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## THE PRESIDENT'S MESSAGE

As the song from “Camelot” announces: “It’s May, it’s May, the merry month of May...” well, almost. Hopefully, the harsh winter is abating for our Northern Fellows and that the rise in the sea level will not consume Coral Gables before I reach the end of my term as your President.

The College is in the midst of the Class of 2015 nomination process which will be completed by mid-June when the names of the Fellows-Elect will be released. The nomination procedure is lengthy, time-consuming and thoughtful, involving review by Regional Credentials Committees, a reappraisal by a Board Credentials Committee and eventually culminating with final scrutiny by the whole Board at its Spring meeting. In the end, our membership rolls reflect that the College has benefited from the careful nature of our method of



nomination and selection. We are disturbed, however, by the growing numerical disparity in our fellowship between the management bar and the union/employee lawyers. The College is open for all outstanding labor and employment practitioners/neutrals with twenty or more years of practice – there are no quotas or restrictions on the number of “slots” that can be filled by representatives of the different constituencies. However, it is to everyone’s best interest if the membership is representative of all aspects of our practice. Meaningful diversity makes the College relevant to the “real world” and enhances the value of fellowship. Thus, we urge that during next year’s round of nominations everyone make a special effort to consider putting forth those highly qualified and deserving lawyers whom you know that represent unions and employees – it is essential to the good health of this collegiate society.

We have asked before, but will ask again: if any Fellow has an interest in serving on a Board Committee either now or in the future please notify our Executive Director, Susan Wan, of your desire to do so. We have almost filled all seats on this year’s committee roster, but will try to place other interested Fellows at the first opportunity. One area in which we could use some new thought is the world of social media; so if anyone out there considers yourself a “techie” or a “blogger” – let us know.

The Video History Project (one of the College’s proudest investments of time, money and energy) continues to progress with the Committee planning new topics for video productions which will be based on soon-to-be-scheduled interviews with some of the universally-recognized “lions” of the labor/employment world. You will read more about that effort in the next edition of this newsletter when Vice President Alan Epstein authors this column. The 11<sup>th</sup> Circuit has already hosted its annual CLE “outing” to South Florida attended by Fellows from across the Southern states and the 2<sup>nd</sup> Circuit is about to present a CLE program and dinner event in New York City. Our goal is to encourage and help all circuits hold an annual event – whether purely social, solely educational or both - -if such a project would interest you, let Susan know.

Please mark your calendars for the College’s informal cocktail gathering in Chicago during the ABA Summer Meeting and, of course for the 2015 Annual Induction dinner (which again will be spectacular) to be held in Philadelphia on November 7<sup>th</sup> (my birthday) following the ABA Labor and Employment Sections Annual Conference.

Let me wish everyone a glorious Spring and a safe and relaxing Summer.

*Don Slesnick*

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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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## ABA / LEL SECTION WEBINAR OPPORTUNITIES

The American Bar Association has two upcoming CLE specialty webinar program opportunities. College Fellows who are not ABA members are eligible to register at the Member Price of \$150.

- *Depositions Essentials: The Nuts and Bolts of Taking and Defending Depositions* will be offered on **Wednesday, May 6 at 1 PM EST**. Participants will be eligible to receive 1.5 general CLE credit hours. Registration is available [online](#) or by calling 800-285-2221.

Description: Join a panel of experienced employment law attorneys as they take you through every facet of the deposition process beginning with general strategic principles and ending with the use of depositions at trial. Topics of discussion will include:

- \* The technical aspects of Fed. R. Civ. P. 30
  - \* Taking and defending depositions—perspectives from the defense and plaintiff’s bar
  - \* Ethical issues unique to depositions
- *Independent Contractors and the Sharing Economy: Uber, Lyft and Other “Tech” Business Models* will be offered on **Tuesday, May 19 at 1 PM EST**. Participants will be eligible to receive 1.5 general CLE credit hours. Registration is available [online](#) or by calling 800-285-2221.

Description: Classification of "freelancers" in the On-Demand or Sharing Economy continues to result in litigation against companies like Uber, Lyft, InstaCart, Handy and Task Rabbit with recent court decisions in Uber, Lyft, and Fedex. Hear from the lawyers on each side of the issue discuss:

- \* What is the Sharing Economy and what litigation does it create?
- \* What business models use independent contractors or other non-employees to perform the service for the consumer?
- \* Are these business models viable?
- \* What will be the hot litigation issues in the future?

