National Academy of Arbitrators

2019 Fall Education Conference
September 20 - 22, 2019

The Final FEC: Current Issues, Future Directions

Savannah Marriot Riverfront
100 General McIntosh Blvd
Savannah, GA 31401
Thursday, September 19, 2019

1:00 p.m. – 5:00 p.m. ............................................. NAA Registration Desk
                      Boardroom B Foyer (Lobby Level)

1:30 p.m. – 5:00 p.m. ........................................... Board of Governors
                      Oglethorpe AB (Second Level)

1:00 p.m. – 5:00 p.m. ........................................... Membership Committee
                      Mercer (Lobby Level)

Friday, September 20, 2019

8:00 a.m. – 5:00 p.m. ............................................. NAA Registration Desk
                      Boardroom B Foyer (Lobby Level)

8:30 a.m. – 5:00 p.m. ........................................... Board of Governors
                      Oglethorpe AB (Second Level)

7:30 a.m. – 12:00 p.m. ........................................... New Member Orientation
                      Pulaski (Second Level)

10:00 a.m. – 5:00 p.m. ........................................ CPRG
                      Academy (Lobby Level)

9:00 a.m. – 5:00 p.m. ........................................... Membership Committee
                      Mercer (Lobby Level)

9:00 a.m. – 5:00 p.m. ........................................... Nominating Committee
                      Forsyth (Second Level)

12:00 p.m. – 1:30 p.m. ........................................ New Member Luncheon
                      (By Invitation Only) Plaza (Lobby Level)

6:00 p.m. – 7:00 p.m. ........................................... Opening Reception
                      Riverwalk (Lobby Level)

7:00 p.m. ............................................................. Dinner
                      Atrium (Lobby Level)

During dinner, Ted St. Antoine will be presented with an award for distinguished service and achievement in the field of arbitration.
Saturday, September 21, 2019

8:00 a.m. – 4:00 p.m. ........................................ NAA Registration Desk
Boardroom B Foyer (Lobby Level)

8:15 a.m. – 9:00 a.m. ........................................ Plenary
Savannah Ballroom B (Lobby Level)

Presidential Remarks:
Barry Winograd
NAA President
Oakland, CA

Program Announcements:
Jeanne M. Vonhof
Program Chair
Chicago, IL

Host Announcements:
Kathryn Durham
Host Chair
Atlanta, GA

New Member Introductions:
Jules Bloch
New Member Orientation Chair
Toronto, ON

9:00 a.m. – 10:15 a.m. ........................................ Plenary
Savannah Ballroom B (Lobby Level)

JUST CAUSE IN THE WAKE OF THE #METOO MOVEMENT

Sexual harassment complaints have soared in the past few years. In this nuts-and-bolts session, we will apply just cause principles to issues arising in arbitration cases, including: assessing the credibility of “delayed” complaints and the reliability of evidence that may be years old; handling reluctant witnesses; applying “changing” standards to past behavior; special problems of majority-male workplaces; social media; appropriate discipline; zero tolerance policies and the impact of external anti-discrimination laws. The session will provide both American and Canadian perspectives on these issues.

Panelists:
Sarah Crossley
Filion Wakely Thorup Angeletti
Toronto, ON

Jasbir Parmar, NAA
Toronto, ON

Julie Lenggenhager
Assistant Counsel
National Treasury Employees Union
Chicago, IL

Jeanne M. Vonhof, NAA
Chicago, IL

10:15 a.m. – 10:30 a.m. ........................................ Transition Break

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Saturday, September 21, 2019 (Continued)

10:30 a.m. – 11:45 a.m. ................................................................. Plenary
Savannah Ballroom B (Lobby Level)

WHAT’S THE DOPE ON CANNABIS

The legalization of cannabis has created significant issues for arbitrators. We will review the current state of testing for “use” and “impairment,” and what may be on the horizon. This session will explore the impact of the legalization of cannabis (recreational and medical) in the workplace, in both the United States and Canada. Samples, sadly, will not be provided.

Moderator:
Kathryn A. VanDagens, NAA
Lansing, MI

Panelists:
David Gaba, NAA
Seattle, WA
William A. Marcotte, NAA
Toronto, ON

12:00 p.m. – 1:15 p.m. ............................................................... Luncheon
Atrium (Lobby Level)

UPDATE ON RECENT U.S. SUPREME COURT ARBITRATION DECISIONS

The American Supreme Court has issued several recent rulings regarding arbitration of workplace disputes. This short session, while you eat, will focus on how these decisions may affect employment and labor arbitration.

Moderator:
Jeanne M. Vonhof, NAA
Chicago, IL

Panelists:
Richard Bales, NAA
Akron, OH
Michael Z. Green, NAA
Ft. Worth, TX
Lise Gelernter, NAA
Amherst, NY
LABOR ISSUES IN SAVANNAH, GEORGIA’S FIRST CITY

Savannah is a colonial city, featuring stately historic squares. It also has a strong ethnic flavor, boasting the second largest St. Patrick's Day Parade in the country. The local economy is dominated by the Port of Savannah, and current labor issues at the Port reflect nationwide trends. Join us for a lively discussion with local labor leaders regarding current issues on the docks, as the Teamsters Union tries to organize and represent “port drivers,” who transport goods by truck off the docks for distribution throughout the Southeast. The question of whether the drivers are “independent contractors” or “employees” is a familiar issue in other parts of the country. The interests of the International Longshoreman Association (ILA), which represents employees who load and unload shipments going through the Port, also are involved in this issue, as hints of labor unrest at the Port may raise concerns that shippers will move their business to other competitor East Coast ports. Come hear how local labor leaders are addressing these issues.

