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## THE PRESIDENT'S PERSPECTIVE

As the long Labor Day weekend approaches, American and Canadians alike celebrate the “unofficial” end of summer (technically the season ends on September 22nd, the Autumnal Solstice) by attending the first football games of the fall season, jamming onto beaches, hovering over hot barbeque grills, fashionably sporting white and seersucker clothing one more time, and succumbing to the lure of retail sales heralded by ads in newspapers, on radio and television. While the first Monday each September is mandated as an official state holiday (Labor Day in the U.S. and Labour Day in Canada), allowing time off of work and out of school for all citizens, it appears to me that we have along the way lost the intended meaning of this important memorial dedicated to the men and women in the American and Canadian workforces.



While I started my career as a traditional labor lawyer representing national and international labor unions, for the past nearly 40 years I have represented workers who individually and collectively have contributed to the strength, prosperity, freedoms and social well-being of our two countries. I still find solace in enjoying Labor Day parades (usually devoid of popular singers and dancers atop fancy floats) showcasing proud union-based marchers flying the colors of their respective organizations and high school bands heralding the start of the school year. To me, it is a time to remember that the holiday was created more than 120 years ago to pay tribute to the social and economic achievements of the American and Canadian workers, not to lament the end of summer vacations or to shop for a new car or sofa.

I do not have an equal understanding of the origins of Canada's Labour Day (which I believe preceded the American holiday by nearly 10 years), but I am aware that the first Monday in September has been an official federal holiday in this country since it was signed into by President Grover Cleveland in 1894 (a time when almost thirty of the states had already recognized the day as an official celebration). It was a holiday with a bloody history, born out of Congress's response to the deaths of a dozen workers at the hands of the United States Army and the United States Marshals Service during the Pullman strike that same year.

Despite my understanding of the American Labor Day's unfortunate origins, both my long service as an employment lawyer and my more recent participation as a Fellow in The College of Labor and Employment Lawyers act as a constant reminder that we, as Fellows, have a special responsibility to stop the contraction of the true meaning of this holiday. I call on each of you, whether you represent management, unions, individual employees, a government entity or you are a neutral or educator, to find some small way over the three day weekend to help remember this important holiday's founding purpose, i.e. to pay tribute to the workers that have aided our nations' strengths and freedoms, added materially to our nations' high standards of living and fostered our political democracies.

*Alan Epstein*  
*President*

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## CHEERS TO CHICAGO

People refer to it as The Windy City, the City of Big Shoulders, or the Second City, but the name Chicago comes from the Algonquin word "Chicagou" or "Shikaakwa," which translates to "onion field" or "wild garlic." Pop culture fans may be interested to know that Gotham City from **Batman** was based largely on the city of Chicago. Art lovers can view the largest collection of Impressionist paintings outside the Louvre in Paris at The Art Institute of Chicago. One of the United States' tallest buildings, the view from the top of Willis Tower allows visitors to see four states: Indiana, Illinois, Michigan, and Wisconsin. Those with a strong stomach can venture onto The Ledge, a series of glass bays on the 103rd

floor that extend from the building providing visitors with unobstructed views of Chicago through the windows and glass floors – 1,353 feet straight down.

Invitations are being mailed today for the College of Labor and Employment Lawyer's 21<sup>st</sup> Annual Induction Dinner, which will take place on Saturday, November 12<sup>th</sup> in the Grand Ballroom at the [Navy Pier](#) in Chicago. A room block has been reserved for Fellows at the Loews Chicago Hotel. These rooms are currently available. Please reference the College when making your reservations or use the following link:

[https://resweb.passkey.com/Resweb.do?mode=welcome\\_ei\\_new&eventID=14794614](https://resweb.passkey.com/Resweb.do?mode=welcome_ei_new&eventID=14794614)

The ABA Labor and Employment Law Section also has a room block at the Sheraton Grand Chicago. Please check the Section's website for more information. More hotel options are listed on our web site at: <http://laborandemploymentcollege.org/upcoming-events>.



