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THE PRESIDENT'S PERSPECTIVE



The Board of Governors met for the first time this year on February 6, 2021. The timing of the meeting was not lost on the group. The first Board meeting of 2020 was held in St. Petersburg, Florida on February 8, 2020. That was probably the last time there was a College event held in person and it seems like an age ago. 2020 was a difficult year on many levels. But first the silver lining. Throughout the year, Fellows continued to meet and communicate. We were able to

become proficient on a few internet platforms and the word “Zoom” has morphed to become a verb and a noun at the same time.

Regions have been able to come together in informal ways to learn and share. We greeted new inductees and hosted dozens of interesting webinars. We continued to take care of College business, vet applicants and hold an induction ceremony, all virtually. I thank the leadership of our Immediate Past President **David Borgen**. He was able to keep us going and launch a new law school civility curriculum all while hiking in parks across the country. We, of course, thank our Executive Director, Susan Wan and Program and Events Administrator Jen Motley. They kept everything together and their creativity made for an enjoyable Induction Dinner. We were able to persevere through this year. Yet we remain in anxious anticipation that we will gather in person in the not-too-distant future.

Regardless of being able to engage together virtually, we must admit that on several levels 2020 was a very tough year. We confronted several challenges and suffered tragic losses of colleagues and family members. I, like many of our colleagues experienced a sense of isolation, COVID fatigue, political fatigue, and a loss of friends and loved ones. Many principles and institutions we have believed in and sometimes taken for granted have been questioned and attacked.

Given this challenging year, I felt that this would be an appropriate time for the College to engage in a conversation to discern what we can do individually and collectively to promote civility, reconciliation, public discourse, and support for the foundations of our democracy. I envision that we can use some of our newly acquired skills to engage each other both regionally and nationally to consider some basic questions:

1. Have you felt the loss of civility and respect in your recent encounters, both professionally and personally?
2. As a respected attorney, what can you do to promote reconciliation and stimulate civil and professional engagement?
3. What can the College do to promote such reconciliation and reestablish the institutional foundations for a better community and profession?

I also want to start an informal reading resource list to facilitate these discussions. This is my contribution and I welcome others.

- Atlantic Magazine: “Civility is Overrated” (link to article [here](#))
- Barry Schwartz and Kenneth Sharpe, Practical Wisdom, The Right Way to Do the Right Thing, Riverhead Books, 2010
- Atlantic Magazine: “Civility vs Civilite’” (link to article [here](#))
- Isabel Wilkerson, Caste: The Origins of Our Discontents, New York, 2020

I hope that we can begin these conversations regionally in the next quarter. The College is beginning work on an upgraded website that should enhance our ability to communicate online. Stay tuned.

Before I conclude this article, I would like to share two additional goals for the year. **Barbara D'Aquila** is taking over as chair of the Board Regional Activities Committee [BRAC] from the excellent start by **Homer Deakins**. Barbara is hard at work in reorganizing the regional leadership and encouraging active regions to continue while cultivating activity in others. Last year we were very successful in providing excellent webinars for our Fellows and others. We hope to continue providing these resources with better coordination and increasing contributions from the regions.

Finally, the most frequent concern that has been expressed by many colleagues is the lack of constituent diversity. Our organization takes pride in the ability of colleagues who represent employees, labor, and management, to collaborate towards enhanced civility in our profession. Our success depends on maintaining a critical balance in the representation of these constituencies in the College. Each of us can help in maintaining this critical balance.

We have encouraged those Fellows who represent management to nominate those with whom they engage in the courtroom, at the negotiation table, or in arbitration and mediation. However, questions arise concerning the benefit of the College for those who represent individual employees and unions. Yet there are several employee and union firms who regularly encourage their partners to join and participate in College activities. I hope that those Fellows will share their thoughts on the benefit of membership and share them with eligible colleagues who are not yet members.

As I leave you, I hope that you continue to be safe, wear your mask and get a shot. I have completed reading the summer/fall edition of *Lapham's Quarterly*. This issue was dedicated to the subject of Epidemics. The writings spanned over two thousand years and revealed to me that the issues we are now encountering have existed over several epidemics over hundreds of years. Based upon those readings, the life cycle of an epidemic is in three stages: outbreak, containment, and recovery. I hope that we are all in the recovery phase and will be together soon.

Alan Symonette
President

WELCOME TO THE NEWEST MEMBERS OF THE BOARD OF GOVERNORS

Four Fellows joined the ranks of the Board on January 1st as we bid farewell to **Tom Brooks**, **Homer Deakins** and **Pearl Zuchlewski** whose terms came to end, while **David Borgen** transitioned to Immediate Past President. Welcome to **Ted Borromeo**, **Diane King**, **Cynthia Sass** and **Rod Tanner**!



