

Labor *AND* Employment Law

SPRING 2003
VOLUME 31, NUMBER 3
Section of Labor and
Employment Law
American Bar Association

ABA in the City by the Bay



The 2003 Annual Meeting of the American Bar Association will take place in San Francisco, August 7–12. The Section of Labor and Employment Law's activities will take place August 9–12 at the Grand Hyatt Hotel. The Annual Meeting is the premier gathering of legal professionals in the United States and provides an unparalleled opportunity to earn a year's worth of CLE credits and stay abreast of recent developments in labor and employment law.

The Section's Annual Meeting Planning subcommittee—Mark

Carter, Barry Kearney, Arnold Pedowitz, and Richard Williams—has designed an outstanding program that will benefit any attendee, regardless of area of practice or level of expertise. The Section's theme is "Lawyers as Leaders and Problem Solvers." Most sessions will emphasize the development of the necessary skills for these key responsibilities. As always, the programs are designed to present all perspectives of the issues; experienced litigators from the management, union, plaintiff, and public bars

will participate in the sessions.

The Section's CLE program will begin on Saturday, August 9, with the "Basics" sessions. These introductory-level courses will teach practitioners the essentials of various areas of labor and employment law concentration, including ERISA, Employment Rights and Responsibilities, Equal Employment Opportunity, Occupational Safety and Health, National Labor

Relations Act, the Family and Medical Leave and Fair Labor Standards Acts, and Covenants Not-to-Compete and Trade Secrets. We are pleased to introduce three new "Basics" programs at this year's meeting. One will focus on the fundamentals of arbitration and mediation, one on immigration law basics, and another on ethical issues in labor and employment

continued on page 4

Important Annual Meeting Deadlines

May 30, 2003

Early Registration Deadline

Receive a discount on the registration fee by registering early.

July 10, 2003

Hotel Reservation Deadline

To book a hotel room at one of the official ABA hotels at the special meeting rates, reservations must be received by this date.

July 10, 2003

Advance Registration Deadline

In order for your name to appear on the advance registration list that is distributed to all registrants, your registration and payment must be received by this date.

Registration and housing services for the 2003 ABA Annual Meeting are provided by the ABA Meetings and Travel Department and I.T.S. If you have not received a meeting registration form, call the ABA Meetings and Travel Department at 312/988-5870, or you may register online at www.abanet.org/annual/2003. If you have registered and have questions regarding your confirmation or details, please call I.T.S. at 800/421-0450.

Comments



from the Chair

Jana Howard Carey

Are you getting the most from your membership in the Labor and Employment Law Section? Not unless you are taking advantage of the many opportunities for personal and professional development the Section offers.

The most basic opportunities become available simply by joining the Section. Membership gives labor and employment lawyers full access to the wealth of information provided on the Section's website, and archived copies of its two major publications: *The Labor Lawyer*, a law review on labor and employment law issues published three times a year, and its quarterly newsletter, *Labor and Employment Law*. Members also receive substantial discounts on the Section's 15 treatises and supplements, along with its other publications, and on registration fees for the more than 300 hours of CLE programming the Section offers each year. The savings quickly surpass the \$40 Section dues. Members also share the prestige that comes from being part of the legal profession's most knowledgeable and influential voice on labor-management and employment relationships.

With only a little extra effort and no extra cost, many more opportunities open up for members who volunteer for one of the Section's 21 substantive committees. Each focuses on a specific labor and employment law practice area, from equal employment opportunity law to traditional labor law practice and procedure under the National Labor Relations Act, occupational safety and health law, alternate dispute resolution, employee benefits law, ethics and professionalism issues, immigration law, sports and entertainment labor law, and international labor law, among others.

Each committee provides a forum for lawyers and other professionals to exchange ideas, learn from each other, and test their perspectives on the law in an environment of civility, mutual respect, and collegiality. Most of the committees have separate newsletters that update members on recent developments in their subject areas, and all committees hold periodic meetings that provide the most sophisticated continuing legal education available.

Surprisingly, only 28 percent of our members exercise the no-cost option of belonging to one or more of these vibrant committees. The rest of you should hasten to visit the committees' Web pages, which contain a wealth of legal research and thought from papers contributed by speakers at the committees' meetings. Simply log on to the Section's Web page at www.abanet.org/labor, click the link to "committees," and choose the sites that appeal to you. To join a committee, send an email to the Section office at laboremplaw@abanet.org listing your name, ABA member number, and the specific committee or committees of interest to you.

Members can take advantage of even more significant opportunities by moving from simple committee membership to active involvement, such as attending committee midwinter meetings. These meetings feature specific CLE events where you'll hear the most innovative and experienced practitioners discussing and debating all sides of the most significant current legal issues. Lawyers who won the seminal cases share their practical suggestions, and those who lost reveal what to avoid. Unlike many CLE meetings, these provide attendees with a chance to talk personally with the top

officials at the government agencies you deal with, and the opportunity to get to know your opponents in an informal social setting. You may find that you have more in common with your opponents, and learn more from them, than you might think, and forge bonds of mutual respect that help to ease the path through contentious litigation or labor/management difficulties. You cannot get a better "bang" for your CLE buck in any other setting.

Want to boost your professional recognition still further? Become a speaker at a committee program, contribute to one of the publications, or get involved in a subcommittee. Committee leaders are always seeking new faces and diverse points of view to contribute to their activities—so the opportunities are yours for the taking. And our leadership is adept at "slicing and dicing" tasks so you can contribute without exhausting your valuable professional time. Simply contact the committee leadership to volunteer—names and contact information are on the Web page of each committee.

These substantive committees, as well as the Section's administrative committees and task forces, also offer opportunities to contribute to the legal profession and provide leadership and guidance to newcomers. Different degrees of involvement are available, and you can pick a level that is comfortable for you. We currently have openings for help with:

- Mentoring. Serve as a mentor for newcomers to the practice of labor and employment law in your geographic area;
- Pro Bono Committee. Explore options that will provide Section members with chances to fulfill pro bono obligations utilizing our special expertise without creating conflicts of interest;
- Law school outreach. Provide law school students with information on the nature of labor and employment law practice, and encourage them to take advantage of opportunities provided by Section membership;
- Outreach to state and local bar associations. Develop ways in which our Section can partner with other bar associations to provide joint programs and services.

The Section also has a variety of issue-specific Task Forces on which help is needed. Currently, we have Task Forces reviewing the professional responsibility and liability issues generated by the fallout from recent corporate scandals; issues for labor and employment lawyers arising out of changes in the Model Rules on multijurisdictional practice; and issues pertaining to judicial independence and their implication for our practice.