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## **DINNER BOOK MESSAGES ARE A GREAT WAY TO CONGRATULATE NEW FELLOWS AND SUPPORT THE VIDEO HISTORY PROJECT**

This year's class of Fellows comprises seventy-five distinguished lawyers, law professors and arbitrators as well as four Honorary Fellows who will be recognized and honored during the 21st Annual Induction Dinner. A memorable occasion for all, the dinner celebrates the outstanding achievements of our newly-elected class of labor and employment lawyers from around the country and Canada. The annual dinner book offers Fellows, and their firms, a special opportunity to salute friends and colleagues by publishing expressions of support and congratulations in a commemorative program that will be distributed to all attendees on the evening of November 12th. We encourage Fellows to send a message or congratulatory greeting (with your tax-deductible contribution) to individual members of the Class of 2016, to the entire Class or to simply express your ongoing support for the College. [Click here](#) for the order form.



Proceeds from the dinner book's congratulatory greetings continue to help fund the College's Stephen E. Tallent [Video History Project](#). Last year, over \$30,000 was raised, and as a result, we were able to complete the interviews of six important labor and employment law icons, including Fellow Bill Robinson, Ed Clair and Davitt McAteer, Supreme Court Justice Ruth Bader Ginsberg, the Honorable Laurence Silberman and former EEOC Chair William Brown, who will be inducted as a Fellow this year. We hope the tradition of generous giving continues, assisting with the goal of capturing and preserving the history of labor and employment law. Please visit the College website for more information on the Video History Project and to view clips of previously taped interviews and clips from completed projects, **WORKING FOR AMERICAN WORKERS** and **THE ART & SCIENCE OF LABOR ARBITRATION**. Please contact [Susan Wan](#) if you have any questions.

## COLLEGE CLE PROGRAM PROVIDES A THEATRICAL TWIST



The College  
of Labor and  
Employment  
Lawyers



LEADERSHIP FOR GREATER PURPOSE

## PERSPECTIVES

A Theatrical Post-Trial View of a Sexual Harassment Case  
Saturday, November 12, 2016 • 12:30 to 2:00 p.m.

Through the vehicles of both a short one act play, featuring the participants in a sexual harassment trial, and a moderator led panel discussion among a judge, arbitrator, a former litigant and attorneys representing employees and management, the program explores the obligation of trial attorneys to fully understand how the courtroom participants (the judge, the jury, the attorneys and their clients, and the witnesses) view an emotionally charged trial, focusing, in important part on the adverse effect of incivility and a lack of professionalism in the courtroom and the arbitration forum.

### PANEL DISCUSSION PARTICIPANTS

#### Moderator

Professor Martin H. Malin, Chicago-Kent College of Law, Chicago

#### Panel Members

The Honorable Rebecca R. Pallmeyer  
Judge of the United States District Court  
for the Northern District of Illinois, Chicago

Professor Richard J. Gonzalez  
Chicago-Kent College of Law, Chicago

Jeanne Charles Wood, Esquire  
Wood ADR, Chicago/Miami

Lisa B. Moss, Esquire  
Carnell Charone Widmer Moss & Barr, Ltd.  
Chicago

Kristin E. Michaels, Esquire  
McDermott Will & Emery  
Chicago

**Please join us Saturday, November 12<sup>th</sup> from 12:30 to 2:00 p.m. at the Sheraton Grand Chicago, 301 E North Water St, Chicago, IL 60611.**

**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)

The annual CLE program, *Perspectives: A Theatrical Post-Trial View of a Sexual Harassment Case*, is scheduled for November 12th at Sheraton Grand Chicago during the ABA Labor & Employment Law Section's CLE Seminar. Seating is limited and an RSVP is required. Please contact Jennifer Motley at 410-972-4712 or [jmotley@laborandemploymentcollege.org](mailto:jmotley@laborandemploymentcollege.org).

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## FELLOWS' HAPPY HOUR IN SAN FRANCISCO

A great crowd came out for the annual happy hour on Friday, August 5<sup>th</sup> in San Francisco, during the ABA's Annual Meeting. This year's event was a joint effort with the Labor and Employment Law Section and took place at the historic Redwood Room in the Clift Hotel.





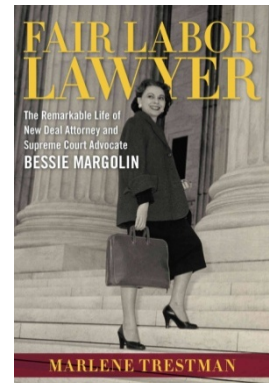


More photos of the happy hour and other events are available for viewing on our web site at <http://laborandemploymentcollege.org/for-fellows/photos/past-event-photos>.