Ted Borromeo (Belmont, CA) has served as in-house labor and employment counsel for most of his 40-year career at four *Fortune 200* companies in distinct industries. Most recently, he was the head of the employment and benefits law function at McKesson Corporation from February 2010 until January 2021.



Diane King (Denver, CO), an employment and civil rights attorney, has a practice that includes all aspects of employment litigation, including complex and collective actions. She has successfully tried, arbitrated, and mediated hundreds of employment cases.



Cynthia Sass (Tampa, FL) is a plaintiff employee attorney who started her own firm in 1993, which is now comprised of five lawyers handling workplace disputes for employees. She is also a certified Florida state and federal mediator.



Rod Tanner (Ft. Worth, TX) is the founding shareholder of Tanner and Associates, PC, a Fort Worth, Texas firm. He has a diverse labor and employment law practice focusing on civil litigation, administrative proceedings, arbitrations, and collective bargaining. His clients include various international, national, and local labor organizations, professionals, employees, and public figures.



New board members attended their first meeting via Zoom on February 6th (photo above), presided over by **Alan Symonette**, the twenty-fifth President of the College. **Arlene Switzer Steinfield**, **Lisa Moss** and **Lori Ecker** serve in the three other officer positions – Vice President, Secretary and Treasurer, respectively. Profiles of all Board Members can be found on the College's website and contact information can be found in the front of your directory.

LAW SCHOOL CIVILITY CLASS

Well, we in the College have been preaching to the choir for a while now at conferences, in webinars, in all the ways we communicate with our members, the Fellows of the College. During the Board of Governors' Strategic Planning meetings, we realized that we wanted to take our message about the importance of civility to another audience, one that hadn't already been carefully vetted to make sure that they were among the most civil labor and employment lawyers in America and Canada. We decided that it would be a good idea to reach out to law students, those at the threshold of their legal careers, and teach civility at this early stage of development. So, the Strategic Plan we adopted called for the initiation of a law school civility class.

Fellow (and Immediate Past President) **David Borgen** was tasked with moving this project forward. In 2019, a committee of our Academic Fellows was assembled to advise and

consult in launching this new program. Working together, they came up with the idea of having a set of PowerPoint slides that could be taught by a panel of Fellows in a variety of contexts at law schools: as a classroom unit in a Labor Law Course, or in an Employment Law Course, or in a Professional Responsibility Course, or at a campus special event, or as part of a law student conference. The initial template set of slides was drafted and plans were made to pilot the program at several law schools during 2020.

Of course, the Covid-19 pandemic slowed things down. Nevertheless, two pilot classes were presented last year. Professor (and Fellow) [Anne Lofaso](#) used the program as a two hour zoom class in her Professional Responsibility Course at the University of West Virginia Law School. Professor (and Fellow) [Reuben Garcia](#) hosted a special event at the University of Nevada Las Vegas Law School in conjunction with a student club there and the State Bar of Nevada. Both sessions received positive feedback from the students.

Last month, all Academic Fellows were emailed again with the goal of piloting additional classes in 5-10 law schools during 2021. If you are associated with a law school in your community and want to help organize a civility class there, please let [David Borgen](#) know and we can work with you to help make that happen. We all know how important it is to work with new folks coming into our community, to help them find their voices, and to help them balance civility with zealous representation.

2021 CANDIDATE REVIEW



The processing of candidates for the Class of 2021 has begun. As is our tradition, we are encouraging input from all Fellows by asking you to review the complete [list](#) of candidates, and if applicable, call, write or email the [chairperson](#) of the Circuit Committee responsible for vetting the candidate with your comments, positive or negative.

The opinions of our Fellows are an important element in deciding who is offered membership and this information will be used as a part of the Circuit Committee deliberations and the Board's review of all candidates. It is vital that if you have an opinion, you make it heard. Positive feedback from Fellows could be the determining factor for a candidate who looks good on paper but is not known by any of the committee members. If you prefer to complete a reference form, you can do so by clicking [here](#), or contact [Jen Motley](#) for the Word version of this document. ***Please note that the online reference cannot be saved and completed at a later date.***

The Credentials Committees will submit their recommendations to the Board of Governors by April 27th. If you intend to submit any comments, we suggest you **do so by April 1st** which will give the committees adequate time to incorporate your opinions into their committee deliberations.

2021 MEMBERSHIP DIRECTORIES

Copies of the 2021 Membership Directories were mailed this week along with the new “College of Labor and Employment Lawyers” pen. Because these are shipped via US Postal Service’s media mail option, they may take a week or two to arrive. Unfortunately, as this is a ‘living’ document, there will be mistakes and updates not reflected in the book. Please be sure to send any corrections or changes to [Jen Motley](#). While we cannot reprint the directory, we will update our records accordingly.