To learn more about these and other task forces and committees in which we would welcome your help, go to the Section website at www.abanet.org/labor

continued on page 3

Labor AND Employment Law

Labor and Employment Law (ISSN: 0193-5739) is published four times a year by season, by the Section of Labor and Employment Law of the American Bar Association, 750 North Lake Shore Drive, Chicago, Illinois 60611, 312/988-5813, www.abanet.org/labor

Chair, Jana Howard Carey, Baltimore, MD

Chair-Elect, Stephen D. Gordon, Saint Paul, MN

Secretary, Maria O'Brien Hylton, Boston, MA

Secretary-Elect, Stephen F. Befort, Saint Paul, MN

Co-Editors of the Newsletter

Elliot Bredhoff, Bredhoff & Kaiser, 805 15th St. NW, Suite 1000, Washington, DC 20005 202/842-2600

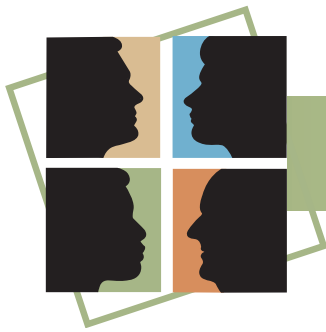
Elaine Saphier Fox, Dancona & Pflaum, 111 E. Wacker Drive, Suite 2800, Chicago, IL 60601-4209 312/602-2178

Mark Risk, D'Agostino, Levine & Landesman, L.L.P., 345 Seventh Ave., 23rd Floor, New York, NY 10001 212/564-9800

ABA Publishing Editor, Monica Buckley

ABA Publishing Designer, Mary Anne Kulchawik

The views expressed herein are not necessarily those of the American Bar Association or its Section of Labor and Employment Law. Copyright © 2003 American Bar Association. Produced by ABA Publishing.



Profile

Donald Elisburg at Ground Zero

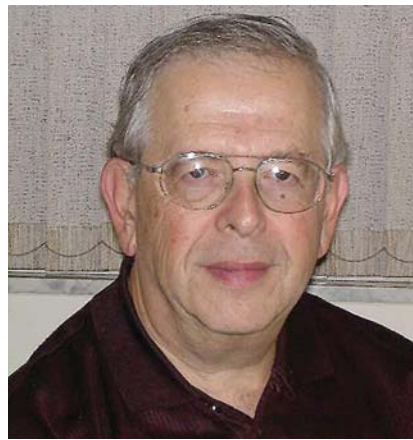
Donald Elisburg has served as a government trial lawyer, Chief Counsel to the Senate Labor Committee, and Assistant Secretary of Labor in the Carter Administration, in addition to being a Section Council member and past union co-chair of the OSHA Committee. Following September 11, 2001, his work took him to the World Trade Center site.

"Thousands of construction workers came to work at the site," Elisburg says. "And with respect to worker protection and HAZMAT procedures, there was chaos." Local officials had decided not to declare the site an "uncontrolled hazardous waste site," which would have restricted access and increased federal management and oversight of the working conditions. Instead, they deemed it a "rescue site" under local control.

The National Institute of Environmental Health Sciences (NIEHS) charged Elisburg and John Moran, a highly regarded safety and health expert, with producing a report on worker health and safety conditions during the first days and weeks after the disaster. The report, issued in early October 2001, described a situation in which "rescue, recovery, and other activities have occurred in a scenario never anticipated" by occupational safety and health law and regulations.

Although the site was characterized by an unstable and treacherous debris pile, constant movement of cranes and heavy equipment, and numerous destroyed or damaged buildings, the authors observed that "the realities are that in such a setting there is little attention to or concern devoted to worker safety and health issues." This included basic matters such as lack of respirators, eye wear, hard hats, and safety shoes.

Elisburg and Moran reviewed New York City Health Department-



reported worker injuries and illnesses at the site, and found them to be at unacceptable levels. Six hundred New York City firefighters ultimately took disability leave related to their work at Ground Zero.

The NIEHS later turned its attention to the broader issues of worker safety and health presented by September 11, and convened a national workshop of its grantees and other professionals in emergency response and hazardous waste operations to discuss the lessons learned. After the conference, Elisburg and Moran authored a report on preparedness for future disasters related to terrorist or bioterrorist acts.

Elisburg's interest in worker safety and health at dangerous sites is the product of a multifaceted government career. In 1970, after spending the first seven years of his career as a trial lawyer for the Department of Labor, he joined the staff of the Senate Labor and Human Resources Committee, and later became general counsel and staff director. The Committee was active in the development of OSHA and other worker protection legislation. In 1977 President Carter appointed Elisburg as Assistant Secretary of Labor for Employment Standards, where he was responsible for administering much of the program that he had helped to enact.

In 1981 when he entered private

practice representing unions, a new set of worker protection issues had begun to arise with new Superfund legislation. "Workers were going out to these sites in their work clothes, and here were all these feds showing up in moon suits," Elisburg says. Unions began asking how the workers cleaning up hazardous waste sites would be protected.

Elisburg became involved in efforts to include worker protection issues in the Superfund legislation, including funding for worker training for hazardous waste cleanup and emergency response. The law established the program at NIEHS, which makes grants of \$30 million per year to organizations running worker training programs. "It has been effective," he says. "More than one million workers have been trained in the last fourteen years. As a result, workers at the hazardous sites are generally working under safe conditions."

Elisburg now works on his own, advising clients on worker training, health and safety, and hazardous waste issues. He works on a project basis for NIEHS, OSHA, building trades unions, and labor/management groups.

Elisburg is concerned about best training for the people involved in the response to any future terrorist incident, including profound stress management issues that emerge. "The question is whether as a society we are going to address this preparedness, which is the equivalent of civil defense," he says, "and are we prepared to pay the cost? At Ground Zero there was a tremendous problem of people going over the edge, even experienced trauma workers." ■

Co-editor Mark Risk interviewed Mr. Elisburg for this article.

Elisburg and Moran's reports, issued by the NIEHS Worker Educa-

tion and Training Program National Clearinghouse for Worker Safety and Health Training, are entitled "Response to the World Trade Center (WTC) Disaster: Initial WETP Grantee Response and Preliminary Assessment of Training Needs", and "Learning from Disasters: Weapons of Mass Destruction Preparedness Through Worker Training." They are available online at www.wetp.org.

Comments from the Chair *continued from page 2*

and click on Section News. You will find the midyear reports of each of these committees and task forces and contact information for their leadership.

Of course, one of the opportunities available to all Section members is the Section's annual meeting, held in conjunction with the ABA's Annual Meeting. This year we will convene in San Francisco on August 9-12. You will be able to attend Section committee meetings, meet and confer with your peers, and take advantage of almost 40 outstanding continuing legal education programs sponsored by the Section. Eight of these programs will be "basics" programs, designed especially for lawyers who are new to various aspects of the labor and employment law practice. Several programs will focus on this year's expected Supreme Court decisions in the labor and employment law field, providing you with the most current information possible. The agenda and registration information appear on pages 6 and 7 of this issue.