## REGIONAL PROGRAMS

### UPCOMING EVENTS:

- Join Washington DC Regional Fellows on Wednesday, September 14 for a reception featuring author Marlene Trestman who will be discussing her book [\*Fair Labor Lawyer: The Remarkable Life of New Deal Attorney and Supreme Court Advocate Bessie Margolin\*](#). When few women practiced law, Bessie Margolin was a fixture before the United States Supreme Court. As Assistant, and then Associate Solicitor, for the US Department of Labor from 1939 until 1972, Solicitors General from the New Deal through the Nixon Administration recognized Bessie's brilliance and persuasive argument style. Ms. Margolin argued 27 cases before the Supreme Court, prevailing in 25 of them, and was instrumental in the development of labor law, especially the Fair Labor Standards Act. Marlene Trestman has now written the amazing life story of this extraordinary woman.



Fellows will gather at the law offices of Ogletree Deakins Nash Smoak & Stewart, PC from 5 – 7 PM. Drinks and heavy hors d'oeuvres will be served. Seating is limited and an RSVP is required. Please contact Jennifer Motley (410-972-4712 or [jmotley@laborandemploymentcollege.org](mailto:jmotley@laborandemploymentcollege.org)) by Friday, September 9.

- Fellows in Seattle and the surrounding area should plan to attend [\*Views From the Bench\*](#). This program on ethics in the profession will take place on Thursday, October 27 at the law offices of Lane Powell, PC from 5 – 7 PM, and feature a panel

of judges who will share their views and perspectives on employment-related litigation and professionalism as well as ways attorneys can go wrong in motion practice, hearings, discovery and trial. A reception will precede the program and a no-host dinner for Fellows at a local restaurant will follow. Reservations are necessary as space is limited. Please RSVP to Susan Wan by email at [swan@laborandemploymentcollege.org](mailto:swan@laborandemploymentcollege.org).

- The Annual 7th Circuit Fellows' Program for Law Students will take place on October 7th and 8th, starting with a networking reception on Friday evening, followed by an all-day program at Winston and Strawn on Saturday. This very successful event features panels of Fellows discussing current hot topics in labor and employment law during the morning session and sharing their insights on the different practice areas that make up the labor and employment law field in the afternoon. Fellows also interact with students over lunch, offering sage advice and guidance. We hope to see many Fellows attend and give back as part of the College's "Leadership for Greater Purpose" mission. A formal invitation will be sent out to 7th Circuit Fellows in the upcoming weeks, but please contact Susan Wan if you are interested in attending or participating in this program.

## RECENT EVENTS:

- **GOVERNMENT ATTORNEY CLE PROGRAM** - The 7th Circuit Regional Committee held its annual CLE seminar for government attorneys in the Chicago area on June 15th with over 60 attorneys in attendance. This year's program, *Ethical Issues for the Government Attorney in Mediation and Negotiation*, focused on the unique issues presented when a government attorney is engaged in mediation and/or negotiation while representing an agency or other government entity. College Fellow **Adele Rapport**, Director for ED's Office for Civil Rights, served as moderator with instruction from Fellow **Ralph Morris**, DePaul College of Law; Fellow **Jean Kamp**, US Equal Employment Opportunity Commission, and Fellow **Christine Cooper**, Professor Emerita of Law, Loyla University. Attorneys from various agencies, including the NLRB, Department of Labor, EEOC, Department of Justice, Department of Education (OCR), FLRA, US Merit Systems Protections Board, FMCS, Department of Agriculture, Department of Health & Human Services (OCR and GSA) and the Railroad Retirement Board OEO, are invited to this annual event, which is free, and receive two hours of Professional Responsibility CLE credit for attendance.

Please contact the College's office if you are interested in hosting an event like this in your region!

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## SPOTLIGHT ON FELLOWS

- Fellow **Gail Golman Holtzman** (photo right) became the chair of the American Bar Association's Section of Labor and Employment Law during the ABA's annual convention in San Francisco.



