

October 2019

## LEADERSHIP FOR GREATER PURPOSE

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### THE TREASURER'S TAKE



As I sat down to write this column, I first re-read the columns written on this topic by my fellow officers: [\*\*John Runyan\*\*](#), [\*\*David Borgen\*\*](#), and [\*\*Alan Symonette\*\*](#). They are three of the greatest individuals with whom I've had the privilege of working. They have each described their particular reasons so eloquently and have provided many of the very same reasons why I too am grateful for being a Fellow of the College. So it is, quite

frankly, a daunting task to explain my thoughts without repeating what they have already said.

My induction into the College in 2005 was one of the highlights of my 40-year legal career. Not because my colleagues thought that I had the technical skills, but because my peers in the community acknowledged that I demonstrated professionalism, civility, and integrity. I value my reputation for being fair and a straight shooter more than any other aspect of my professional credentials, and my admission into the College confirmed what was most important to me.

But let's face it. Sometimes it's quite the challenge to live up to the ideals of the College in the face of difficult opposing counsel or clients who expect you to be overly zealous. Frankly, for some of us, it would just be easier not to have to meet the College's exacting standards of civility. I entered the profession when there were nowhere near as many women practicing law as we are fortunate to have today. Back then, many of the female lawyers were taught, directly or indirectly, that to succeed, women had to be even more aggressive than their male counterparts. I drank that Kool-Aid, and it was a lesson that was difficult to unlearn. However, being a College Fellow is a constant reminder of the core principles to which we must adhere, and that the old rules for how female lawyers should conduct themselves simply do not work today. On balance, I believe I am a better advocate, adversary, and counselor because I have the privilege of being a Fellow.

Through the relationships I've formed in the College, I have gotten to know the best minds and hearts in our chosen field. I've crossed paths again with many whom I knew at the start of my career. In working on the President's Book, I interviewed my very first boss, **Harold Datz**, who then headed the NLRB's Division of Advice. I also interviewed **John Higgins**, who in the late 70's was someone whom I respected from afar. **Lynne Deitch** and I reconnected after 20 years, and she mentored me throughout my tenure in the College. **Maurice Wexler** showed me enormous kindness and mentorship even before we got to know one another well. Although this list goes on and on, my point is that the College affords us all the unique opportunity to befriend colleagues from across the U.S. and Canada, and it has been rewarding beyond measure.

Being a Fellow also presents us the opportunity to recognize and reward talent. Every year, I try to nominate those who exemplify our core values. It is a unique way for me to pay it forward, in recognition of those who were generous enough to support my nomination years ago. Serving on a circuit credentials committee is a wonderful way to carry on our mission and to form lasting bonds with our fellow committee members. Sometimes the task is difficult, but the vetting process teaches us what is truly valued in the practice of

labor and employment law. Our circuit committee chairs and their committees perform extraordinary service to the College.

There are several other projects in which I have been involved which have been both challenging and personally rewarding. The Strategic Plan was the work of numerous Fellows who approached the task with creativity, commitment, and a wicked sense of humor. It was a privilege to co-chair this effort with [Lisa Moss](#), who became my partner-in-crime extraordinaire. Our Strategic Planning Committee devoted countless hours to setting the course for the future of the College. Ever since the Board approved the Strategic Plan, [John Runyan](#) and Board Regional Activities Committee Chair [Homer Deakins](#) have kept us on track to ensure that the Strategic Plan's goals and objectives become reality. As you have probably read countless times, the Strategic Plan's main focus is to ensure that the College stays true to its mission while increasing exponentially the opportunities for Fellow involvement.

Finally, none of this would ever happen without the tireless efforts and friendship of Susan Wan and Jen Motley. Their wisdom gets us through the most difficult situations, and I still cannot fathom how they keep track of all of us.

So even if it is a pain to be civil sometimes, I can't imagine what my career would have been like without the experience of belonging to the College and being involved in its activities and programming. If you haven't participated thus far, I urge you to do so. It can be an absolute blast. Looking forward to seeing you in November.

