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THE PRESIDENT'S PERSPECTIVE

In the third edition of the College's Newsletter published in the Fall of 2001, our dedicated and always greatly appreciated Executive Director, Susan Wan, instituted this column presciently entitled the "Presidents Perspective". I have labeled her titling action as "prescient" since she was foretelling of the College's presentation that will be part of the ABA Labor and Employment Section Meeting CLE program in Chicago on November 12, 2016.



The panel discussion and post-trial theatrical presentation in the early part of Saturday afternoon before our Induction dinner (12:30-2:00 p.m.) will tackle the importance of each member of our labor and employment law community to reflect upon the multiplicity of viewpoints that shape each matter in which we become engaged. Whether in the setting of the Courtroom, the boardroom, the classroom, the arbitration

forum, a mediation session or a hotly contested discovery deposition, each player brings to that particular “table” an often strongly different perspective on the events that ultimately lead to the final outcome. Forgetting that there are people on each side of any matter with very different viewpoints on the issues presented often creates the unprofessional chaos that we as Fellows, individually and collectively, agree must be avoided.

In mathematical terms, perspective is the art and science of depicting three-dimensional objects in a two-dimensional plane, i.e. representing on paper the way that objects appear to get smaller and closer together the further they are from the viewer's eye. Single-point perspective is best visualized by imagining you are driving on a straight desert road, the power poles and the cacti lining the road all diminishing toward a point in the distance. Two-point perspective involves another vanishing point with the object diminishing toward both. Three-point perspective adds yet another vanishing point and is often used to depict views from skyscrapers. In the context of people, however, perspective is determined by the position of the viewer instead of the location of a vanishing point. As the bard Bob Dylan, who was just awarded the 2016 Nobel Prize for Literature, explained the viewer does not always perceive the realities in the same light as the presenter:

I wish that just one time you could stand inside my shoes,
And for just that one moment I could be you.
I wish that just one time you could stand inside my shoes,
You would know what a drag it is to see you.

Bob Dylan, *Positively 4th Street* (1965)

According to the ABA, there are 1,315,561 licensed lawyers in the United States in 2016 and the profession is expected to keep growing; the Bureau of Labor Statistics projects that by 2024 the economy will add 43,800 new lawyers to the roles of licensed professionals. In Canada, there are almost 90,000 practicing attorneys and the profession is growing at an annual rate of almost 6%. A substantial number of those lawyers in both countries are and will continue to be involved in the practice of labor and employment. I suggest that our College has the obligation to continue to remind all practitioners through educational efforts and by example to understand and respect the many opposing viewpoints they will encounter and to greet each one with appropriate professionalism and civility.

Once again, I urge each of you to join our impressive presenters - Moderator, Professor Martin H. Malin (Chicago-Kent College of Law, Chicago) and 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), Lisa B. Moss (Carmell Charone Widmer Moss & Barr, Ltd., Chicago), Jeanne Charles Wood (Wood ADR, Chicago/Miami) and Kristen E. Michaels, Esquire (McDermott Will & Emery, Chicago) - - for this enlightening, educational and enjoyable CLE presentation; we all need to refresh ourselves on the the importance of “perspective”.

I also stress the importance of all of us to participate in the important event that is our annual Induction Dinner. It is both an opportunity to dress up and attend an enjoyable evening with friends from all parts of the United States and Canada and to demonstrate your support for the important work of the College.

Finally, I reiterate an earlier stated plea for each Fellow to find a few moments to dash off an email to Susan Wan (swan@laborandemploymentcollege.org) and Co-Chairs Lisa Moss (lmoss@carmellcharone.com) and Arlene Steinfield (asteinfield@dykema.com) regarding your suggestions for improvement to and expansion of the College's current good works in aid of the strategic planning exercise that the College's Board has undertaken. Your views on whether we should further expand our membership borders to include eminent South American and European practitioners, publish a scholarly journal and become a greater CLE provider or how we can better fund the **Talent Video History Project** are important to the success of this planning action and the future of the College.

Alan Epstein
President

COUNTDOWN TO CHICAGO

We are looking forward to seeing many of you at the College's 21st Annual Induction Dinner on Saturday, November 12 in Chicago at the Navy Pier's Aon Grand Ballroom. There is still time to rsvp for those who have not done so already. A copy of the invitation can be found [here](#). If you will be arriving by taxi that night, ask the driver to take you to **Entrance 2, Lobby 3** which is at the end of the Pier. You should not be dropped at the main entrance of Navy Pier unless you want to take a nice mile-long stroll! If you will be driving, the closest parking lot can be found in the **East Garage**. A site map is [attached](#) for your convenience.

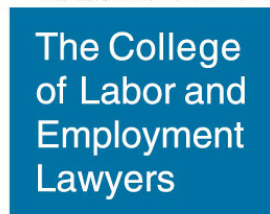
Please keep in mind that if your plans change and you need to cancel your reservation, refunds can be made only if you cancel prior to **Monday, November 7**.

