

February 2019

## LEADERSHIP FOR GREATER PURPOSE

### IN THIS ISSUE

- [THE PRESIDENT'S PERSPECTIVE](#)
- [WELCOME TO NEWEST MEMBER OF THE BOARD OF GOVERNORS](#)
- [CLEL STRATEGIC PLAN](#)
- [REGIONAL MEETING IN HISTORIC CHARLESTON, SC](#)
- [CLASS OF 2019 CANDIDATE REVIEW](#)
- [VIDEO HISTORY PROJECT STARTS WORK ON NEXT DOCUMENTARY](#)
- [SPOTLIGHT ON FELLOWS](#)
- [IN MEMORIAM — JOHN COLEMAN, JR.](#)

[LISA LICHTERMAN](#)

[WILLIAM RADFORD](#)

## THE PRESIDENT'S PERSPECTIVE



At its meeting in February of last year (2018), the Board of Governors formally approved a new Strategic Plan which had been nearly two years in the making. Governors Lisa Moss and Arlene Steinfield, who co-chaired the Board's Strategic Planning Committee, along with FMCS's Javier Ramirez, who volunteered his services as the Committee's facilitator, deserve substantial credit for shepherding the plan through to completion. Now the equally challenging work of implementing the Strategic Plan begins.

For those of you who have never been involved in the process, strategic planning involves working from an organization's mission statement or core values to identify its goals/priorities, and then breaking down each of these goals into the concrete steps which must be taken in order to achieve them—referred to as tasks or "strategies." It is not as simple as I have made it sound, as Lisa, Arlene and Javier will attest. Our new Strategic Plan has four main goals/priorities: Promotion, Civility, Education and New Directions. You can view the actual Strategic Plan itself by clicking on this

link: [https://www.laborandemploymentcollege.org/images/pdfs/AME\\_COL\\_REVISIED\\_STRATEGIC\\_PLAN\\_REVISIONS-2018.pdf](https://www.laborandemploymentcollege.org/images/pdfs/AME_COL_REVISIED_STRATEGIC_PLAN_REVISIONS-2018.pdf).

Within the goal/priority of "Promotion," one of the identified tasks or strategies is to "Increase Fellow Involvement in Regional Activities." As you may be aware, some regions of the country and Canada have been far more active than

others when it comes to regional activity. The South—where the 4th and 11th Circuits co-hosted an ambitious regional program earlier this month—has been particularly active in sponsoring educational programs for fellows in the region. In Detroit, where I hail from, we have for several years hosted a reception for new Michigan fellows each Fall in advance of the Annual Induction Dinner. Similar regional receptions have recently been held in the 5th and 10th Circuits.

The Strategic Plan calls for the creation of a Board Regional Activities Committee or "BRAC" as the entity responsible for determining the initial structure of the regions and identifying Fellows willing to serve on regional/local committees. Homer Deakins—who has been actively involved in regional activity in the South—has agreed to chair the Board Regional Activities Committee and has recruited Barb D'Aquila, Lori Ecker, Jon Rosen, Alan Symonette and Pete Zinober to assist him. If you are interested in helping Homer and his crew get some regional activity started in your area, drop Homer or Susan Wan an email.

Increased regional activity is only one of the ways the Board will be actively working to enhance membership value under the new Strategic Plan. With respect to the goal of Civility, we will be attempting to expand the ethics program for government attorneys which former Board member Adele Rappaport has successfully championed in Chicago for many years. In addition, we hope to develop a model/pilot program for exposing law students to the ethical challenges they will face once they enter the practice, using labor and employment law scenarios as a backdrop. Let Susan, Adele or me know if you are interested in helping on either one of these programs.