*Arlene Switzer Steinfield*  
*Treasurer*

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## **COLLEGE PROGRAM IN NEW ORLEANS**

Don't forget to RSVP to attend [Retrospectives on Labor and Employment Law](#) which will take place in New Orleans, during the ABA Labor & Employment Law Section's Annual CLE Conference. Seating is limited. Details are shown in the invitation below.

**PLEASE NOTE THAT THE LOCATION FOR THIS PROGRAM HAS CHANGED!**



Join us for a fascinating journey of the past fifty years of Labor and Employment Law. Our tour guides are acclaimed veterans in the field, with almost 150 years of combined experience between them, each having been involved in critical and iconic developments that are still relevant today. Their enduring reputations are exceeded only by the scope of their achievements as trailblazers in the field of labor and employment law.

Professor **Cynthia Nance** will moderate the discussion as tour guides **Ted St. Antoine**, **Chai Feldblum** and **Peter Hurtgen** share experiences and recollections gained in landmark cases, ground-breaking negotiations, and historic mediations which left an indelible mark on the field of labor and employment law.

**Saturday, November 9th from 12:30 to 2:00 pm**

**at The Loews Hotel, 300 Poydras St, 10th Floor, New Orleans, LA (Note New Location)**

*RSVP is necessary for admission. Seating is limited.*

*Please contact Jennifer Motley at*

Phone: (410) 972-4712 or Email: [jmotley@laborandemploymentcollege.org](mailto:jmotley@laborandemploymentcollege.org)

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## **24TH ANNUAL INDUCTION DINNER NOVEMBER 9, 2019 – NEW ORLEANS, LA 7:00 PM COCKTAILS, 8:00 PM DINNER**



We are looking forward to seeing many of you at the College's 24th Annual Induction Dinner on Saturday, November 9th in New Orleans at the fabulous World War II Museum. There is still time to RSVP for those who have not yet done so. A copy of the invitation can be found [here](#). Please keep in mind that if your plans change and you need to cancel your reservation, refunds can be made only if you cancel prior to **Thursday, November 1**.

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## **THANKS TO COLLEGE FELLOWS FOR THEIR CONTRIBUTIONS TO THE BLOOMBERG LAW WORKPLACE HARASSMENT LAW TREATISE**

Co-Editors-in-Chief Honorary Fellow and former EEOC Chair **Gil Casellas (Class of 2019)** and Michigan Fellow **Diane Soubly** (Butzel Long) thank the many Fellows of the College from “both sides of the aisle” for their dedicated and thoughtful contributions as chapter authors under significant time constraints to produce on-time publication of the second edition of the Bloomberg Law *Workplace Harassment Treatise*, including: **Meg Carroll Alli** (Clark Hill, MI); **Lisa Banks** (Marshall & Banks, WDC); **Kathy Bogas** (Bogas & Koncius, MI); **Megan Bonanni (Class of 2019)**, Pitt, McGehee, Palmer & Rivers, MI); **Dan Bretz** (Clark Hill, MI); **Steve Drew** (Drew, Cooper and Anding, MI); **Lori Ecker** (Law Office of Lori D. Ecker, IL); **Sue Ellen Eisenberg** (Sue Ellen Eisenberg & Associates, MI); **Gary Fealk** (Bodman PLC, MI); **Brenda Feis** (Feis Goldy, IL); **Jill Goldy (Class of 2019)**, Feis Goldy, IL); **John Hancock** (Butzel Long, MI); **Pam Hemminger** (Law Offices of Pamela L. Hemminger, CA); **Barry Hartstein** (Littler Mendelson, IL); **Dick Hooker** (Varnum, MI); **Tim Howlett** (Dickinson Wright, MI); **David Kadue** (Seyfarth Shaw, CA); **Jean Powers Kamp** (EEOC, Chicago District); **David Kotzian** (Gasiorek, Morgan, Greco, McCauley & Kotzian, MI); **Lisa Krupicka** (Burch Porter & Johnson, TN); **Dick Moon** (Verrill Dana, ME); **Greg Murray** (The Murray Law Group, MI); **Megan Norris** (Miller Canfield, MI); **Kathleen Peratis (Class of 2019)**, Outten & Golden, NY); **Beth Rivers** (Pitt, McGehee, Palmer & Rivers, MI); **Ted Rogers** (Sullivan & Cromwell, NY); **Jim Rosenfeld** (Butzel Long, MI); **Jen Salvatore** (Salvatore Prescott & Porter, MI); **Dan Tukul** (Butzel Long, MI); and **Maurice Wexler** (retired partner, Baker Donelson, TN).