CHICAGO PROGRAMMING

Our 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, and will take place in the **Superior Room AB, Level 2**. Please RSVP to Jennifer Motley at 410-972-4712 or jmotley@laborandemploymentcollege.org.

And just added – a second program on Saturday, November 12th from 2 – 3 PM at the Sheraton Grand. With a focus on our Canadian Fellows, this program, *How the Dust is*

Settling in the Wake of the 2015 Labour Trilogy from the SCC, takes a look at three landmark decisions made in 2015 by the Supreme Court of Canada and the relationship between the collective bargaining process and the Canadian Charter of Rights and Freedoms. Please join us for this panel discussion featuring Fellows **Jeffrey Goodman**, **Howard Goldblatt** and **Peter McLellan**, who will suggest potential consequences for trade unions and employers. Invitation and details are [attached](#).



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

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

Jeanne Charles Wood, Esquire
Wood ADR, Chicago/Miami

Kristin E. Michaels, Esquire
McDermott Will & Emery
Chicago

Please join us Saturday, November 12th 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

2016 WRITING COMPETITION WINNERS

The College of Labor and Employment Lawyers and the ABA Section of Labor and Employment Law are pleased to announce the winners of the 2015-2016 Writing Competition for Law Students. A distinguished panel of attorneys from around the country reviewed over thirty papers on current and cutting edge labor and employment law topics.

The first place winner, Nicole Mattson (photo right), will graduate from the University of Denver Sturm College of Law in December 2017. Her winning paper is titled [“On Ice: The Slippery Slope of Employer-Paid Egg Freezing”](#). She is a teaching assistant for the school’s nationally-recognized Lawyering Process program, a student attorney for the civil litigation clinic, and last summer, she completed a judicial externship with Chief Judge Mark Thompson and Judge Karen Romeo of the Fifth District of Colorado. Prior



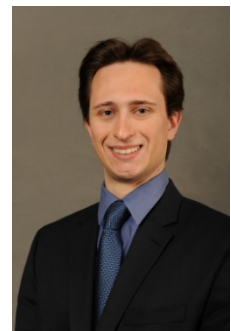
to law school, Ms. Mattson spent seventeen years in senior management and human resources, within the healthcare, technology, and investment industries. She most recently served as a Vice President Human Resources for Hospital Corporation of America – HealthONE in Colorado. Ms. Mattson is interested in practicing labor and employment law after graduation, perhaps continuing within the healthcare industry. She graduated summa cum laude with a B.S. in Social Work, second major Psychology from Saint Louis University in St. Louis, Missouri, and holds an MBA from the University of Denver Daniels College of Business. Ms. Mattson is an avid marathoner and lives in Denver, Colorado with her husband, Chris Young.

The second place winner is Zac Pestine (photo right). Zac graduated cum laude from Washington University in St. Louis School of Law in May of 2016. His paper is titled [“Securing Title VII’s Purpose: Ensuring That We Have All of the Puzzle Pieces to Solve Employment Discrimination Claims”](#). Zac focused his law school career on labor &



employment law, externing with the EEOC and serving as the Vice President of the Labor & Employment Law Society at school. He served as the Executive Articles Editor for the Washington University Jurisprudence Review. Over the summers, Zac worked on L&E issues for Lake County, Illinois and a Chicago-area law firm, including Title VII and unlawful termination cases. Prior to law school, Zac earned degrees in Philosophy and Communication Arts at the University of Wisconsin-Madison, where he graduated with distinction.

This year, we had two third place winners. Ian-Paul A. Poulos (photo right) graduated from Notre Dame Law School in May of 2016. His paper is titled [“Putting It Bluntly: The Controlled Substances Act Preempts Workers’ Compensation Laws That Require Insurers and Self-Insurers to Pay for Your Weed”](#). During his time at Notre Dame, he focused his studies



primarily on labor and employment law. He received the “Dean’s Award” for writing the best paper in “Law & Disabilities,” was chosen by Notre Dame to represent the school at the Peggy Browning Fund Workers’ Rights Conference in Washington, D.C., and received the American Bar Association Section of Labor and Employment Law and the Bureau of National Affairs, Inc. Award for Excellence in the Study of Labor and Employment Law. In 2014, Ian graduated as a member of Phi Beta Kappa, summa cum laude, from Hofstra University Honors College, with a Bachelor of Arts in Labor Studies and a minor in Economics. Following graduation, Ian joined the Long Island office of Gerstman Schwartz & Malito LLP. Ian would like to thank Notre Dame Professor Barbara J. Fick for her boundless dedication, teaching, and guidance; Notre Dame Professor Kent Hull for facilitating the development of this paper; and Hofstra Professor Gregory DeFreitas for sparking his interest in labor studies.