On the Education front, the Board will be taking a careful look at whether the College should become involved in providing content through webinars and podcasts, or whether that niche is better filled by others. We will also be reexamining the Video History Project to determine what changes, if any, should be made in how the project is funded or how its precious resources are used. Finally, a Committee composed of Board member Pearl Zuchlewski and Fellows Darrell Gay and Evan Spelfogel will be looking at the changing "business of law," including but not limited to alternate fee arrangements to hourly billing. If you have an interest in any of these areas, please let Susan, Pearl or me know. Thanks.

*John R. Runyan, Jr.*  
*President*

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## WELCOME TO THE NEWEST MEMBER OF THE BOARD OF GOVERNORS

**Barbara D'Aquila** is a partner in the Minneapolis office of Norton Rose Fulbright where she manages the Litigation Department and handles significant business matters, including commercial litigation, government investigations, and labor and employment matters. Barb was inducted a Fellow in 2001 and has served on the 8th Circuit Credentials Committee (two years as chair) and was a member of the recent Strategic Planning Committee. Members of the Board of Governors, which consists of sixteen Fellows representing all four disciplines, serve two three-year terms. The immediate Past President serves as the 17th member of the Board for a term of one year.

On January 1st, **John Runyan** became the twenty-third President to serve the College. **David Borgen, Alan Symonette** and **Arlene Switzer Steinfield** assumed the three other slate positions – Vice President, Secretary and Treasurer, respectively. Profiles of all Board Members can be found on the College's [website](#) and contact information can be found in the front of your directory.

# CLEL STRATEGIC PLAN

At the end of 2016, the College's Board of Governors created a Strategic Planning Committee for the purpose of reviewing past initiatives and activities and formulating a vision for the future. The goal was to find innovative ways to fulfill our mission and address the evolving professional interests of our Fellows.

Through the hard work of many Fellows, in February 2018, the Board approved a new Strategic Plan which includes both tactical objectives and aspirational goals. The Plan consists of four pillars: Promotion of the College, Civility, Education, and New Directions. These areas are further divided into a number of initiatives and programs aimed at, among others, increased involvement of Fellows throughout the US and Canada on a regional basis, continued CLE Programs and publications, a continued commitment to diversity and balance with respect to both practice areas and the makeup of our membership, and technological advancements and trends in the practice of Labor and Employment law. Two overriding principles of the Plan were to promote collaboration among constituencies and to provide opportunities for our Fellows to benefit from increased personal involvement in the College.

Once the Plan was adopted, a Board Regional Activity Committee (BRAC) was created to establish and oversee regional activity committees and determine whether the geographical circuits are conducive to our goal of providing meaningful educational and social activities on a more frequent basis. BRAC, under the leadership of its Chair, Homer Deakins, is already up and running. Regional Activity Committees and other task forces are now being formed.

The Strategic Plan provides numerous and diverse opportunities for our Fellows to become more involved in the College in meaningful ways. If this effort is to truly succeed, we need the active participation of as many of our Fellows as possible. We urge you to review the Strategic Plan and consider what areas would fit with your particular interests. The Strategic Plan can be found on the link below. If you are interested in assisting with any particular initiative, please contact [Susan Wan](#). If you have any questions about the Strategic Plan, please contact Strategic Planning Committee Co-chairs [Lisa Moss](#) or [Arlene Steinfield](#).

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## 4TH AND 11TH CIRCUITS HOST SUCCESSFUL REGIONAL MEETING IN HISTORIC CHARLESTON

An amazingly successful program was enjoyed by over sixty Fellows in Charleston, SC on February 2nd. Thank you go to the Planning Committees of the 4th and 11th Circuits, and to all the speakers who graciously accepted our invitation to be a part of this event.