Published in the wake of the Weinstein allegations and the revival of #MeToo, the treatise collects new substantive and procedural developments in harassment law from 2012-August 2018, with new chapters on, among other topics: bullying and gender violence in the workplace; harassment based on gender non-conformity/stereotyping and sexual orientation, multiple-status or intersectionality, and association or third party status; bystander issues; federal investigation and enforcement efforts under Title IX; and arbitration and mediation of harassment claims.

An on-line update of the treatise (currently available in hard copy and on-line) is slated to be published in 2020, covering the period from the nomination of Justice Kavanaugh through 2019, with additional new chapters on human trafficking and on preemption of common-law claims.

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## 2019 WRITING COMPETITION WINNER

The College of Labor and Employment Lawyers and the ABA Section of Labor and Employment Law are pleased to announce the winners of the 2018-2019 Writing Competition for Law Students. A distinguished panel of attorneys from around the country reviewed papers on current and cutting-edge labor and employment law topics.



Congratulations to Michael Iadevaia, the author of this year's first place submission - "**Poach-No-More: Antitrust Considerations of Intra-Franchise No Poaching Agreements.**" Michael graduated from Cornell Law School in May 2019, where he was an Articles Editor of the *Cornell Law Review*. He received his B.S. from the School of Industrial and Labor Relations at Cornell University in 2016. During his time in law school, Michael focused his studies extensively on labor and employment law. He served as a Teaching Assistant for an undergraduate course in labor and employment law and as a Research Assistant for several labor and employment law faculty. He also worked for the Cornell Labor Law Clinic, where he helped represent individual workers and their unions. Presently, he is serving as a Law Clerk to the Honorable Robert D. Mariani, US District Judge for the Middle District of Pennsylvania.

Awards were also given for to second and third place winners. All papers can be found on the College website. <https://www.laborandemploymentcollege.org/audiences/law-schools-students>

Second Place – Robert Pannullo, Fordham University School of Law (2020), **Fixing the Struggle for Labor Equality in Minor League Baseball: A Call for Unionization**

Third Place – J. Andrew Morgan, University of Connecticut School of Law (2020), **How to Close the Gender Pay Gap: Transparency in Data Regarding Compensation is the Key**

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## APPLICATIONS ARE NOW BEING ACCEPTED FOR THE CLASS OF 2020

Although we haven't yet formally inducted members from the Class of 2019, the College is accepting nominations for the Class of 2020 now through Monday, February 3, 2020. The election of new Fellows is a very structured process and Fellows should make sure to submit completed and thorough packages. We are encouraging all Fellows to look across

the table and nominate a worthy adversary, someone you consider to be civil and ethical in their professional behavior; someone who contributes to the profession through scholarship or mentoring.

Any Fellow who plans to nominate a candidate should review the instructions and related materials in their entirety. Click [here](#) for information on the process as well as the requisite forms that must be completed: Part A - Nominator Form and Part B - Nominee Form. If you are nominating a neutral, please use Part B - Neutral. If you are nominating a law professor, please use Part B – Law Professor. As always, don't hesitate to contact [Susan Wan](#) with any questions.