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## 2015 LAW STUDENT WRITING COMPETITION

Papers for the 2014-2015 Writing Competition for Law Students are being accepted through May 15, 2015. Fellows who are adjunct professors at accredited law schools are encouraged to distribute, discuss, and promote this wonderful opportunity with their students. View the complete [announcement](#) and rules for this year's competition.

Entries should address aspects of public or private sector labor and/or employment law relevant to the American labor and employment bar. Prizes awarded by the College of Labor and Employment Lawyers include: First Place: \$1500, Second Place: \$1000, Third Place: \$500. The first-place article will also be published in the *ABA Journal of Labor & Employment Law*, and its author will be a guest at the annual CLE program of the ABA Section of Labor and Employment Law and honored at the Annual Induction Dinner of the College of Labor and Employment Lawyers.

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## NYU'S 68TH ANNUAL CONFERENCE ON LABOR

Fellows of the College are invited to attend NYU's 68<sup>th</sup> Annual Conference on Labor which is being held on June 4-5, 2015 in Vanderbilt Hall at NYU Law School. The program, entitled **WHO IS AN EMPLOYEE AND WHO IS THE EMPLOYER?** recognizes the 80<sup>th</sup> Anniversary of the NLRB and will feature eleven Fellows as either moderators or panelists. A detailed [agenda](#) and [program](#) information are attached. College Fellows can also receive a registration discount of \$100. Please use the following code to receive a price of \$250 for one day: [LCSPECIAL1](#); and use [LCSPECIAL2](#) to receive a price of \$500 if you plan to attend both days of the conference. Be sure to check the fee type box that matches the discount code you have entered. The price change will be reflected before your registration is finalized. If you have any questions, feel free to contact Alia Haddad, Center for Labor and Employment Law, at (212) 992-6289 or [alia.haddad@nyu.edu](mailto:alia.haddad@nyu.edu).

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## 20<sup>TH</sup> ANNUAL INDUCTION DINNER



**SAVE THE DATE!**

**PHILADELPHIA**

**SATURDAY**  
**November 7, 2015**

**Celebrate Our 20<sup>th</sup> Year in the City of Our Forefathers!**

In most historic fashion, we will gather and celebrate the Class of 2015 at The National Constitution Center in Philadelphia, Pennsylvania on Saturday, November 7, 2015. Mark your calendars and plan to join with Fellows, their guests and our new Inductees at the 20th Annual Induction Dinner.

A unique museum, the National Constitution Center is the first and only institution in America established by Congress to "disseminate information about the United States Constitution on a non-partisan basis in order to increase the awareness and understanding of the Constitution among the American people." The NCC brings the United States Constitution to life by hosting interactive exhibitions, constitutional conversations and inspiring active citizenship by celebrating the American constitutional tradition.

A permanent memorial to the Constitution was first proposed around the celebration of the centennial of the Constitution in 1887. However, it did not begin to take shape until the idea was proposed again 100 years later during the document's bicentennial celebration in 1987. On September 16, 1988, President Ronald Reagan signed the Constitution Heritage Act of 1988 which established the National Constitution Center. More information can be found at their website [www.constitutioncenter.org](http://www.constitutioncenter.org)

Arrangements have been made for a courtesy room block at the Philadelphia Marriott Downtown. Instructions on how to access the room block, as well as information on other convenient hotels for your stay in Philadelphia, can be found on the College's website ( [www.laborandemploymentcollege.org](http://www.laborandemploymentcollege.org) ) The list includes first rate business hotels, boutique hotels as well as the host hotel for the ABA Section of Labor and Employment Law CLE Conference. Please contact the hotels directly for your accommodations. Formal invitations will be mailed the end of August for the Induction dinner. For any questions, please contact Jen Motley at 410-972-4712 or [jmotley@laborandemploymentcollege.org](mailto:jmotley@laborandemploymentcollege.org)

The College of Labor and Employment Lawyer's 20th Annual Induction Dinner will take place on Saturday, November 7th at the [National Constitution Center](http://www.constitutioncenter.org). A room block has been reserved for Fellows at the Philadelphia Marriott Downtown. These rooms are currently available. Please reference the College when making your reservations or use the following links:

<https://resweb.passkey.com/go/LaborandEmploymentCollege>

<http://www.marriott.com/hotels/travel/phldt-philadelphia-marriott-downtown>

The ABA Labor and Employment Law Section also has room blocks at the Loews Philadelphia, Radisson Blu Philadelphia, and Ritz-Carlton Philadelphia which will be available later in the summer to Fellows. Information on how to make reservations will be posted on the College website once it has been received.