Friday evening's reception at the South Carolina Historical was the perfect start to a weekend in the charming and historic southern city. Saturday morning's judges' panel featured three district court judges (Hon. Irene M. Keeley – USDC ND WV; Hon. Donald C. Coggins, Jr. – USDC, DSC.; Hon. R. David Proctor – USDC ND Ala.) who shared their insights and experiences on civility in the courtroom. Fellow [Marty Malin](#) and Fellow [John Ring](#) followed, sharing updates on legislative happenings and the NLRB. The final panel featured three speakers representing a variety of viewpoints on the #MeToo Movement. Adriane Malanos Belton (Mercedes Benz, Charleston, SC), Angela Gray (Gray Newell Thomas, Greensboro, NC) and Lucas Kaster (Nichols & Kaster, Minneapolis, MN), touched on topics from how the movement has impacted juror profiles and jury selection, to male victims alleging sexual harassment in the workplace to the importance of training and policy awareness. Fellows were extremely enthusiastic about a follow up program in 2020.

Special thanks to the sponsoring firms: Abato Rubenstein and Abato, PA; Burr & Forman LLP; Constangy, Brooks, Smith & Prophete, LLP; The Employment Law Center, PLLC; Ogletree Deakins Nash Smoak & Stewart, PC; Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan; and Steptoe & Johnson PLLC!

Materials are available upon request, and are posted on the CLEL [website](#)



*Fellow John Ring*



*Lucas Kaster, Adriane Belton and Angela Gray*



*John Sands, Harriet Cooperman, Jim Rosenberg, Cork Harper and Angela Gray*





*Karen Morinelli, Arlene Steinfield, Cyndi Nance, Lori Ecker, Lynne Deitch and Lisa Moss*



*Allen Kamp, Barb D'Aquila, Jean Kamp and Alan Symonette*



*A walk on the Charleston waterfront!*

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## 2019 CANDIDATE REVIEW

The processing of candidates for the Class of 2019 has begun. We are continuing to seek input from all Fellows by asking you to [review the complete list of candidates](#) whose nominations have been placed before the Circuit Credentials Committees and, if applicable, call, write or email the chairperson of the Circuit Committee responsible for vetting the candidate with your comments, positive or negative.

The opinions of our Fellows are an important element in deciding who is offered membership and they will be used as a part of the Circuit Committee deliberations and the Board's review of all candidates. It is vital that if you have an opinion, you make it heard. Positive feedback from Fellows could be the determining factor for a candidate who looks good on paper but is not known by any of the committee members.

A listing of the [chairpersons for all Circuit Committees](#), along with contact information, is also attached for your convenience. If you prefer to complete a reference form, you can do so using the link included here, <http://www.laborandemploymentcollege.org/reference-form.php>, or contact [Susan Wan](#) for the Word version of this document.

The Credentials Committees will submit their recommendations to the Board of Governors on April 23, 2019, so we ask that you be mindful of this date if you intend to submit any comments. As always, if you have any questions regarding a candidate, or the process, please do not hesitate to call [Susan Wan](#).

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## VHP'S NEXT PROJECT — THE 1968 MEMPHIS SANITATION WORKERS' STRIKE

Several prominent figures from the 1968 Memphis Sanitation Workers' Strike were on hand for a day of interviews and filming on February 9th in Memphis, Tennessee, including Fred Davis, a member of the 1968 Memphis City Council; Frierson Graves, who served as Assistant City Attorney at the time of the strike; Mike Cody, Martin Luther King's attorney and former Tennessee Attorney General; and Elmore Dingleberry, a sanitation worker in 1968.

The Memphis Sanitation Workers' Strike presents a rare and excellent opportunity to analyze through the medium of film the importance of state agencies that can resolve both public sector representation and bargaining impasse disputes. This new VHP documentary will highlight the consequences that can result if there is no such agency as was the situation in Tennessee in 1968, and will deal with the abysmal working conditions experienced by over 1,200 sanitation workers, most of whom were African American, which drove their efforts to seek union representation. In the private sector, the issues of recognition and bargaining would have been dealt with by a NLRB's election processes. Indeed, had the sanitation work in Memphis been performed by a private company under the same circumstances, an election petition could have been filed with the NLRB which would then have conducted a representation election. Had the union won, the Board would have ordered the City to recognize and negotiate with the union and could have sought court enforcement of that order, thus obviating the need for a strike to gain recognition. However, the NLRB has no public sector jurisdiction and there was, and is, no Tennessee Labor Relations Board, as is true in many other States. As a result, when the city adamantly refused to recognize the union, the employees were left with only two options; 1) abandon the idea of having union representation to address the items and conditions of their employment; or 2) strike. Neither were or are good choices and it is this problem that will be the focus of the documentary.