In short, don't wait to harvest the fields of opportunity that your membership in this Section offers. Start now, and by the annual meeting, the returns will already surpass your investment. ■

Reflections on a Career in Labor and Employment Law

Strolling down labor and employment law (L&E) memory lane, four lawyers recently spoke to Northwestern law students on the topic of practicing in the L&E field. The speakers were

- Ruben R. Chapa—trial lawyer with the U.S. Department of Labor, Office of the Solicitor, who litigates violations of numerous federal statutes, including ERISA;
- Fern Niehuss Trevino—a solo practitioner representing plaintiffs in employment law matters;
- Homero Tristan—founding member of Tristan Ports LLC, a firm concentrating on general

corporate representation, with an emphasis on labor and employment law;

- Michael Sullivan—a principal in the Labor and Employment Group at Goldberg Kohn Bell Black Rosenbloom & Moritz. He has a wide spectrum of experience advising companies about their labor and employment policies and practices.

The discussion was lively and provided insight into what the practitioners contend is significant about L&E. One unanimous view was that lawyers practicing in L&E must understand that both plaintiffs and defendants have a

strong emotional attachment to their case. This emotional element must be considered in counseling clients and helping them obtain a favorable resolution.

In addition, it was reaffirmed that L&E is a fast-growing area of law that promises vast opportunities. These opportunities include working in policy, appellate, transactional, or trial litigation areas. What's more, in many instances firms practicing in L&E engage in at least some litigation.

A timely question posed was whether these difficult economic times have had an impact on L&E practice. Trevino responded that there has been an impact on the

field because the increasing unemployment rates have made employees more hesitant to bring actions against their employers.

The panel strongly advised the students to maintain a good reputation as lawyers. Methods for developing a good reputation include acquiring an experienced mentor who will serve as a role model and remembering to always remain civil despite provocative conduct of your adversaries.

Overall, the discussion was a positive experience for both the practitioners, who reflected on their practices, and the students, who learned more about the L&E field of practice. ■

Annual Meeting

continued from page 1

law. In addition, a Saturday evening reception at the Grand Hyatt Hotel will honor first-time Annual Meeting attendees and members of the ABA Young Lawyers Division.

From Sunday on, programs will focus on update sessions outlining recent developments on a number of topics of interest to labor and employment practitioners. These will include EEO, ERISA, NLRB, multijurisdictional practice, and ADR, as well as an update of legislative issues currently before Congress. Attendees will also have the opportunity to attend CLE programs produced by the Section's standing committees. Each of the

committees will have an opportunity to produce a program or conduct a meeting of interest to its members. Committee meetings and programs have been divided between Sunday afternoon and Monday morning to allow individuals to attend sessions sponsored by more than one committee.

Monday's plenary session will begin with one of the most popular annual events, the report from the Section's Secretary, Professor Maria O'Brien Hylton. She will provide an update on labor- and employment-related Supreme Court decisions issued during the 2002–2003 term. The plenary CLE program will address the lawyer's role in advancing public policy arguments to resolve labor and employment litigation.

This year's meeting will be the second under the new registration format, which was implemented at the Washington, D.C., meeting. This system allows attendees to customize the meeting to fit their needs. The à-la-carte format allows registrants to pay only for the CLE programs that they will attend.

Most of the Section's CLE programs will cost \$50 each. Those who plan to attend several sessions may purchase a passport that will allow admittance to all of the programs for which the Section is the primary sponsor. The passport will cost \$200 for Section members. A discounted passport priced at \$150 is available to members of the ABA Young Lawyers Division, and free passports are available to ABA Law Student Division members. Passports may be purchased when registering for the Annual Meeting. Please note that all registrations are processed by I.T.S., the ABA's official registrar. Registration, ticket, and passport questions may be directed to I.T.S. at 800/421-0450. Anyone who plans to attend programs or business meetings at the Annual Meeting must be officially registered.

The Section reception will take place at the Aquarium of the Bay on Monday, August 11, from 7:00–9:00 p.m. Aquarium of the Bay is located at Pier 39 adjacent to Fisherman's Wharf. The aquari-

um provides a relaxed atmosphere in which to join with colleagues and enjoy cocktails and hors d'oeuvres. Tickets for the reception are \$65 and may be purchased by calling I.T.S. at 800/421-0450. Tickets may also be ordered when registering for the meeting online. The Section will also sponsor its annual Section luncheon on Tuesday, August 12, featuring the Honorable Diana Gribbon Motz and the Honorable J. Fred Motz, husband and wife judges who will present "A Judicial Conversation on Lawyers as Leaders and Problem Solvers." Tickets for the luncheon are \$35. The Leadership Development Initiative Luncheon, taking place on Monday, August 11, is designed to provide a forum for the Section's Council members and committee chairs to interact with Section members who want to learn more about the Section and its leadership opportunities.

A schedule of Section programs at the Annual Meeting is included in this newsletter. Watch the Section website at www.abanet.org/labor for complete and updated Annual Meeting sessions (including program descriptions and speaker listings), information on social events, and registration information. Please plan to join your colleagues in San Francisco this August! ■

Section Names Nominating Committee

Pursuant to the bylaws of the Section, Chair Jana Howard Carey and Chair-Elect Stephen Gordon have named the following Nominating Committee: Barbara Johnson, Washington, DC; Gail Holtzman, Tampa, Florida; Howard Rosen, Los Angeles, California.

The Committee shall make and report nominations for the offices of Chair-Elect (union and employee), Secretary-Elect, Section Governance Liaison (union and employee), and three council members (two employer, one union and employee). The Committee's report will be presented at the 2003 Annual Meeting in San Francisco in August.

ABA House of Delegates Supports the Civil Rights Tax Relief Act

Thanks to the Section of Labor and Employment Law and other ABA cosponsors, on February 10 the ABA House of Delegates unanimously approved proposed legislation that would restore the exclusion for emotional distress damage awards in employment discrimination cases from income taxation.

Since 1996, the tax laws have singled out employment discrimi-

The Proposed Legislation

In the last Congress, a bipartisan group of senators and representatives introduced the Civil Rights Tax Relief Act in the House (H.R. 840) and the Senate (S. 917). The bill would restore the pre-1996 tax treatment of compensatory damages in employment discrimination cases, by providing that gross income not include amounts received by a claimant—whether by

back pay and front pay.

The proposed legislation was endorsed in the last Congress by a variety of groups, including the U.S. Chamber of Commerce, the Society for Human Resource Management, civil rights organizations, and the AARP, and attracted wide bipartisan support [47 co-sponsors in the Senate, including Sens. Edward Kennedy (D-MA) and Orrin Hatch (R-UT), and 133 co-sponsors in the House, including Reps. John Lewis (D-GA) and Philip Crane (R-IL)]. Similar bills have been introduced in the current Congress (S. 557 in the Senate and H.R. 1155 in the House). Senator Susan Collins (R-ME) is the lead Senate sponsor, and Sens. Thomas Daschle (D-SD), Chuck Grassley (R-IA), and Jeff Bingaman (D-NM) have signed a letter in support. Rep. Deborah Pryce (R-OH) is the lead sponsor in the House. The Senate bill would be retroactive to January 1, 2001, and the House bill to January 1, 2003.

