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THE PRESIDENT'S PERSPECTIVE

In this calendar year of 2016, our College of Labor and Employment Lawyers turned 21 and celebrated with an amazing year of accomplishments! And it has been a true honor and privilege to have witnessed its achievements from the helm of this dynamic international Fellowship.

Capped off by the induction of 69 new Fellows and 2 Honorary Fellows at the Annual Induction Dinner on November 12th, this year College Fellows hosted and organized regional events and programs in Coral Gables, New Orleans, New York City, Chicago, Detroit, Seattle and Memphis.



In addition, the College sponsored two programs at the ABA Section Meeting in Chicago, organized by the American and Canadian Fellows, respectively: the former featured an entertaining program including a short play and followed by a panel discussion on the topic of “Perspectives” including a lively conversation about how the bench and bar view the employment trials and arbitrations from differing vantage points among the Honorable Rebecca R. Pallmeyer (USDC for the ND, Ill.) and Fellows Professors Martin Malin and Richard Gonzalez, Lisa Moss, Kristen Michaels and Jean Wood; the latter, a presented a discussion of the important 2015 Labour Trilogy issued by the Supreme Court of Canada featuring a panel discussion by Canadian Fellows Peter McLellan, Jeffrey Goodman and Howard Goldblatt.

The highlight event of the year was, of course, the Induction Dinner on November 12th attended by 500 Fellows and their guests at the Grand Ballroom of the Navy Pier in Chicago. It was my great honor to welcome these newly elected outstanding practitioners and judges in attendance as Fellows, including two of my personal heroes both named Brown – ABA Immediate Past President Paulette Brown and former EEOC Commissioner (1969-73) William (“Bill”) Brown, III. The short program, the exciting induction of new Fellows, the delicious food, the fun provided by the Blooze Brothers Band and the chance to enjoy the company of Fellows from all parts of the United States and Canada made for a very special evening including my announcement that all three prestigious annual awards made by the ABA Labor and Employment Section earlier in the day went to Fellows of the College.

In addition to the educational and social opportunities supplied by the various programs, 2016 will also be remembered for the important selection of a Strategic Planning Committee that I have appointed to review all aspects of our Fellowship toward improving both what each of can do to improve the College and what the College can do to better serve each of us. The challenging issues confronting the Committee, co-Chaired by Lisa Moss and Arlene Steinfield and graciously facilitated by Javier Ramirez (FMCS), include examining practice, ethnic, racial and gender diversity, possibly expanding our geographical borders to include employment-related lawyers from other countries, exploring additional avenues of funding for the Tallent Video History (which has now completed video interviews of Ruth Bader Ginsberg, Associate Justice of the United States Supreme Court, former EEOC Commissioner William Brown III and Professor John Higgins in addition to twenty-three other subject interviews) and considering forays into publishing of academic works by Fellows.

On a personal level, all of these accomplishments personally pale in comparison to the wonderful experience I have enjoyed leading this unique and impressive Fellowship. As a Fellow for the past 16 years and as a Board Member, Officer and now President of the College, I have been provided the opportunity to make new professional friends that, I am sure, will remain friends for my lifetime. I have been mentored in the several roles I have filled by remarkable individuals, including past Presidents Don Slesnick, Bill Kilberg, John

Sands, Don Sapir, Joel D'Alba and Maurice Wexler and have been guided in my efforts by the College's indispensable and hardworking Executive Director Susan Wan and its Program and Events Administrator, Jen Motley. While I will remain on the Board of Governors for another year as the immediate Past President, I leave the organization's leadership in the very capable hands of the College's new Officers, President Norm Brand, Vice President Lynne Deitch, Secretary John Runyan and Treasurer David Borgen and their Board Members, including newly appointed Governors this year, Cynthia Nance and Lori Ecker. And most surely, the Board will miss the incites of Martin Malin who leaves his post as a neutral representative after six very productive years of Board Membership.

Once again, I thank all of you for the joy that I have been permitted in leading our Fellowship and look forward to many more years of working with all of you in promoting the professionalism, civility and educational goals that are the cornerstone of our College.

Alan Epstein
President

Photos of the 21st Annual Induction Dinner can be found using the following links:

Step and repeat photos

<https://1drv.ms/f/s!Ak1-0vhi7e7inDkAk9caDpch1kPx>

Candid shots from the dinner and induction ceremony

<https://1drv.ms/f/s!Ak1-0vhi7e7imzat7-WPekF8ddW->

COLLEGE CO-SPONSORS IMPLICIT BIAS SEMINAR AT UNIVERSITY OF MEMPHIS LAW SCHOOL

Despite suggestions that the United States has evolved to a non-discriminatory society, **explicit bias** (manifested in the form of intentional discriminatory behavior based on factors of race, gender, religion, national origin, age, and sexual orientation) has long been an influence in virtually all areas of American life, including our political, governmental, justice and educational systems, business decision making, and media content. While many laws are in place to remedy intentional discriminatory actions, it is well recognized that decision makers in all societal arenas are also influenced by **implicit or unconscious biases** that are not the target of any remedial scheme. Moreover, it is the more recently explored and more controversial belief that unintentional biases toward and stereotypical perceptions of members of categorical groups other than our own can influence decision-making, and systemically and adversely affect members of traditionally protected groups of people.