Special thanks to Fellow [Maurice Wexler](#), who organized the local efforts in Memphis and served as the interviewer, and to [Carol Rosenbaum](#), the Project's producer/director.



*Calvin Taylor, Elmore Nickleberry and Maurice Wexler*

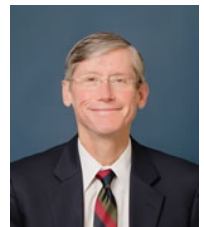




*Frierson Graves and Fred Davis (front row)  
Maurice Wexler and Carol Rosenbaum (back row)*

## SPOTLIGHT ON FELLOWS

- Fellow **Walt Auvil** (*pictured right*) was spotlighted in the January 8, 2019 edition of the *West Virginia Gazette* in an opinion piece by Joseph Cohen entitled "Estep-Burton's Case Should Inspire Working Class Candidates." Auvil was instrumental in assisting a newly elected State Delegate keep her full-time job while serving in the West Virginia legislature. Read the full article [here](#).







Tenth Circuit Fellows gathered for camaraderie and fellowship in Denver on October 18, 2018. Fellow Len Court won the award for longest distance traveled as he flew in from Oklahoma to attend the regional event.

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## IN MEMORIAM

The College mourns the recent passing of Fellows [John Coleman, Jr.](#), [Lisa Lichterman](#) and [William Radford](#)



Inducted a Fellow in the inaugural class of 1996, [John Coleman, Jr.](#) experienced a distinguished sixty-year career at the law firm of White, Bradley, Arant & All (now Bradley) which included the role of managing partner. He particularly enjoyed his role as an adjunct professor and mentor at Cumberland School of Law, where he taught for three decades, and his role as a Founding Member of the College of Labor and Employment Lawyers, sharing the honor of membership with his son, Fellow [John Coleman, III](#). John passed peacefully, surrounded by family on November 29, 2018, at the age of 92.

His obituary can be read [here](#).



Fellow [Lisa Lichterman](#) passed away peacefully surrounded by her immediate family, including husband, Fellow [Paul Prather](#), on Saturday December 15, 2018, after a valiant two-year battle with cancer. She was 53 years old. Inducted a Fellow in 2015, she was respected for her intelligence and described as relentlessly detail-oriented and client-focused. As a Shareholder in Littler's Memphis office, Lisa served as a nationally recognized expert advising employers about disability and leave laws and served in leadership roles with the Memphis Bar Association. Beyond her outstanding credentials, Lisa was known for her many contributions to the community, including pro bono work representing indigent legal services entities around the region.

Her obituary can be read [here](#).



Fellow [William Radford](#) passed away on December 11, 2018 at the age of 82. A native of Urbana, OH, Mr Radford was inducted a Fellow in the Class of 2012. He was a Board-certified icon of the Labor and Employment Bar in Florida, where for more than 40 years, he practiced traditional labor and employment law on behalf of employers in both the public and private sectors. Bill was the moving force behind a number of groundbreaking court decisions over the years and continued to be so right up until the end. He was a wonderful friend, mentor, and inspiration to all his colleagues, including the lawyers who opposed him on cases.

His obituary can be read [here](#).

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

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## COLLEGE LOGO IS A SIGN OF DISTINCTION

Fellows are encouraged to include the College logo on their website or as part of their email signature block. Two different formats are available for download - .jpg or .eps. Please contact [Susan Wan](#) if you would like a logo file in a different format.

[Download jpg File](#)

[Download eps File](#)

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