In 2002, the ABA granted to the

Section blanket authority to lobby on behalf of the Civil Rights Tax Relief Act for two years. When the Litigation Section requested permission to lobby for the bill under our blanket authority, the Labor and Employment Law Section elected to take the matter to the House of Delegates, and the Litigation Section co-sponsored our recommendation. Our recommendation was ultimately cosponsored by the Business Law Section, the Dispute Resolution Section, the General Practice, Solo and Small Firm Section, the Litigation Section, the Section on Individual Rights and Responsibilities, the Section on State and Local Government Law, the Tort Trial and Insurance Practice Section, the Senior Lawyers Division, the Commission on Racial and Ethnic Diversity in the Profession, the Illinois State Bar Association, the Massachusetts Bar Association, the Ohio State Bar Association, the Washington State Bar Association, and the Virgin Islands Bar Association. ■

HELP PASS THIS BILL

How to Get Involved

The ABA's ability to persuade Congress on issues critical to the justice system, our clients, and our profession depends on member involvement. Whether the issue is the Civil Rights Tax Relief Act or other policies adopted by the ABA House of Delegates, members who are part of the ABA's Grassroots Action Team can help make these policies a reality.

I urge Section members to join the ABA Grassroots Action Team by logging on to the ABA website at www.abanet.org/poladv/surinfo.htm. Or contact Julie Strandlie, Esq., in the Governmental Affairs Office at jstrandlie@staff.abanet.org or 202/662-1764. Your responses are confidential. You can help enact this bill, and other good legislation. Join us!

Jana Howard Carey
Section Chair

nation complainants for much harsher treatment than personal-injury complainants. Not only are damages for distress and humiliation taxable, but the IRS has taken the position that attorneys' fees are taxable to the client as well as to the attorney. (In one case reported in the *New York Times* in August, a sexual harassment plaintiff in the Chicago area received a substantial award for having been the victim of an eight-year campaign of sexual harassment, saw her award reduced to the Title VII cap of \$300,000, and wound up owing the IRS all of her award, and an additional \$99,000, just to pay the taxes on the court-awarded fees.) Section attorneys representing plaintiffs, management, unions, and neutrals all agreed that this made no sense and makes it more difficult to resolve employment disputes.

suit or agreement—on account of a claim of unlawful discrimination, other than back or front pay or punitive damages (which we think includes liquidated damages under the ADEA). Compensatory damages for stress and humiliation, and attorneys' fees, would not be taxable to the client.

Unlawful discrimination is defined to include violations of numerous specific federal discrimination and employment laws, federal whistle-blower provisions, and any provision of state or local law, including common law claims, providing for the enforcement of civil rights, regulating any aspect of the employment relationship, or prohibiting discrimination, discharge, or retaliation.

The bill also would provide taxpayers the right to use income averaging for amounts received for

Civil Rights Activist Receives MLK, Jr., Spirit Award

Chris Hexter, member of the Section and co-chair of its marketing committee, was one of two civil rights activists who received the first Martin Luther King, Jr., Spirit Award from the Board of Education of the School District of University City, Missouri.

Hexter was honored during the district's annual Martin Luther King, Jr., Celebration in January at University City High School. He is a partner in the St. Louis law firm of Schuchat, Cook & Werner, where he has practiced labor and employment law since September 1976.

Hexter has been active in civil rights activities since he participated in a demonstration in front of the Scottish National Museum in Edinburgh, Scotland, in 1960 on behalf of the African National Congress following the slaughter of innocent people in front of the Sharpsville, South Africa, police station.

He then became involved in the St. Louis Chapter of the Congress of Racial Equality in 1963. Hexter next served as a freedom school-teacher in Ruleville and Indianola, Mississippi, during Freedom Summer in 1964. The White Citizens Council was formed in Indianola after the 1954 Supreme Court's *Brown vs. Board of Education* decision.

In March 1965, Hexter led a contingent of four bus loads of University of Wisconsin students in sit-in demonstrations in front of the White House for the Voting Rights Act. ■

2003 ABA

Section of Labor and Employment Law
Grand Hyatt Hotel • San Francisco, CA

Lawyers As Leaders and Problem Solvers

This year's program will feature sessions emphasizing the lawyer's role as leader and problem solver, and the development of the necessary skills for these capacities. In addition, the program will offer the traditional "Basics" presentations as well as updates on key legal developments in labor and employment law and topics of special interest to practitioners.

For a full description of the program line-up, including speakers, please visit www.abanet.org/labor/calendar/annual03.html.

SCHEDULE OF EVENTS

SATURDAY, AUGUST 9

10:00 a.m.–12:15 p.m.
The Basics: ERISA

10:00 a.m.–12:15 p.m.
The Basics: Family and Medical Leave Act

10:00 a.m.–12:15 p.m.
The Basics: Effective Advocacy in Employment Arbitration

1:00–3:00 p.m.
Section Standing Committee Co-Chairs Orientation Session

1:00–3:15 p.m.
The Basics: Employment Rights and Responsibilities
Cosponsored by the Young Lawyers Division

1:00–3:15 p.m.
The Basics: Covenants Not-to-Compete and Trade Secrets
Cosponsored by the Young Lawyers Division

Moderator:
Clare M. Murray, Fox Williams,
London, England

1:00–3:15 p.m.
The Basics: Fair Labor Standards Act
Cosponsored by the Young Lawyers Division

1:00–3:15 p.m.
The Basics: Ethical Issues in Labor and Employment Law
Cosponsored by the Young Lawyers Division

3:30–5:45 p.m.
The Basics: Equal Employment Opportunity
Cosponsored by the Young Lawyers Division

3:30–5:45 p.m.
The Basics: Occupational Safety and Health Law
Cosponsored by the Young Lawyers Division

3:30–5:45 p.m.
The Basics: National Labor Relations Act
Cosponsored by the Young Lawyers Division

5:30–6:30 p.m.
Reception for First-Time Attendees and Young Lawyers Division Members

SUNDAY, AUGUST 10

9:30 a.m.–12:00 p.m.
Skills Development
The Ultimate Arbitration Update: Arbitration Clauses—Enforcement, Reformation, and Remedies. The Devil Is in the Details
Cosponsored by the Young Lawyers Division

Moderator:
Richard A. Williams Jr., Williams & Iversen, St. Paul, MN

9:30 a.m.–10:45 a.m.
Lawyers as Problem Solvers
Lawyers on the Road: Multijurisdictional Practice

Moderator:
George A. Critchlow, Gonzaga University School of Law,
Spokane, WA

11:00 a.m.–12:30 p.m.
Update: Equal Employment Opportunity

Moderator:
Tamika D. Lynch, Kennedy Covington Lobdell & Hickman,
Charlotte, NC

11:00 a.m.–12:30 p.m.
Update: Heard on the Hill: The Labor and Employment Legislative Agenda

Moderator:
Burton J. Fishman, Duane Morris,
Washington, DC

11:00 a.m.–12:30 p.m.
Update: National Labor Relations Board

Moderator:
John E. Higgins Jr., National Labor Relations Board, Washington, DC

12:30–1:30 p.m.
Pro Bono 101
Cosponsored by the ABA Center for Pro Bono

1:30–3:00 p.m.
A Dialogue with the National Labor Relations Board

1:30–3:00 p.m.
Skills Development
Effective Opening Statements

Moderator:
Lloyd B. Chinn, Proskauer Rose,
New York, NY

1:30–3:00 p.m.
Skills Development
EEO 1 Reports: What Do They Really Tell Us?