The other third place winner is Ben Streckert (photo right). He is currently a third-year student at the University of Minnesota



Law School, where he is a Managing Editor of the ABA Journal of Labor and Employment Law. His paper is titled "[Whirlpool and its Aftermath: Navigating the Various Applications of the Supreme Court's Standard for Refusing to do Dangerous Work](#)". Ben holds a Bachelor of Arts in English Literature, summa cum laude, from the University of Northwestern—St. Paul. Ben is especially interested in the labor and employment issues that arise in the contexts of corporate transactions and advising small businesses and startups. Following graduation, he will be joining the Business Transactions practice group at Ruder Ware, L.L.S.C. Ben would like to thank Professor Laura Cooper for her guidance in writing this article.

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

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

Fellows in Seattle and the surrounding area are invited to attend this program October 27th at the offices of Lane Powell, PC which will feature 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. Click [here](#) for the invitation and program details.

November 18 – Memphis, TN: *Implicit (Unconscious) Bias: A New Look at an Old Problem*

The College is pleased to be a co-sponsor of this one-day program addressing implicit bias and its place in our nation's march for equality. Taking place at the University of Memphis' Cecil C. Humphreys' School of Law on Friday, November 18, the keynote speaker will be is

Paulette Brown, the Immediate Past-President of the American Bar Association and newly elected Fellow of the College. View the [program agenda](#) and [registration form](#).

RECENT EVENTS

Washington DC Regional Fellows gathered at the law offices of Ogletree Deakins Nash Smoak & Stewart, PC on Wednesday, September 14 for a reception featuring author Marlene Trestman who discussed her book ***Fair Labor Lawyer: The Remarkable Life of New Deal Attorney and Supreme Court Advocate Bessie Margolin***.



Author Marlene Trestman signs a copy of her book after giving fascinating remarks during the DC Regional Meeting on September 14th. Fellows Susan Dunnings and John Irving are pictured with her.



Fellows Wendy Kahn, Nancy Schiffer and Deby Millenson, along with guest Betsy Doucet, made sure to get their copy!



Fellow Roland Wilder chats with Marlene Trestman

SPOTLIGHT ON FELLOWS

- Fellow **Bruce C. Beal** (photo right) has been appointed a Resident Circuit Judge in Fulton County in the Ninth Judicial Circuit by Justice Thomas L. Kilbride and the Illinois Supreme Court. Beal was appointed by the Court to fill the vacancy created by Judge William C. Davis, who retired.
- Fellow **David Borgen** was among trial and appeals counsel who secured a victory in *Stacy Ernst et al v. City of Chicago*. The 7th Circuit Court of Appeals ruled in favor of the plaintiff in this gender discrimination hiring case brought against the Chicago Fire Department in a September 19th [opinion](#). Fellow **Barry Goldstein** assisted on briefs as well.
- New inductee **Paulette Brown** has been selected as one of the 2016 Top Women in Law honorees by the *New Jersey Law Journal*.
- Fellow **Angelo Genova** (photo right) was recognized as one of 30 individuals to be honored during Lead New Jersey's "30 Leaders for 30 Years" awards gala.
- Fellow **Eric W. Iskra** of Spilman Thomas & Battle was recently elected to the Council of the Labor and Employment section of the American Bar Association.
- Fellow **Bill Lurye** has been named Chief of Staff for The American Federation of State, County and Municipal Employees (AFSCME). The appointment was confirmed by AFSCME's International Executive Board on September 14.



- Fellow **Katharine Parker** was appointed a magistrate judge for a term of eight years by the Southern District of New York's Board of Judges. She will serve on the bench at the Daniel Patrick Moynihan Courthouse.

IN MEMORIAM

The College mourns the recent passing of Fellows **Marvin Gittler** and **Bartley Flaherty**.

Mr. Gittler (photo right), inducted as a Fellow in 1998, represented organized labor for half a century, including the Teamsters, the building trades and Chicago police. In the early 1980s, he helped negotiate the historic first contract between the city and the police, giving officers the right to overtime and establishing due process in internal investigations and arbitration for grievances. His commitment to the College was evident through his participation on numerous committees including the 7th Circuit Credentials Committee and the 7th Circuit Regional Planning Committee. Marv was always willing to serve, something we truly will miss. A link to his obituary can be found [here](#).

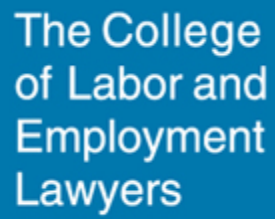


Inducted as a Fellow in 2003, Bartley Flaherty practiced law for over 60 years. A Captain in the Air Force, he served in the Korean War for four years before attending and graduating from St. Johns Law School in 1958. He served as labor council to Olin Corporation, The Continental Group and Exxon Company USA, ultimately going into private practice after retiring from Exxon. He was author of numerous articles in BNA publications, was a member of many professional organizations and received the Professional Achievement Recognition Award from the Nassau County Bar Association in 2005. He is survived by his wife of 59 years, his two children and five grandchildren. His obituary is [attached](#).

Members of the College strive to promote achievement, advancement and excellence in the practice of labor and employment law. Mr. Gittler and Mr. Flaherty have distinguished themselves as leaders in the field, and the College was proud to have been able to call them Fellows.

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.