More hotel options are listed on our web site at:

<http://www.laborandemploymentcollege.org/products/Upcoming%20Events.aspx>

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## **UPCOMING REGIONAL PROGRAMS**

### **SECOND CIRCUIT SEMI-ANNUAL MEETING**

- The semi-annual meeting of Fellows from the Second Circuit (which includes Northern New Jersey Fellows) will be convening on **Thursday, May 14 from 5:30 to 8:30 PM**, at

the law offices of Proskauer Rose, 11 Times Square in mid-town Manhattan. The three hour program will consist of two parts:

1. **Ethics in Labor and Employment Arbitration**. Speakers will include Cara Greene of Outten & Golden, John Gaal of Bond Schoeneck & King, and Robert L. Douglas, past Dean of the Hofstra University Law School and prominent arbitrator; and

2. **The NLRB's New Representation/Election Procedures and Rules**. Speakers will include Karen Fernbach, Regional Director, NLRB Region 2, David Leach, Regional Director, NLRB Region 22, and James Paulsen, Regional Director, NLRB Region 29.

A light dinner/supper and 3.5 CLE credits (2 credits in ethics) will be provided, at no charge. Please use this link to rsvp (click [here](#)), or contact Evan J. Spelfogel, his assistant Maritza Gonzalez ([mgonzalez@ebglaw.com](mailto:mgonzalez@ebglaw.com)) and Sarah Burdette, Associate Director, Business Development at Proskauer ([sburdette@proskauer.com](mailto:sburdette@proskauer.com)).

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## NEWS & NOTES

- On January 1, 2015, Fellow **Matthew Finkin** (right) was accorded the rank of *chevalier* (knight) in the Order of Academic Palms (*ordres des Palmes acedémique*) by order of the Prime Minister of France. This is an order of French chivalry created by Napoleon in 1808 to honor scholarship. It is the oldest non-military decoration accorded by the French government.
- Fellow Charles P. Fischbach has been involved in establishing a national railroad trust fund for several years. He recently had an article published in Railway Age magazine, titled "Revisiting a National Railroad Trust Fund". Read the full article at <http://www.railwayage.com/index.php/freight/class-i/revisiting-a-national-railroad-trust-fund.html>.
- Fellows **Walt Auvil**, **Ricklin Brown**, **Bryan Cokeley**, **David Morrison**, and **Charles Woody** were named *Thompson Reuters Super Lawyers* in the areas of Employment & Labor or Employment Litigation for West Virginia in the most recent *Super Lawyers* magazine. Named among the "Top 10" lawyers in West Virginia, regardless of practice area, were Fellows **Mark Carter** and **Al Karlin**.
- Fellow **Greg Guidry** is now a shareholder with Ogletree Deakins Nash Smoak & Stewart office and will open their western Louisiana satellite office in [Lafayette](#), LA.



## **IN MEMORIAM**

It is with deep regret that we inform you of the passing of Fellow **Don Banta** on March 30th. He was 89 years old. Inducted as a Fellow in 1999, Don enjoyed a national reputation as a labor law practitioner. He was a successful trial lawyer, labor negotiator and counsel to multinational corporations and small businesses alike. His long-standing clients, of which there were many, valued his integrity, impeccable ethics and dedication to problem solving. A veteran of the Battle of the Bulge, Don was a mentor to younger lawyers and was a subject of one of the College's Video History Project along with Fellow Warren Sullivan recorded in July 2003. He is survived by his wife of 64 years, Maxine Banta, four children and six grandchildren. His large personality, comfortable laugh and zest for life will be missed by many.



<http://www.legacy.com/obituaries/chicagotribune/obituary.aspx?pid=174547127>

Members of the College strive to promote achievement, advancement and excellence in the practice of labor and employment law. Mr. Banta certainly distinguished himself as a leader in the field, and the College was proud to have been able to call him a Fellow.

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## **THE COLLEGE OF LABOR & EMPLOYMENT LAWYERS**

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