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## 7TH CIRCUIT LAW STUDENT PROGRAM CONTINUES TO BE A BIG SUCCESS

For the eighth year, the annual 7th Circuit Law Student Program drew large numbers of students from around the circuit. Led by Fellow **Martin Malin**, over twenty-five Fellows shared their time and expertise to engage with law students. A Friday evening reception hosted by **Ogletree Deakins** provided an opportunity for students and Fellows to casually connect over drinks and appetizers. Saturday's all-day program was held at **Chicago Kent College of Law** this year and started with opening remarks from Honorary Fellow Judge **Rebecca Pallmeyer**. The *Hot Topics in Labor & Employment Law* panels tackled issues such as the NLRB (*New Directions Coming from the Trump-Appointed Board*), recent developments in immigration and how they affect the workplace, EEO issues, employment and labor arbitration, and marijuana and the workplace.



Students enjoyed time with Fellows in small groups over lunch and, in the afternoon session, *Pathways to Practice*, they heard from a diverse group of practitioners who spoke about their practice area in the LEL field and shared advice on the do's and don'ts when applying for a job. Students expressed their appreciation at the end of the day, remarking

that they found the presentations to be “informative,” interesting” and “portrayed both sides of the aisle very well.” Students also commented that Fellows were “inspiring,” “insightful” and found the “practical advice helpful” while they “enjoyed the diversity in topics.”



Thanks to the following Fellows for their participation, either on a panel, at the reception or during lunch : **Melissa Auerbach, Gary Bailey, Barry Bennett, Howard Bernstein, Joe Burns, Jules Crystal, Tamara Cummings, Joshua Ditelberg, Lori Ecker, Gerald Golden, Jill Goldy, Richard Gonzalez, Kathryn Hartrick, Joshua Karsh, Marty Malin, Pete Meyers, Lisa**



**Moss, Peter Ohr, Mark Olson, Hon. Rebecca Pallmeyer, Adele Rapport, Burt Reiter, John Roche, Rebecca Salawdeh, Joe Tilson, Sherrie Voyles and Marni Willenson.**

If you are interested in organizing a similar program in your area, please contact [Susan Wan](#).

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## REGIONAL MEETINGS AND WELCOME RECEPTIONS

- **1st Circuit** Fellows gathered on a stormy day in Boston on September 26th to welcome new Fellows **Josh Davis** and **Rebecca Pontikes** and discuss how they would like to implement the College's strategic plan as it relates to Regional Meetings. Thanks to committee members - **Ellen Kearns, Jeff Hirsch, Joan Dolan, Lauren Irwin, Dick Moon, Joe Ambash** and **Nancy Richards-Stower** – for their help in organizing the event and to **Seyfarth Shaw** for hosting. Thanks also to those who braved the weather and traffic to attend. It was a big success!



- **6th Circuit:** At the first Fellows lunch held in Columbus, Ohio on October 10, 2019, in conjunction with the Ohio State Bar Federal Bench and Bar Conference, 6th Sixth Circuit Regional Activities Committee members **Charles Warner** and **Diane Soubly** welcomed the group to a delicious lunch and explained the emphasis on regional activities in the College's amended Strategic Plan, with the Committee's next goal to plan a joint Sixth and Seventh Circuit conference with the Seventh Circuit Regional Activities Committee. Fellow and Assistant Attorney General, US Department of Justice, Civil Rights Division **Eric Dreiband** (pictured above with Fellows) travelled from Washington DC to speak to the assembled Fellows about the Division's initiatives. Those initiatives include prosecuting perpetrators of violent hate crimes such as the deadly car attacks by an avowed neo-Nazi against anti-white supremacist protestors in Charlottesville and the mass shooting at the

Tree of Life Synagogue in Pittsburgh, pursuing hundreds of prosecutions for human trafficking with the help of international partners (especially Mexico), and ramping up efforts to combat sexual assault. The initiatives also include pursuing employer document abuse in violation of federal law by requiring more documents than US citizens are required to produce before hiring, seeking resolutions and settlements on behalf of disabled individuals kept in “sheltered workshops” that do not pass the *Olmstead* 3-part balancing test, and pursuing employers who refuse to hire American workers in favor of foreign workers present in the US on H2A visas (whom they provide lesser pay and benefits) without demonstrating that there are not enough American workers who can do the jobs.