3:15–5:15 p.m.
COMMITTEE MEETINGS AND PROGRAMS

- ADR in Labor and Employment Law
- Antitrust RICO and Labor Law
- Employment Rights and Responsibilities
- Ethics and Professionalism



- Federal Service Labor and Employment Law
- Immigration Law
- Railway and Airline Labor Law
- Sports and Entertainment Labor and Employment Law
- Technology Committee
- Union and Employee Administration and Procedure

MONDAY, AUGUST 11

7:30–9:30 a.m.

COMMITTEE MEETINGS AND PROGRAMS

- Development of the Law under the NLRA and Practice and Procedure under the NLRA
- Employee Benefits
- Equal Employment Opportunity
- Federal Labor Standards Legislation
- Federal Legislative Developments
- International Labor Law
- Occupational Safety and Health Law
- State and Local Government Bargaining and Employment Law
- State Labor and Employment Law Developments

9:35–9:45 a.m.

Plenary Session: Introduction and Welcome by Section Chair Jana Howard Carey

9:45–10:45 a.m.

Plenary Session: Report from Section Secretary Professor Maria O'Brien Hylton

10:45 a.m.–12:30 p.m.

Lawyers as Leaders
Plenary Session: Improving the Law and Society Through Policy Arguments

12:30–12:35 p.m.

Plenary Session: Report from the Section Nominating Committee

12:30–1:30 p.m.

Leadership Development initiative Luncheon: The Value of Diversity

1:45–3:15 p.m.

Update: ERISA

1:45–3:15 p.m.

Update: Emerging Ethical Issues in ADR

Moderator:

Jacquelin F. Drucker, Arbitrator, New York, NY

1:45–3:15 p.m.

Lawyers as Problem Solvers
What's in a Name?: The Legal Definition of "Employee" After the *Clackamas* Decision

Moderator:

Alison N. Davis, Krupin O'Brien, Washington, DC

3:30–5:00 p.m.

Lawyers as Leaders
Law Firms as Model Employers

Moderator:

Kay H. Hodge, Stoneman, Chandler & Miller, Boston, MA

3:30–5:00 p.m.

Lawyers as Problem Solvers
To Sue or Not to Sue, a Lawyer's Dilemma: Will It Be an Unfair Labor Practice?

Moderator:

Maurice Baskin, Venable, Washington, DC

3:30–5:00 p.m.

Skills Development
How Lawyers Can Promote the Responsible Use of Medical Experts in Americans with Disabilities Act Litigation

7:00–9:00 p.m.

Section Reception at the Aquarium of the Bay (Ticketed, \$65)

TUESDAY, AUGUST 12

7:30–9:00 a.m.

Committee on Equal Opportunity in the Legal Profession Session

9:00–10:30 a.m.

The Implications of *Gruttner v. Bollinger* for the Legal Profession and for Employers

9:00–10:30 a.m.

Skills Development
Using Technology to Prove and Defend Against Punitive Damages

Moderator:

Monique A. Tuttle, Holland & Hart, Denver, CO

9:00–10:30 a.m.

Lawyers as Problem Solvers
Employee Privacy, Freedom of Expression, and Collective Activity in the Electronic Workplace

Moderator:

Max G. Brittain, Jr., Schiff, Hardin & Waite, Chicago, IL

10:45 a.m.–12:15 p.m.

Lawyers as Problem Solvers
What to Do When the Whistle Blows or How to Blow It:
Sarbanes-Oxley's Answer

Moderator:

Cheryl R. Saban, Paul, Hastings, Janofsky & Walker, New York, NY

10:45 a.m.–12:15 p.m.

Skills Development
Corporate Campaigns: When, Where, and How Unions Can Effectively Use Them and How Employers Can Effectively Respond

10:45 a.m.–12:15 p.m.

Lights, Cameras, and Labor Law!
An Examination of Critical Issues Facing Employers and Unions in the Entertainment Industry and Their Implications for Other Industries

Moderator:

Leo Geffner, Geffner & Bush, Burbank, CA

12:20–1:45 p.m.

Annual Section Luncheon: A Judicial Conversation on Lawyers as Leaders and Problem Solvers (Ticketed, \$35)

Speakers:

Husband and wife judges Diana Gribbon Motz and J. Fred Motz

2:00–3:30 p.m.

Skills Development

Using Technology to Facilitate Collective Bargaining

2:00–3:30 p.m.

Lawyers as Problem Solvers
The Law of Discrimination on the Basis of Sexual Orientation, Transgender, and Related Issues

Moderator:

Kelly M. Dermody, Loeff, Cabraser, Heimann & Bernstein, San Francisco, CA

2:00–3:30 p.m.

Lawyers as Leaders
Comparative European and U.S. Standards of Conduct for Lawyers

Moderator:

Jordan W. Cowman, Baker & McKenzie, Dallas, TX

3:45–5:15 p.m.

Skills Development
What Makes a Successful Motion in Limine?

Moderator:

Stewart M. Manela, Arent Fox Kintner Plotkin & Kahn, Washington, DC

Judge:

Hon. Susan Y. Illston, U.S. District Court for the Northern District of California, San Francisco, CA

3:45–5:15 p.m.

Lawyers as Problem Solvers
Exploring *Hoffman Plastics* and Its Aftermath

3:45–5:15 p.m.

Lawyers as Problem Solvers
Assessing Employee Rights and Employer Wrongs in Bankruptcy Proceedings

5:15 p.m.

Section Business Meeting, Election, and Adjournment

Share Your Experience with Mentoring

Have you enjoyed a successful informal or formal ABA mentoring relationship? If so, please share your experience with us, as the Section's Committee on Equal Opportunity in the Legal Profession plans the Leadership Development Luncheon at the 2003 Annual Meeting. Please contact Gail Golman Holtzman at gholtzman@constangy.com by May 15, 2003.