One error we have already noted is that Fellow [Joe Allotta](#) is listed as an Emeritus Fellow. Joe is not Emeritus and is currently serving as Of Counsel [Allotta | Farley](#) Co. L.P.A. in Olmstead Township, OH. Our apologies to Joe for this error.

COLLEGE FELLOW LEAVES AN INCREDIBLE LEGACY AS HE HEADS INTO RETIREMENT

Fellow [Martin Malin](#), Founder and Director of The **Institute for Law and the Workplace** (ILW) at Chicago-Kent College of Law, is known as a leading scholar and practitioner in workplace law. This May, Professor Malin will retire, shortly after celebrating the ILW’s 25th anniversary. Fellow [Michael Green](#) will assume leadership of the ILW at the start of the Fall 2021 semester in August. The ILW has served as an intellectual home for the labor and employment law community, both in Chicago and nationwide, since its creation in 1996. The ILW pools the resources of leading scholars and practitioners to train law students and professionals, monitor policies and trends, and reflect upon labor and employment issues in a neutral and balanced setting. The ILW offers fellowships, scholarships, and a certificate to students interested in practicing labor and employment law. When founded, ILW was among only a handful of centers focused on labor and employment law. In 2019, *prelaw Magazine* ranked ILW the number one employment law program in the country.

With Professor Malin’s retirement on the horizon, the law school, along with others in the legal community, are working to establish a \$1,000,000 endowment to rename the ILW

the *Martin H. Malin Institute for Law and the Workplace* to commemorate his impact on the practice of labor and employment law in Chicago and across the nation. If you are interested in helping in this effort, please contact Dana Pownall, Director of Development, at (773) 822-9022 or dpownall@kentlaw.iit.edu. This campaign is working to ensure that the ILW's unique legal training, academic research and scholarship, and facilitation of balanced community discourse on labor and employment law continue under the leadership of **Professor Green** – while honoring **Professor Malin's** legacy!

**Mark your calendars for Saturday, November 13,
2021.
26th Annual Induction Dinner at the Beverly Hilton.
More details to follow soon.**

2021 DUES REMINDER

Invoices for the 2021 dues were mailed on January 4th. These invoices were mailed to the address on file, which means for the majority of Fellows, these were sent to a work address. Given delays experienced by US Post Office, and that many are still working remotely from home, we wanted to alert Fellows that the annual statement has been mailed, in the hopes of ensuring dues are paid by the **March 1st deadline**. Click [here](#) to make your payment, easily and securely, on the College's website. A receipt will be emailed once the transaction has been completed. Please don't hesitate to contact [Jen Motley](#) if you have any questions.

EMERITUS FELLOWS AND HONORARY FELLOWS CAN DISREGARD THIS MESSAGE.

LATEST CLEL WEBINAR – COVID-19 VACCINATIONS IN THE WORKPLACE

The January 28th webinar explored legal issues surrounding the vaccine from all sides of the workplace perspective – employers, employees and unions. Moderated by Fellow **Gwynne Wilcox**, the panel featured EEOC Commissioner Keith Sonderling, Gail Blandchard-Saiger (California Hospital Association), Fellow **Bill Sailer** (Qualcomm) and Karla Grossenbacher (Seyfarth Shaw) who shared thoughts in light of recent EEOC Guidance. A link to view the webinar is below as well as a list of helpful links.

[RECORDING](#)

[HELPFUL LINKS](#)

SPOTLIGHT ON FELLOWS



Fellow **Cynthia Nance** has been selected as the 2021 recipient of the Hancher-Finkbine Alumni Medallion one of the University of Iowa's highest honors. The medallion honors those who exemplify learning, leadership and loyalty. Professor Nance, Nathan G. Gordon Professor of Law and Dean Emeritus at the University of Arkansas School of Law, received her JD with distinction from the University of Iowa. Members of the Finkbine Dinner Committee who selected Professor Nance noted that 'students have lauded [her] inspiration and mentorship, especially in [her] support of women, and women of color in particular.'

The firm of Miller Canfield announced that Fellow **Megan Norris** will become the firm's first female CEO. Assuming her duties on February 26, she will focus on providing client value and efficiency. Ms. Norris is a nationally recognized expert and frequent public speaker on the topics of the Family and Medical Leave Act and the Americans With Disabilities Act. She has served as the leader of the employment and labor group, overseeing the firm's employment and labor attorneys and staff. She has served on the board of managing directors for eight years and as chair for the last six years.





