View the complete announcement and rules for this year's competition by clicking [here](#). You, and your students, can also view previous winning submissions on the CLEL [website](#). Entries should address aspects of public or private sector labor and/or employment law relevant to the American labor and employment bar. Prizes awarded by the College of Labor and Employment Lawyers include: **First Place: \$3000**, Second Place: \$1000, Third Place: \$500. The first-place article will also be considered for publication in the *ABA Journal of Labor & Employment Law*, and its author will be a guest at the annual CLE program of the ABA Section of Labor and Employment Law and honored at the Annual Induction Dinner of the College of Labor and Employment Lawyers. **Deadline for papers is June 15, 2020.** Please contact [Susan Wan](#) if you have any questions.

SPOTLIGHT ON FELLOWS



- Congratulations to Fellow [Wendi Lazar](#) who will be honored with a 2020 Margaret Brent Women Lawyers of Achievement Award on August 2nd in Chicago during the ABA's Annual Meeting. Celebrating the accomplishments of women lawyers around the country, the Margaret Brent Award recognizes professional excellence, trailblazing efforts and the tireless work of its recipients to improve the profession and pave the way to success for other women lawyers. In addition to Ms. Lazar, this year's Awards Luncheon will honor Ruthe Catolico Ashley, Executive Director Emeritus, California LAW; Hon. Anna Blackburne-Rigsby, Chief Judge, District of Columbia Court of Appeals; Deborah Epstein, Professor of Law and Co-Director, Domestic Violence Clinic, Georgetown University Law Center; Regina Montoya, CEO, Regina T. Montoya, PLLC.



- Judge [Mark W. Bennett](#) retired as a federal district court judge in the Northern District of Iowa to pursue his long-time interest in judicial, juror and lawyer decision making as the first Director of the Drake Law School's Institute for Justice Reform & Innovation. He also has a burgeoning arbitration and mediation practice. His tag line is "National experience – Midwestern work ethic and rates." Before he became a federal judge, Judge Bennett was an active employment law lawyer doing both plaintiff and defense cases, including arguing in the US Supreme Court. He has co-authored an employment law treatise as well as many law review and other articles related to employment litigation.

IN MEMORIAM

The College mourns the recent passing of Fellows **James Baker**, **A. John Harper, II**, **Joseph Kaplan** and **Ted Weatherill**.



On April 17, 2020, at the age of 82, Fellow **James Baker** became the first known Fellow to pass away from COVID 19 complications. Mr. Baker attend the University of Missouri-Columbia and served in the Army for three years before attending Harvard Law School. After practicing in Boston for seven years, he returned to Kansas City, MO and joined the law firm of Spencer Fane Britt & Brown becoming a labor law attorney. Proud of his recognition as one of the “Best Attorneys in America,” Mr. Baker was known for his “honesty, kindness, empathy and generosity,” attributes that came in handy when he ventured into politics. He served as a representative in the Missouri State Legislature from 1971-1977 and narrowly lost the 1977 race for State Attorney General to John Ashcroft. Mr. Baker retired from Spencer Fane in 2004 and spent his time fishing, golfing and playing tennis, along with enjoying his wife, children, grandchildren, friends and his dog Daisy. His complete obituary can be found [here](#).



Fellow **A. John Harper, II** passed away on March 9th at the age of 77. Inducted in the inaugural class of 1996, Mr. Harper was a *Founding Governor* of the College. He attended Southern Methodist University School of Law on a full scholarship, graduating *cum laude* in 1967. It was during law school that he found his life-long passion for labor and employment law and served as student editor for the first edition of *The Developing Labor Law* which became the definitive labor law treatise in the US. Mr. Harper was an active member of the ABA Labor and Employment Law Section, State Bar of Texas and the Houston Bar Association, where he was a member of various committees. He spent forty years at Fulbright, Crooker, Freeman and Bates (which became Fulbright and Jaworski and is now Norton Rose Fulbright) before retiring in December 2007. He returned to practice as senior counsel at Morgan Lewis where he was lucky enough to work alongside his son, John III, who followed in his footsteps in the labor and employment law field. In 2015, both moved to Littler Mendelson where the senior John practiced until his death. Survived by his wife, two children, their spouses and three grandchildren, John will be remembered for his big smile,

the joy he felt for his chosen profession and his mentorship to many. His full obituary can be found [here](#).



Fellow **Joseph Kaplan** passed away on April 22 at the age of 66 from COVID 19, becoming the second known Fellow to succumb to this horrible disease. Inducted a Fellow in 2008, Mr. Kaplan devoted his entire forty year career representing the rights of employees. He spent seven years at National Treasury Employees Union (NTEU) before going into private practice in 1986, ultimately opening the doors of Passman and Kaplan in January 1990. Mr. Kaplan was a highly sought after lecturer and a widely published author in the field of federal employment law, was the principal author of all three editions of *Passman & Kaplan's Federal Employees Legal Survival Guide*, as well as co-author of *Litigating Federal Sector Employment and Labor Disputes: A Practitioner's Handbook*; and an Adjunct Professor at American University's Washington College of Law and an Adjunct Instructor with American University's Department of Public Administration and Policy. He was also active in the Society of Federal Labor Relations Professionals and Metropolitan Washington Employment Lawyers Association (a local affiliate of NELA). A passionate student of Civil War history, an avid cook and actively involved in community theater, Mr. Kaplan is survived by his wife, three daughters and two grandchildren. His full 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.

COLLEGE LOGO IS A SIGN OF DISTINCTION

Fellows are encouraged to include the College logo on their website or as part of their email signature block. Two different formats are available for download - .jpg or .eps. Please contact [Susan Wan](#) if you would like a logo file in a different format.

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