Initiated by Maurice Wexler, a Past President of the College, and coordinated and moderated by University of Memphis Law School Professor Demetria Frank, the program was attended by approximately 125 practicing lawyers, judges, human resources professionals and law students. The keynote address was given by immediate ABA Past President Paulette Brown and the closing remarks were delivered by current ABA President Linda Klein, presenting the diverse views of an impressive group of panel members including:



- College Fellow and Past President Maurice Wexler
- Honorary College Fellow the Honorable Bernice B. Donald, Judge of the United States Court of Appeals for the Sixth Circuit
- College Fellow and Board Member Katherine Kores, District Director of the Memphis Office of the EEOC
- College Fellow Dan Norwood, Norwood & Atchley, Memphis, TN

The all-day continuing legal education seminar sponsored by, inter alia, the Memphis Bar Association and the College of Labor and Employment Lawyers, provided great insights into what has been done to recognize, measure, and prevent **implicit biases** from adversely influencing decision making in the legal system.

FELLOWS RECEIVE ABA AWARDS AT ANNUAL CLE SEMINAR

We are proud to announce that the recipients of three ABA Section of Labor and Employment Law awards this year are College Fellows. Professor Martin H. Malin received the Arvid Anderson Public Sector Award, Barry Kearney received the Federal Labor and Employment Attorney Award of the Year, and new inductee Jeff Brodin received the Frances Perkins Public Service Award. More information on the criteria for each award can be found on the ABA Section of Labor and Employment Law's [website](#). Congratulations to all three on their achievements!

CLASS OF 2017 APPLICATIONS

The College is accepting nominations for the Class of 2017 now through the Wednesday, February 1, 2017 deadline. The election of new Fellows is a very structured process and Fellows should make sure to submit completed and thorough packages. Please review the instructions and related materials in their entirety. A link to the information on the College website is included (<http://laborandemploymentcollege.org/for-fellows/nominations>) as well as the requisite forms that must be completed: [Part A - Nominator Form](#) and the [Part B - Nominee Form](#). If you are nominating a neutral, please use this [Part B - Neutral](#). If you are nominating a law professor, please use this [Part B – Law Professor](#). As always, don't hesitate to contact [Susan Wan](#) with any questions.

REGIONAL PROGRAMS

UPCOMING EVENTS

January 21 – Coral Gables, FL: 11th Circuit Annual Regional Program

The 11th Circuit Regional Committee will hold its 6th Annual Program Event at the beautiful Biltmore Hotel in Coral Gables on Saturday January 21, 2017. A three part program featuring current issues that are relevant to all practitioners. This year's topics include: ***A Legislative Update – The First 100 Days, Cyber Security Breaches and the Employer's Liability*** and ***Gender Pay Disparity – OFCCP and the New Reporting Regulations***. The program Saturday morning program will be followed by lunch. A social cocktail hour and dinner is planned for Friday night.

A room block at the Biltmore is available until **Wednesday, December 28, 2016** at the rate of \$299 a night. Reservations can be made by calling 800.727.1926 and refer to the Group Booking ID #636 "College of Labor & Employment Lawyers.". You can also access the following link: <https://book.biltmorehotel.com/biltmore/#groupSignIn> and enter Group Booking ID #636. Complete details and registration information can be found [here](#).

RECENT EVENTS

October 24 – Detroit, MI: 6th Circuit New Fellow Reception

On October 24, 2016, the Sixth Circuit Regional Committee of the College hosted an elegant reception in the Theodore Levin Federal Courthouse in Detroit, Michigan, for the new Fellows of the Class of 2016 from within the Sixth Circuit. Jointly sponsored by the College, Butzel Long and Pitt, McGehee, Palmer & Rivers, PC, new Fellows Mark Cousens



(Cousens Law), William Altman (Murray Law Group), Adam Forman (Epstein Becker), and Honorary Fellow Judge Bernice B. Donald of the Sixth Circuit Court of Appeals (photo right) were welcomed by fifty Fellows, with several federal judges in attendance. Shel Stark, a member of the Class of 2015, was also recognized at this year's reception.

A brief program at the reception reminded all in attendance of the difference that Fellows continue to make as citizen lawyers. Fellow Cary McGehee (photo right) welcomed everyone and thanked Fellow Diane Soubly for spearheading the "bipartisan" drive that snagged generous contributions to student scholarships from Fellows and their firms for the Michigan Coalition of Human Rights 2016 Freedom Tour.



Rileigh Nielsen (photo below) shared some of the transformative events she and other high school students experienced on the 2500-mile tour: crossing the Pettus Bridge; standing near a bullet-riddled wall in Medgar Evers' home; seeing the defaced grave of James Earl Chaney, buried alongside his fellow activists Andrew Goodman and Michael Schwerner; stopping at the memorial commemorating Viola Liuzzo's murder; visiting the birthplaces of Martin Luther King and Alex Haley, Jr., and the Museum of Civil Rights in Memphis.