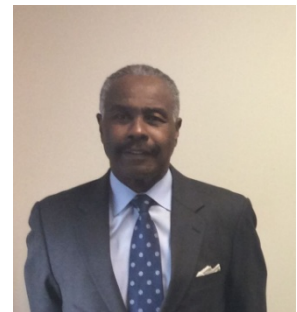
- Fellow **Domenick Carmagnola** has been sworn in as the secretary of the New Jersey State Bar Association. A former trustee of the state Bar Association, Carmagnola is on track to become president of the state's leading group for lawyers, judges and legal professionals in 2021.

- Fellow **Kathleen Miller** (photo right) of Ardmore, PA was elected President-Elect of the National Academy of Arbitrators. Miller will succeed current President, and Fellow, **Margaret R. Brogan** when her term expires in May 2017 at the annual NAA conference in Chicago.



- Fellow **Cynthia Sass** has started a business separate from her law firm. AccSass is a technology company whose mission is to make websites accessible to individuals with disabilities. Please visit the website at <http://accsass.com/>.

- Fellow **James R. Neely Jr.** (photo right) was inducted into the Fred David Gray Hall of Fame by the National Bar Association. He is district director of the St. Louis District Office of the U.S. Equal Employment Opportunity Commission.



- Fellow **Art Silbergeld** has been named as one of the Top Labor and Employment Lawyers in California, a comprehensive list published in the July 20, 2016, editions of the *Los Angeles Daily Journal* and *The San Francisco Recorder*.

- Fellow **Cynthia Nance** (photo right) was appointed to a three-year term as a member of the ABA's Standing Committee on the Federal Judiciary. She also moderated a program titled "Post-Shelby Voter and Election Laws: Necessary Measures to Prevent Voter Fraud, the Result of Budgetary Limitations, or a Denial of Access to Justice?" during the ABA Annual Meeting in San Francisco.



- Fellow **Don Slesnick** was recently recognized as a *Super Lawyer*, among the top attorneys in the state for 2015, and included in the Miami Herald's "South Florida Legal Leaders – Top Rated Lawyers".



- Fellow **John H. Schmidt, Jr.** was included on this year's list of *The Best Lawyers in America*.
- *Florida Trend Magazine* recently recognized the following Fellows as *Legal Elite*:

Thomas W. Brooks  
 Karen M. Buesing  
 Paul A. Donnelly  
 Joseph Z. Fleming  
 Thomas M. Gonzalez  
 Gregory A. Hearing  
 Richard C. McCrea, Jr.  
 Cynthia N. Sass  
 Jill S. Schwartz  
 Donald D. Slesnick, II  
 Robert A. Sugarman  
 Howard S. Susskind  
 Peter W. Zinober

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## IN MEMORIAM

The College mourns the recent passing of Fellows **Abner Mikva** and **Richard Markowitz**.

**Abner Mikva**, inducted as an Honorary Fellow in 1999, served as a U.S. Congressman from Illinois, a Federal Judge in Washington, DC, and White House Counsel to President Bill Clinton. In 2014, President Obama awarded Judge Mikva the Presidential Medal of Freedom, the country's highest civilian honor, recognizing him as "one of the greatest jurists of his time." A link to his obituary can be found [here](http://www.huffingtonpost.com/geoffrey-r-stone/remembering-abner-j-mikva_b_10906342.html). The following link includes Professor Geoffrey Stone's summary of Judge Mikva's career. Professor Stone is a former Dean of the University of Chicago Law School and one of this country's foremost constitutional law scholars. [http://www.huffingtonpost.com/geoffrey-r-stone/remembering-abner-j-mikva\\_b\\_10906342.html](http://www.huffingtonpost.com/geoffrey-r-stone/remembering-abner-j-mikva_b_10906342.html)



**Richard Markowitz**, inducted as a Fellow in 1996, was a cofounder of the law firm Markowitz & Richman, which operated in Pennsylvania, New York, and New Jersey. The firm is known for its work with unions and employee benefit plans. Among his clients were the International Union of Elevator Constructors, the Metallic Lathers union, and the



Communications Workers of America. 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. Both Judge Mikva and Mr. Markowitz have distinguished themselves as leaders in the field, and the College was proud to have been able to call them Fellows.

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## 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.



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