- On October 15, Fellows of the College of Labor and Employment Lawyers within the **6th Circuit** welcomed newly elected Fellows of the College at an elegant reception held in the beautifully renovated Detroit Room of the Theodore Levin Federal Courthouse, sponsored by the College and four law firms: **Pitt McGehee Palmer & Rivers PC** (Royal Oak, MI); **Gasiorek, Morgan, Greco, McCauley & Kotzian PC** (Farmington Hills, MI); **Butzel Long PC** (Detroit); and **Varnum LLP** (Detroit). Fellows **Kathleen Bogas** (Bogas & Koncius, Bingham Farms), **College President John Runyan** (Nickelhoff & Widick, Detroit), and Sixth Circuit Regional Committee member **Diane Soubly** (Butzel Long) described the many accomplishments of the newly elected Sixth Circuit Fellows, pictured from left to right below, who attended the reception: **Megan Bonanni** (Pitt McGehee Palmer & Rivers, Royal Oak), **John Gierak** (Clark Hill, Birmingham), **Margaret Lockhart** (ProMedica, Toledo, OH), **Jeff Donahue** (White Schneider, Lansing), and **Jennifer Sabourin** (Miller Canfield, Detroit).



*Photos by John Meiu, courtesy of Detroit Legal News Publishing LLC*

- The **6th Circuit** inaugural ethics workshop for government attorneys was held on October 16th at the same courthouse as the Welcome Reception for the new 6th Circuit Fellows the day before – the Theodore Levin Federal Courthouse in Detroit. A diverse group of government attorneys attended, including Assistant US Attorneys, EEOC and NLRB attorneys. Special thanks to Fellow **John Runyan** for organizing this event, and to Fellow **Adele Rapport**, who developed the prototype of this program in Chicago, and served as the program moderator. The first-time effort in Detroit will most definitely be replicated as future programs are planned. All attendees agreed was an excellent presentation.



Pictured left to right: Fellow **Adele Rapport** (DOE/OCR), Prof. Rachel Settlage (Wayne State University Law School), Kimberly Uhuru (Attorney Grievance Committee) and Andrew MacEachern (NLRB Region 7)

- **9th Circuit-South** Fellows gathered at Southwestern Law School on October 2nd for a panel discussion - *The Masters Talk Civility Ethics and Bias in Labor & Employment Law Advocacy*. Speakers included experienced judges, neutrals and practitioners who discussed the types of attorney conduct that rankles them the most in labor and employment law litigation and arbitration and offered strategies on how to identify and correct these issues. Special thanks to Fellows **Nancy Bornn**, **John LeCrone**, **Curt Surls** and **Nancy Abell** who organized this event, and to co-sponsors **Judicate West** and **Signature Resolutions** for their support.



Pictured above (from right to left): Fellows **John LeCrone**, **Laurence Zakson**, and **Gail Glick**, along with Emilio Gonzalez (Davis Wright Tremaine), guest of John LeCrone.

Meetings are also planned in the following cities before the end of 2019 (or have just recently taken place) - Denver, St. Louis, Minneapolis, Kansas City and Chicago.

## SPOTLIGHT ON FELLOWS



- In May, Fellow **Jeff Berman** finished a week-long pizza class at Scuola Italiana Pizzaioli, Italy's oldest pizza school. Jeff was taught by Graziano Bertuzzo, a former World Pizza Champion. After completion of a standardized test, Jeff received a certificate to work as a pizzaiolo in Italy. Samples of his work are available upon request!

- Fellow **Michael Green** has been elected to the National Academy of Arbitrators. Professor Green, who teaches at Texas A&M University School of Law, is the Director of the Texas A&M Workplace Law Program and is also a member of the Aggie Dispute Resolution Program faculty.



- Fellow **Bill Herbert** had two articles published in Volume 36, No. 1 of the *Hofstra Labor & Employment Law Journal*. The first is an [article](#) about the late Jerry Lefkowitz, who was an important figure in New York's public sector labor history. The second [article](#) was written with New York State Public Employment Relations Board Chairperson John Wirenius and Indiana Education Employment Relations Board Executive Director Sarah Cudahy, which analyzes the Supreme Court's *Janus* decision in historical, legal, and public policy contexts.



