

LABOR AND EMPLOYMENT LAW SECTION

2009 - 2010 SECTION ANNUAL REPORT STATE BAR OF MICHIGAN

Mission Statement: The purposes of the Section shall be to study the law of labor relations and to promote its fair and just administration; to study and report upon proposed and necessary legislation, to promote the legal education of members of the Bar and the general public by generating awareness of the problems and concerns of management, labor, and employment relations through sponsorship of meetings, institutes, and conferences, and by preparing, sponsoring, and publishing legal writing in the labor field; to endeavor to assist in the development of rules and conduct based upon the rights and responsibilities of labor and industry; and to promote justice, human welfare, and industrial peace.

Officers and Council Members: Officers and Council Members are listed by practice emphasis: "M" references Management; "P" references Plaintiff; "U" references Union; and "N" references neutral.

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2009-2010 Council Meetings: The Council meets once a month, typically on the second Monday of the month, during every month except July and August. During the last year, the meetings were held in Birmingham and Novi.

General Budget Information: After experiencing a downturn in revenue and increase in expenses for the prior two years, the Section is now financially secure and has expenses under control.

Events and/or Seminars: It has been another active year for the Labor and Employment Law Section.

On September 17, 2009, at the Annual Meeting of the State Bar of Michigan, the Labor and Employment Law Section held its Annual Meeting and conducted an educational seminar titled "Navigating Treacherous Labor and Employment Waters in the Economic Downturn." The program was moderated by Ted St. Antoine, U of M Professor and past Chair of the Section. David Deromedi spoke on advising the employer when "the bottom falls out;" Brad Glazier spoke on assisting the RIF'ed employee; Niraj Ganatra and David Khorey spoke on negotiating collective bargaining agreements in today's hard times; and Niraj again spoke on protecting retiree benefits.

On October 15, 2009, the Section continued its longstanding tradition of co-sponsoring the Bernard Gottfried Memorial Labor Law Symposium at Wayne State University Law School and purchasing scholarships for law students to attend the Symposium.

On the evening of December 10, 2009, the Section conducted a Holiday Reception at the Birmingham Country Club in Birmingham, Michigan. Departing from the usual, the Section held a storytelling competition in the style of "The Moth," as heard on National Public Radio. The event garnered so much attention that WDET Program Manager J. Mikel Ellcessor offered to moderate the event. The event was wildly successful with member Barry Goldman winning the competition for the best story.

The Section's Mid-Winter Meeting was held on January 22-23, 2010, at the Historic Detroit Athletic Club. At the Section Dinner on January 22, the Section honored longtime Detroit labor law attorney Leonard D. Givens of Miller, Canfield, Paddock & Stone, PLC, with its Distinguished Service Award. Leonard's distinguished career was recounted by his colleague, Megan P. Norris. The Dinner also featured a keynote address by author John U. Bacon. Mr. Bacon is the author of five books on business and sports, the most recent being *Bo's Lasting Lessons*, a *New York Times* and *Wall Street Journal* business best seller. On January 23, the Section held an educational program consisting of a MERC Update by Michael Shoudy, an NLRB Update by David Radtke, an EEO Update by Jeffrey Steele, a Capitol Hill(s) Update by Robert Boonin, a panel discussion on how to conduct an internal investigation, by Susan Hartmus Hiser, Thomas Cattell, and Catherine Wenger and a second panel discussion on litigating remedies in employment cases, by the Honorable Rober Jonker of the Western District of Michigan, Larry Murphy, and Dave Kotzian. Finally, Deborah Barno of the Equal Employment Opportunity Commission and Megan Norris discussed the Americans with Disabilities Act amendments of 2008.

On April 29-30, 2010, the Section co-sponsored the Institute for Continuing Legal Education's 33rd Annual Labor and Employment Law Institute at St. John's Conference Center in Plymouth, Michigan. The Institute is the largest and most comprehensive labor and employment law educational program held in the State of Michigan each year.

On June 3, 2010, the Section will be holding a "Spring-Board" seminar at The Reserve at Big Rock Chop House in Birmingham, Michigan. The seminar consists of three, 45-minute roundtable discussions that allow participants to talk with facilitators. The roundtable discussions will be as follows: motion practice with the Honorable Robert J. Colombo, Jr., the Honorable Jeanne Stempien, the Honorable Sean F. Cox, and Sam Morgan; facilitation / mediation with Joseph A. Golden, David A. Kotzian, Gregory V. Murray, and Megan P. Norris; case evaluation with Kathleen L. Bogas, Robert W. Palmer, Eric J. Pelton, and Joseph A. Starr. A two-hour networking and socializing reception with hors d'oeuvres and beverages will follow the roundtables.

Legislative Issues: Because of our diverse membership, the Section rarely adopts any public policy position. However, this year, the Section took a position to support House Bill 4772. This Bill would amend the Open Meetings Act to provide an exemption in certain circumstances for the Michigan Employment Relations Commission to deliberate. The Section took this position because it believes the amendment would empower the Michigan Employment Relations Commission to render decisions in a more expedient manner benefiting both employers and labor in the State of Michigan.

Other Activities: The Section continues to publish its quarterly journal, *Lawnotes*, under the able and creative leadership of Stuart Israel. Stu and his assistant editor, John Adam, continually produce an extremely high quality journal that features thought-provoking articles about cutting edge labor and employment law issues, regular updates from Michigan and local federal courts, and entertaining and frequently humorous musings about the practice of law.

This past year has been a busy and successful one for the Section, due in no small part to a group of extremely hard working, dedicated and forward-thinking Council members, who have enhanced the stature and professionalism of our Section within the State Bar. Without the Council's efforts and the efforts of the many Section members who have volunteered their time and abundant talents to the Section's programs, the various programs and accomplishments discussed in this report would not have happened.

Respectfully submitted,

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2009-2010 Chair
Labor and Employment Law Section