Pro Bono Publico: The Time is Now

The American Bar Association has supported pro bono publico service for many years. On February 8, 1993, the ABA House of Delegates adopted Rule 6.1 of the Model Rules of Professional Conduct relating to voluntary pro bono publico service:

A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, civic, community, governmental, and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups, or organizations seeking to secure or protect civil rights, civil

liberties or public rights, or charitable, religious, civic, community, governmental, and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, the legal system, or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

Late last year the ABA Section of Labor and Employment Law created an administrative committee to the Council, Pro Bono Work Committee (Committee), to propose and implement pro bono projects that Section members could support and utilize to reach their goal of 50 hours of pro bono service per year.

The Committee is currently at the planning stage with several initial projects:

■ **Pro Bono Workshop:** A free Pro Bono Workshop (with complimentary box lunch) will be held at the 2003 Annual Meeting in San Francisco, Sunday, August 10, from 12:30 to 1:30 p.m. at the Grand Hyatt Hotel. We plan to have representatives of the Committee, the ABA Standing Committee on Pro Bono and Public Service, and a local pro bono program related to labor and employment law.

■ **Award:** The Committee is investigating whether it would be advisable for the Section to establish an annual Section of Labor and Employment Law Pro Bono Award. We hope to have more information about this at the 2003 ABA Annual Meeting Pro Bono Workshop.

■ **Educational Materials:** The Committee is looking into creating educational materials suitable for non lawyers. The materials would focus on labor and employment law issues and be

available at no charge or at a nominal cost.

■ **Partnering:** The Committee is considering measures that would offer support for labor- and employment-related pro bono projects currently sponsored by state and local bar associations.

If you are interested in participating in any of these initiatives or have suggestions for other initiatives, please contact the committee co-chairs, Marty Wagner (employer) at mjwagner@venable.com or Jim Singer (union and employee) at jis@schuchatcw.com.

The Committee looks forward to hearing from Section members and hopes to see many of you at the workshop in San Francisco. For more on Rule 6.1 of the Model Rules, access to a state-by-state chart to determine if your state has adopted Rule 6.1, and to learn about other pro bono policies, go to www.abaprobono.org. Additional information about individual pro bono projects by geographic area can be found in the ABA Pro Bono Directory at www.abanet.org/legalservices.probono/directory.html. ■

Multi-jurisdictional Practice Survey

In conjunction with the Council's efforts to provide information and guidance to Section members on the issue of Multi-jurisdictional Practice, a Task Force has been created to study and make recommendations to the Council on the issue as it relates to labor and employment lawyers. The Task Force has created a short survey to gather information from Section members on their experiences with and concerns about multi-jurisdictional practice. If you have not had the opportunity to complete the survey at a midwinter meeting, please take the time to do so by downloading it from the Section website at www.abanet.org/labor/mjpsurvey.doc and returning your response to Patricia Costello Slovak, Schiff Hardin & Waite, 233 S. Wacker Drive, Chicago, IL 60606, pslovak@schiffhardin.com. ■

Become a Campus Coordinator for the Law School Outreach Program

The Section's Law School Outreach Program is designed to attract new lawyers to the Section, enhance diversity, and provide law students the opportunity to meet prominent lawyers in the labor and employment field. The plan is to visit all 185 ABA-accredited law schools at least once every three years and more often if enough members sign up to be Campus Coordinators.

As a Campus Coordinator, you will schedule a session for the law school campus(es) for which you volunteer and organize a balanced panel of Section members consisting of a union lawyer, employer lawyer, plaintiff lawyer, and neutral. The panel will explain various aspects of the practice of labor and employment law and field questions from students. The Section office has prepared a set of materials and checklist to assist you. Campus Coordinators are needed at the following law schools, but if you are interested in a particular school, let us know:

- ❖ Mississippi College, Jackson, MS
- ❖ University of Mississippi, University, MS
- ❖ SUNY-Buffalo, Buffalo, NY
- ❖ University of Iowa, Iowa City, IA
- ❖ Nevada Las Vegas, Las Vegas, NV
- ❖ University of Cincinnati, Cincinnati, OH
- ❖ Ohio Northern University, Ada, OH
- ❖ All three law schools in San Juan, PR
- ❖ Roger Williams School of Law, Bristol, RI
- ❖ St. Mary's University, San Antonio, TX
- ❖ Brigham Young, Provo, UT
- ❖ University of Utah, Salt Lake City, UT

If you would like to become a Campus Coordinator for a school listed, contact Nora Macey at 317/637-2345 or nmacey@maceylaw.com, or Gordon Krischer at 213/430-6010 or gkrischer@omm.com. For more information about the Law School Outreach Program, visit www.abanet.org/labor/outreach.html.

Order These Resources Today and Receive Your Section Discounts!

Call BNA Books at 1-800-960-1220 and refer to **Priority Code ABALE** to receive the **Special Section Discount Prices** noted below. For additional information, including tables of contents, contributor lists, and publication dates, visit <http://www.bnabooks.com/ababnal/index.html>.

Section Treatises

Covenants Not to Compete:

A State-by-State Survey, 3rd Edition

Order #1345-ABALE

List Price: \$495.00/Section Member Price: \$371.25

The Developing Labor Law, 4th Edition

Order #1151-ABALE

List Price: \$515.00/Section Member Price: \$386.25

2002 Cumulative Supplement

Order #1336-ABALE

List Price: \$165.00/Section Member Price: \$66.00

Discipline and Discharge in Arbitration

Order #1060-ABALE

List Price: \$95.00/Section Member Price: \$76.00

2001 Supplement

Order #1232-ABALE

List Price: \$65.00/Section Member Price: \$52.00

Employee Benefits Law, 2nd Edition*

Order #1128-ABALE

List Price: \$560.00/Section Member Price: \$448.00

2002 Cumulative Supplement

Order #1331-ABALE

List Price: \$130.00/Section Member Price: \$52.00

Employee Duty of Loyalty: A State-by-State Survey, 2nd Edition

Order #1182-ABALE

List Price: \$295.00/Section Member Price: \$221.25

2003 Cumulative Supplement

Order #1382-ABALE

List Price: \$185.00/Section Member Price: \$74.00

Employment Discrimination Law, 3rd Edition

Order #0791-ABALE

List Price: \$445.00/Section Price: \$333.75

2002 Cumulative Supplement

Order #1305-ABALE

List Price: \$235.00/Section Member Price: \$94.00

Equal Employment Law Update Fall 2000 Edition

(9/98-9/00, with Supreme Court cases current through 2002)

Order #1272-ABALE

List Price: \$165.00/Section Member Price: \$123.75

Spring 2000 Edition (3/98-3/00)

Order #1235-ABALE

List Price: \$135.00/Section Member Price: \$101.25

Spring 1998 Edition (3/96-3/98)

Order #1138-ABALE

List Price: \$95.00/Section Member Price: \$71.25

1996 Edition (3/94-3/96)

Order #1031-ABALE

List Price: \$75.00/Section Member Price: \$56.25

The Fair Labor Standards Act

Order #1108-ABALE

List Price: \$580.00/Section Member Price: \$435.00

2002 Cumulative Supplement

Order #1338-ABALE

List Price: \$135.00/Section Member Price: \$54.00

How ADR Works

Order #1253-ABALE

List Price: \$155.00/Section Member Price: \$116.25

NEW!