Fellow **Cynthia Sass** of Sass Law Firm in Tampa virtually presented *First Amendment in Public Employment* to the attorneys of the Florida Department of Health. Ms. Sass was honored to be asked by the Department to co-present these materials with **Don Slesnick** of the Law Offices of Slesnick & Casey LLP, in Coral Gables, Florida.



Fellow **Evan Spelfogel** was awarded the *Lifetime Achievement Award* for the NY State Bar Association’s Labor and Employment Law during a Zoom celebration on January 28th. The Award is presented for extraordinary and sustained contribution to the NYSBA LEL Section’s goals and activities and has been presented just four times in the Section’s 45-year history. Mr. Spelfogel was instrumental in the formation of the LEL Section and contributed in significant ways to the formation of Section policies, procedures and guidance.

Fellow **Christopher D’Angelo**, Chair of the NYSBA’s Section of Labor & Employment, noted that “Evan has been at the cutting edge of the development of labor and employment law throughout his 60-year career.”

Fellow **Don Slesnick** was recently reappointed to LeRoy Collins Institute’s Board of Directors. Established in 1988, the LeRoy Collins Institute is a nonpartisan, statewide policy organization housed in the Florida State University College of Social Sciences and Public Policy. The Institute studies and promotes creative solutions to key private and public policy issues facing the people of Florida and the nation. Mr. Slesnick will serve alongside some of Florida’s top business and community professionals to continue researching, developing, and promoting forward-thinking policies to solve key social and economic issues.



Fellow **Chuck Thompson** was recognized by *National Law Review* as a 2020 “Go-To Thought Leader” for Employment Law. According to NLR, a database of legal and business articles, it designates fewer than 1% of its authors as winners of its yearly “Go-To Thought Leader” awards. In 2020, *NLR* recognized 72 authors who “wrote relevant, consistent and well-thought-out legal news, and the award committee also considered pieces quoted or cited by other publications and media.”

FELLOW ON THE MOVE



Fellow **Hope Comisky** has joined [Griesing Law](#), LLC as member of the firm's Employment practice group. Hope is a recognized authority in employment law, who counsels clients on employment issues, provides training to managers and staff and offers strategic advice on employment litigation matters. Furthermore, she has extensive experience arbitrating and mediating employment and commercial disputes as a member of the American Arbitration Association's panel of arbitrators, and as appointed under the Alternative Dispute Resolution Program of the U.S. District Court for the Eastern District of Pennsylvania.

IN MEMORIAM

The College mourns the recent passing of the following Fellows:



Fellow **David Cook** (Cincinnati, OH) passed away on December 14, 2020 at the age of 67. Inducted in the Class of 2009, David was a founder and managing principal of the firm Cook & Logothetis where he practiced in the areas of labor union representation, employee benefits, various aspects of Taft-Hartley multi-employer benefit plans, workers in employment law matters, and wage and hour cases on behalf of workers.

He had previously served as General Counsel to the National Postal Mail Handlers Union as well as for the Armco Employees' Independent Federation. A graduate of Indiana University (AB, 1975) and the University of Cincinnati School of Law (JD, 1978), David served in various capacities in the American Bar Association Section of Labor & Employment Law over the years and was a presenter at seminars and CLE programs across the US. A link to his obituary can be found [here](#).

Fellow **Howard Ganz** (New York, NY) passed away on January 6, 2021. Inducted a Fellow in 2001, Howard was raised in the Bronx, attended Columbia Law School and practiced with Proskauer Rose in their New York City office for over fifty years. Proud of his contributions in sports labor law, he spearheaded the development of Proskauer's nationally recognized Sports Law practice (now in its 58th year) under the tutelage of George Gallantz and helped advance the development and careers of dozens of young lawyers who work in the sports industry. He was described as a formidable opponent in the court room yet considered a mentor to 'generations of Proskauer attorneys' with a sense of humor, quick wit and easy-going style. Howard's full obituary can be read [here](#).



Fellow **Robert Thompson** (Atlanta, GA) passed away on January 31, 2021 at the age of 84. A Fellow in the inaugural class of 1996, Mr. Thompson was born and raised on a tenant tobacco farm in rural North Carolina. After serving four years in the army, Bob attended University of North Carolina where he obtained his BS and JD, receiving the American Jurisprudence Award for highest grades achieved in Labor and Employment Law. After law school, he settled in Atlanta, GA, working as a trial attorney for the NLRB for two years. He went into private practice, earning a national reputation for his litigation skills and was a founding partner of the firm Elarbee Clark & Paul, which is Elarbee Thompson today. His obituary can be read [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 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.

[Download jpg File](#)

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