- Fellow **Cynthia N. Sass** of the Sass Law Firm in Tampa and Fellow **Don Slesnick** of the Law Offices of Slesnick & Casey, PA in Coral Gables, were panelists on the topic *First Amendment in Public Employment* at the 45th Annual Public Employment Labor Relations Forum sponsored by the Labor and Employment Law Section and the City, County and Local Government Law Section of The Florida Bar.

- Fellow **Bill Wahoff** had an article published in the *ABA Journal of Labor & Employment Law's* [Volume 34, Number 1, 2019](#) titled "Industry Standards: How Does OSHA Use Them to Prove Its Case Under the General Duty Clause."



- Several Fellows participated in a national conference organized by Cornell ILR titled, *Labor and the US Constitution: Past Present and Future*. The conference, which was held in New York City on September 26-28, encouraged "creative thinking about the US

Constitution as a source of workers' rights." Panelists, including **Bill Herbert**, **Marty Malin**, **Joe Slater** and **Ruben Garcia** were featured speakers, discussed "labor rights under the First and Thirteenth amendments." Honorary Fellow Judge **Marsha Berzon** was the keynote speaker. A link to conference website can be found [here](#).

- The US Department of Labor's *Hall of Honor* ceremony, which took place on September 26th, included the induction of Fellow Emeritus **Howard Jenkins, Jr.** based on his work on the landmark Labor-Management Reporting Disclosure Act of 1959. Also inducted was Senator Robert Griffin. "The Labor-Management Reporting and Disclosure Act has brought greater transparency and openness to unions for 60 years," Acting Secretary of Labor Patrick Pizzella said. Mr. Jenkins was the first person interviewed as part of the College's illustrious Video History Project in July 2000.

The College acknowledges the following Fellows for their selection as **2020 Best Lawyers® in America**

**Richard Alfred**, **Megan Bonanni**, **Mark Casciari**, **Lawrence Casey**, **Keith Clouse**, **George Crisci**, **Tim Howlett**, **Randy Johnson**, **Ellen McLaughlin** and **Michelle Reinglass**

The College also recognizes the following Fellows for their selection as **2019 Super Lawyers**:

**Keith Clouse**, **Wendi S. Lazar**, and **Kathleen Peratis**

## FELLOWS ON THE MOVE



- In September, Fellow **Gary Fealk** joined Bodman PLC as a Member of the firm. He will practice in their Troy office as a part of the Workplace Law Practice Group. Gary has particular expertise in

union/management relations including collective bargaining, labor arbitrations, administrative proceedings before the National Labor Relations Board and the Michigan Employment Relations Commission and in multi-employer benefit fund collection actions.



- Fellow **Karen Jenson**, who will be inducted as a member of the **Class of 2019**, was appointed Canada's first Equity Pay Commissioner, providing leadership and direction

for the administration and enforcement of the new proactive legislation passed for the federal jurisdiction. More information on this historic appointment can be found [here](#).

## IN MEMORIAM



The College mourns the October 13th passing of Fellow **Susan Grody Ruben** after a courageous battle with kidney cancer. Inducted into the College in 2011, Susan actually had an early career as a professional French horn musician. Ultimately, she became a successful labor and employment attorney before opening her own mediation and arbitration practice. She was inducted into the National Academy of Arbitrators and taught dispute resolution across the country. As a Fellow of the College, Susan served on the 6th Circuit Credentials Committee in 2017 and 2018. She is survived by her mother, three children, one grandchild and many siblings, nieces and nephews. The family welcomes contributions in celebration of Susan's life to the Legal Aid Society of Cleveland or the tzedakah/charity of your choice. Susan's 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. Ms. Ruben distinguished herself as a leader in the field, and the College was proud to have been able to call her a Fellow.*

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## 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](#)

[Download eps File](#)

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