Honorary Fellow Judge Donald rounded out the program, powerfully describing the conditions of the schools she had attended in Olive Branch MS under the "separate but equal" doctrine: the primary grades housed in a concrete block building with no heat, no ventilation, and no bathroom facilities; the upper grades, in a church with pews corded off for each grade. As an honors student, she felt compelled to become one of the four African-American girls who integrated the Olive Branch high school, under Mississippi's policy of "choice," finally adopted about a decade after *Brown v Board of Education*. Even though the Judge "re-earned" her status as a top-performing Honors student at the integrated high school, she recounted that school personnel intentionally withheld information about college admissions processes and college scholarship information from the girls. As she has done at other College events and ABA events at which she has spoken, Judge Donald closed the reception with a "call to arms" to continue, as Fellows, to encourage diversity and inclusion in the workplace and beyond.



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

October 27 – Seattle, WA: Ethics in the Profession - Views From the Bench

Fellows in Seattle and the surrounding area attended this program on October 27th at the offices of Lane Powell, PC. The program featured a panel of three local judges sharing 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. Members of the Labor and Employment Law section of the Washington State Bar Association were also invited to attend this free program.



Superior Court judge Bruce Heller, US District Court judge Robert Lasnik, Superior Court Judge Mary Roberts

THANK YOU TO OUR DONORS

The Board of Governors would like to acknowledge the following Fellows and firms for their generous contributions to the **STEVE E. TALLENT VIDEO HISTORY PROJECT** in 2016. Your support is vital to the continuation of this very important project. There is still time to make a year-end tax-deductible contribution to the Video History Project. Donate online at <http://laborandemploymentcollege.org/index.php/for-fellows/payment-options>.

Supervising Producers (\$750.00 - \$1,000.00):

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SPOTLIGHT ON FELLOWS

- Fellow **Larry Casey** has been recognized as a 2016 Massachusetts *Super Lawyer*.
- Fellow **Wendi Lazar** was named one of the *New York Law Journal's* 2016 Top Women in Law.
- Fellow **George Nicolau** was presented with a special award at the Fall meeting of the National Academy of Arbitrators in September. Mr. Nicolau received an award from the Board of Governors "in recognition for his singular prominence in our profession,

his outstanding service to the NAA, and his mentorship and friendship to all.”

- Fellow **Arlene Switzer Steinfield** was recognized in D CEO’s special edition, *The Dallas 500*. Steinfield was one of only six honorees recognized in the area of “Law-Labor and Employment.” D CEO celebrated this year’s honorees with a reception in November. The Dallas 500 is a special print edition of D CEO that celebrates the most influential and powerful business leaders in North Texas.
- Fellow **Beth Walker** (photo right) was sworn in as the newest West Virginia Supreme Court Justice after her victory last May. She also received the 2016 Leadership West Virginia Distinguished Alumnus Award in November. The ceremony is part of Leadership West Virginia’s 25th Anniversary celebration. Walker, a member of the 1999 Leadership West Virginia class, was elected to the Supreme Court of Appeals of West Virginia in May, becoming the first Justice elected in a nonpartisan race. She will take office Jan. 1.



IN MEMORIAM

The College mourns the recent passing of Fellows **J. Hamilton Stewart III**, **Donna Galchus** and **Bill Usery**.

Mr. Stewart (photo right), inducted as a Fellow in 2001, was a founding partner of the firm of Ogletree, Deakins, Smoak & Stewart (later Ogletree, Deakins, Nash, Smoak & Stewart). From its beginning as a 16 lawyer firm with offices in Greenville and Atlanta, the firm grew to national and international prominence, having 49 offices across the country and internationally, and 800 lawyers at the time of his death. A link to his obituary can be found [here](#).



Inducted as a Fellow in 2004, Ms. Galchus (photo right) was one of the founding partners of the majority women owned Cross, Gunter, Witherspoon & Galchus. She was honored as a "Best Lawyers in America" from 2004-2016, ranked a leading employment lawyer by Chambers USA, named a Mid-South Super Lawyer from 2006-2016, named an Arkansas Top 50 Super Lawyer from 2006-2016 and named a Top 50 Women Mid-South Super Lawyer this year. A dedicated member, and former chair, of the 8th Circuit Credentials Committee, Donna’s commitment to the



College's mission of professionalism and civility were clearly demonstrated during her time on the committee. A link to her obituary is [here](#).

Mr. Usery (photo right), inducted in 1996, was the College's first Honorary Fellow, a designation that gave him much pride. He served as U.S. Secretary of Labor under President Ford, ultimately receiving five Presidential appointments during his career, and was widely recognized as the nation's top mediator. He was President of Bill Usery Associates, Inc., a Washington, D.C. area firm dedicated to enhancing the effectiveness of the American worker in the global marketplace through cooperative labor relations and innovative human resource strategies and was also the founder of the W. J. Usery, Jr. Center for the Workplace, at Georgia State University, in Atlanta. His amazing career was captured as part of the Video History Project and ultimately became the subject of the College's first full length feature – **Working for American Workers**, which also featured another former Secretary of Labor, Willard Wirtz. 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. Mr. Stewart, Ms. Galchus and Mr. Usery 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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