Elkouri & Elkouri: How Arbitration Works, 5th Edition

Order #0790-ABALE

List Price: \$135.00/Section Member Price: \$108.00

1999 Supplement

Order #1163-ABALE

List Price: \$70.00/Section Member Price: \$56.00

How to Take a Case Before the NLRB, 7th Edition

Order #1183-ABALE

List Price: \$385.00/Section Member Price: \$288.75

2002 Supplement

Order #1285-ABALE

List Price: \$145.00/Section Member Price: \$58.00

NEW!

International Labor and Employment Laws, Vol. I

Order #1025-ABALE

List Price: \$295.00/Section Member Price: \$236.00

2002 Cumulative Supplement

Order #1321-ABALE

List Price: \$165.00/Section Member Price: \$132.00

NEW!

International Labor and Employment Laws, Vol. II

Order #1103-ABALE

List Price: \$295.00/Section Member Price: \$236.00

2002 Supplement

Order #1322-ABALE

List Price: \$135.00/Section Member Price: \$108.00

NEW!

Labor Arbitration: Cases and Materials for Advocates

Order #1036-ABALE

List Price: \$45.00/Section Member Price: \$36.00

Labor Arbitration: A Practical Guide for Advocates

Order #0635-ABALE

List Price: \$55.00/Section Member Price: \$44.00

Labor Arbitrator Development: A Handbook

Order #0430-ABALE

List Price: \$55.00/Section Member Price: \$44.00

Labor Union Law and Regulation

Order #1352-ABALE

List Price: \$225.00/Section Member Price: \$168.75

NEW!

Occupational Safety and Health Law, 2nd Edition

Order #1239-ABALE

List Price: \$265.00/Section Member Price: \$198.75

The Railway Labor Act

Order #0815-ABALE

List Price: \$255.00/Section Member Price: \$204.00

2001 Cumulative Supplement

Order #1294-ABALE

List Price: \$160.00/Section Member Price: \$128.00

Trade Secrets: A State-by-State Survey

Order #1084-ABALE

List Price: \$165.00/Section Member Price: \$123.75

2002 Cumulative Supplement

Order #1347-ABALE

List Price: \$195.00/Section Member Price: \$78.00

NEW!

* NOTICE...

Employee Benefits Law is available in electronic form in BNA's *Employee Benefits Library on the Web*, with hyperlinks to text of cases. Section members receive a discount on subscriptions to the treatise component in the *Library*. Contact your BNA sales representative for more information, or call 1-800-372-1033.



Spotlight on...

Ethics and Professionalism Committee

Young and Strong, with Opportunities for All

Since its formation in 2001, The Ethics and Professionalism Committee has aimed to be the preeminent source of education, advice, and counsel on ethics and professionalism issues for attorneys practicing in the areas of labor and employment law. Its first two midwinter meetings bode well, with uniformly high-quality papers and presentations and rapidly growing attendance.

The Committee recently held its very successful second midwinter meeting in Puerto Vallarta, Mexico, January 17–19. Attendance was almost twice that of its first midwinter meeting in 2002. The

meeting featured superb presentations on ethics concerns; the quality of the speakers and in-depth coverage of issues were outstanding.

A welcoming reception was held Friday evening outdoors in the balmy weather and within sight of the beach and ocean. Saturday morning the attendees had breakfast on the patio and then went to work. Opening remarks were made by three of the Committee co-chairs Michael Posner, Cynthia Nance, and Philip K. Lyon; Section Chair-Elect Steve D. Gordon; and the Committee's Council Liaisons Carl E. Ver Beek and Lonny H. Dolin. Subcommittee re-

ports included a review of the conflict-of-interest cases reported in 2002, a look at how rules on confidentiality of communications that were developed in a "horse and buggy" era work (or don't work) in the 21st century, a presentation on the model rules relating to advertising and solicitation, and a discussion of discriminatory animus as an attorney behavioral issue.

Saturday morning included an excellent presentation on the National Labor Relations Board's "skip counsel" rules in unfair labor practice investigations. Lori Ketcham, Special Ethics Counsel to the NLRB, presented a paper on the Board's approach to the issues. Michael Posner and Janet Swerdlow presented papers on the union and management perspectives, respectively.

Saturday finished with a wide-ranging discussion of what distinguishes the "good" lawyer after September 11, Enron, and WorldCom. Cynthia Nance presented a paper addressing a number of issues and discussed the post-September 11 backlash against people of Arab descent and Muslims. Xavier S.L. DuRán addressed issues relating to spoliation of evidence, Lonny Dolin discussed the impact of the Sarbanes-Oxley Act, and Philip Lyon reminded all that the law is a profession, not just a business, and that the true test of the ethical person is whether he or she does the right thing, even when no one is looking.

After a relaxing afternoon and evening enjoying the sights, sports, and excellent cuisine offered in Puerto Vallarta, attendees were back at work Sunday morning for three excellent presentations. Carl E. Ver Beek, J. Roy Weathersby, and Stephanie Sue Padilla instigated a spirited discussion of the new model rule on multijurisdictional practice. Jacquelin Drucker presented an

excellent paper on ethical and professionalism issues in arbitration, and Janet Savage shared an equally fine paper on the special ethical concerns faced by an attorney who serves as a neutral arbitrator in employment disputes. Wayne Outten and Jeffrey Linihan added their perspectives.

The morning closed with a lively and problem-focused presentation on ethical issues in class action litigation, moderated by Steven W. Moore. At this panel discussion, Gregory Mersol presented a comprehensive paper covering the many ethical issues class action attorneys face in employment-related litigation. EEOC Trial Attorney Evangelina Hernandez presented a paper regarding the unique ethical issues that may arise when the EEOC files a pattern or practice lawsuit. Grant Morris added commentary from the class counsel perspective. Sunday evening the attendees gathered one last time for a reception and farewell dinner at the rooftop El Panorama Restaurant, with a spectacular view of the ocean.

Because the Committee is young, it has room for growth both in membership and in leadership. Anyone seeking to work with a group of people who are congenial, dedicated, and committed to making a difference in the legal profession should look to the Ethics and Professionalism Committee for leadership opportunities as well as for the professional growth that can accompany bar association service. Labor and Employment Law Section members may join the Committee by contacting Kevin Kaempf at kaempfk@staff.abanet.org.

The papers from the 2003 midwinter meeting are available on the Committee's website at www.abanet.org/labor/ethics.html. ■

American Bar Endowment A Resource for ABA Members

The American Bar Endowment (ABE), an affiliate of the American Bar Association, offers ABA members six insurance plans, each with a unique charitable giving feature. The ABE insurance plans exclusively available to ABA members through the ABE are Term Life, Disability Income, Excess Major Medical, Accidental Death and Dismemberment, Hospital Indemnity, and Office Overhead Expense.

Members who participate in the ABE-sponsored insurance plans are asked to donate their dividends to support research, public service, and education programs in the field of law. In this way, members can meet their professional obligations to improve the quality of the justice system while providing valuable insurance protection for their families and themselves.

The Charitable Gift Fund (CGF), a donor-advised fund, combines ease of administration with the benefits of giving. As part of the CGF program, the ABE requests that all participants recommend grants totaling at least 20 percent of the distribution from each account to entities that improve the legal profession. The American Bar Foundation and the ABA Fund for Justice and Education are two institutions the ABE supports as part of its mission to advance legal study and promote the legal profession. You may recommend the charities and causes special to you.

Like all ABE programs, the CGF has been closely studied and reviewed by the Endowment's volunteer Board of Directors as well as advisors. For information on the programs, call 800-621-8981; send an e-mail to information@abendowment.org; mail correspondence to ABE, 750 N. Lake Shore Drive, Chicago, IL 60611; or visit www.abendowment.org for personalized rate quotes, plan descriptions, and downloadable applications.

Calendar of Events

2003

May 11-14
Council Meeting
Hotel Ritz
Barcelona, Spain

May 11-16
International Labor Law
Committee Midyear Meeting
Hotel Ritz
Barcelona, Spain

May 13-15
Labor and Employment Law:
The Basics
New Orleans, Louisiana

June 4-7
Labor and Employment Law:
The Basics
Philadelphia, Pennsylvania

June 13
Equal Employment Opportunity
Basic Law and Procedures
Denver, Colorado

June 18
Using Advocacy Techniques
in Mediation
ABA Connection

June 30-July 1
The Civil False Claims Act
and Qui Tam Enforcement
National Institute

November 7
Employment Litigation Skills
Miami, Florida

November 14
EEO Basics
Hofstra University
Hempstead, New York

December 5
FMLA/FLSA Basic Law
and Procedures
Atlanta, Georgia

August 9-12
ABA Annual Meeting
Grand Hyatt
San Francisco, California

September 19
National Labor Relations Act
Basic Law and Procedures
Dallas, Texas

October 2
Equal Employment Opportunity
Basic Law and Procedures
Indianapolis, IN

October 3
FMLA/FLSA Basic Law
and Procedures
Indianapolis, IN

October 3-5
Council Meeting
The Fairmont Hotel
Banff, Canada

October 15-18
Labor and Employment Law:
The Basics
Boston, Massachusetts

February 18-20
Federal Labor Standards
Legislation
Committee Midwinter Meeting
Wyndham Sugar Bay Resort & Spa
St. Thomas, U.S.V.I.

February 19-21
State Labor Law Developments
Committee Midwinter Meeting
Wyndham Sugar Bay Resort & Spa
St. Thomas, U.S.V.I.

February 23-27
Practice and Procedure
Under the NLRA
Committee Midwinter Meeting
Grand Bay Hotel Isla
Navidad Resort
Manzanillo, Mexico

2004

January 14-17
Labor and Employment Law:
The Basics
Washington, D.C.

February 4-7
Employee Benefits Committee
Midwinter Meeting
Ritz-Carlton
New Orleans, Louisiana

February 4-10
ABA Midyear Meeting
San Antonio, Texas

February 8-11
ADR in Labor and
Employment Law
Committee Midwinter Meeting
Westin Regina
Puerto Vallarta, Mexico

February 29-March 3
Development of the Law
Under the NLRA
Committee Midwinter Meeting
Mauna Lani Bay Hotel
Big Island, Hawaii

For more information on any of these events, please contact the Section office at 312/988-5813 or check the Calendar Web page at www.abanet.org/labor/calendar.html.

INSIDE SPRING 2003

- | | |
|-----------|-----------------------------|
| 1 | ABA IN THE CITY BY THE BAY |
| 2 | COMMENTS FROM THE CHAIR |
| 3 | PROFILE: DONALD ELISBURG |
| 5 | CIVIL RIGHTS TAX RELIEF ACT |
| 6 | ANNUAL MEETING SCHEDULE |
| 8 | PRO BONO PUBLICO |
| 10 | SPOTLIGHT ON |
| 11 | CALENDAR OF EVENTS |



Section of Labor and Employment Law
American Bar Association
750 North Lake Shore Drive
Chicago, Illinois 60611

NONPROFIT
ORGANIZATION
U.S. POSTAGE
PAID
AMERICAN BAR
ASSOCIATION



Annual Meeting Agenda

INSIDE

Committee on Equal Opportunity Highlights “Best Practices” for Implementing Section Diversity Plan

The goals of the Section’s Diversity Plan are to recruit minority lawyers, women lawyers, lawyers with disabilities, and newer lawyers to Section membership; foster an atmosphere of inclusion to assist in retaining them when they become Section members; seek the participation of minority lawyers, women lawyers, lawyers with disabilities, and newer lawyers on panels, task forces, and working groups; and provide those lawyers with opportunities and training to take on leadership roles at the Committee and Section levels.

The Committee on Equal Opportunity in the Legal Profession is charged with overseeing the Section’s diversity efforts. Among other things, the Committee seeks to identify Best Practices employed by various Section entities to implement the Diversity Plan.

We are delighted to report some of the Best Practices adopt-

ed by following committees:

- The Federal Labor Standards Legislation Committee and the Employee Benefits Committee host a “first-timers” breakfast or reception at their Midwinter meetings each year to welcome new attendees and to inform them about opportunities available to them. First-time attendees also may choose to be paired with an experienced committee mentor. Both committees ensure that diversity issues are included on the agenda at every midwinter meeting.
- The Employee Benefits Committee offered a discounted registration fee to first-time attendees. This year the Committee is also inaugurating a “40 and Under and 7 Years as an Employee Benefits Lawyer” luncheon. The committee also has actively promoted increased diversity in mailings advertising

the midwinter meeting.

- The Employee Benefits Committee has engaged in significant efforts to reach law students and encourage them to become benefits lawyers. For example, it hosted an outreach program on the eve of the ERISA Litigation Conference in Chicago in November and attracted a diverse group of 20 law students.
- The Federal Labor Standards Legislation Committee has extended its efforts to provide individual attention and informal mentoring to new members attending the Annual Meeting, particularly at the Committee business meeting and the Section reception. It also hosts an annual Fall Meeting in Washington, D.C. with government officials, which attracts a diverse array of lawyers. Congratulations to these Com-

mittees for their efforts. We will continue to highlight Best Practices in the Section newsletter, on the Web page, and in other communications.

For more information on the Diversity Plan and/or the work of the Committee on Equal Opportunity in the Legal Profession, please contact one of its co-chairs: Kay Baldwin (public), Denise Clark (union and employee), Gail Golman Holtzman (employer), or Helen Norton (union and employee). ■