**Moderator:**

Philip A. LaPorte, NAA  
*Atlanta, GA*

**Panelists:**

Christi Hulme  
President  
Savannah Central Labor Council

Doug Williams  
Financial Secretary  
International Longshoreman’s Association, Local 2046

Jerome Irving  
Organizer  
Teamsters Union, Local 728
Saturday, September 21, 2019 (Continued)

1:15 p.m. – 2:30 p.m. .......................... Concurrent Session B
   Savannah Ballroom B (Lobby Level)

VIDEO HEARINGS: A NEW OPTION FOR YOUR PRACTICE?

Administrative law forums and some courts have established telephonic and video conferencing options for conducting hearings. With the need to reduce costs and resolve disputes more efficiently, parties are considering options outside of the traditional hearing structure for labor arbitration. This panel will discuss the viability of conducting full arbitration hearings with the parties and the arbitrator in remote locations. We will discuss the opportunities and challenges associated with adopting this as an option for your practice. The FMCS is interested in this option, and will be participating in this session. A "how to" demonstration will be included.

Moderator:
Jeanne Charles Wood, NAA
Pembroke Pines, FL

Panelists:
Homer C. La Rue, NAA
*Columbia, MD

Arthur Pearlstein
Director of Arbitration, FMCS
*Washington, DC

Scott Miller
Legal Council, AFSCME
*Chicago, IL

M. Michal Rollins
MARTA
*Atlanta, GA

3:00 p.m. – 4:00 p.m. .......................... 2020 Meeting Program Committee
Chatham (Second Level)

3:00 p.m. – 4:00 p.m. .......................... Arbitrationinfo.com Committee
Oglethorpe B (Second Level)

3:00 p.m. – 4:30 p.m. ........................ Membership Standards Committee
Reynolds (Second Level)

3:00 p.m. – 4:30 p.m. ........................ Research and Education Foundation
Johnson (Second Level)

3:00 p.m. – 4:00 p.m. ........................ Supplement to “Fifty Years in the
World of Work” Committee
Oglethorpe A (Second Level)

4:00 p.m. – 5:00 p.m. ........................ Internal Grievance Committee
Oglethorpe B (Second Level)

4:15 p.m. – 5:15 p.m. ........................ International Studies Committee
Franklin (Second Level)

4:00 p.m. – 5:00 p.m. ........................ Regional Chairs
Forsyth (Second Level)
Sunday, September 22, 2019

7:45 a.m. – 8:45 a.m. ................................................................. Breakfast
Atrium (Lobby Level)

8:45 a.m. – 9:00 a.m. ......................................................... Plenary
Savannah Ballroom B (Lobby Level)

Presidential Remarks:
Barry Winograd
NAA President
Oakland, CA

2020-2021 Slate:
Laura J. Cooper
NAA Nominating Committee Chair
Minneapolis, MN

9:00 a.m. – 10:45 a.m. ................................................................. Plenary
Savannah Ballroom B (Lobby Level)

MAINTAINING – OR RESURRECTING – AN ONLINE REPUTATION

This session was suggested by members who have suffered from negative publicity online. A consultant with nationwide experience will present options for maintaining a positive online presence, and for handling negative events. Our members will then examine whether and when members should consider taking action to protect their online reputations, and whether there are limits on what we can or should do, considering our Code of Professional Responsibility, and other ethical and professional standards. Members of our Committee on Professional Responsibility will participate in this session.

Moderator:
Alan Symonette, NAA
Philadelphia, PA

Panelists:
Susan Stewart, NAA
CPRG Chair
Toronto, ON

Davia B. Temin
President and CEO
Temin and Company

10:45 a.m. – 11:00 a.m. ....................................................... Transition Break
Sunday, September 22, 2019 (Continued)

11:00 a.m. – 12:00 p.m. ........................................ Concurrent Session A
Pulaski (Second Level)

DECISION WRITING – SOME DO’S, DON’TS, AND MAYBES

Some issues you might think about when writing an arbitration decision will be discussed in this session, including the use of a checklist, *dicta*, who is your audience, “magic” words, clarity and ease of understanding, helpful software, the use of templates – and more.

**Moderator:**
Jack Clarke, NAA
*Athens, GA*

**Panelists:**
Barry Goldman, NAA
*Bloomfield, IL*
William E. Hartsfield, NAA
*Dallas, TX*

11:00 a.m. – 12:00 p.m. ........................................ Concurrent Session B
Savannah Ballroom B (Lobby Level)

CAN I? SHOULD I? ETHICS QUESTIONS FOR ARBITRATORS

A whole new set of scenarios will be presented by an experienced group of members. Discussion regarding how these issues are handled in Canada and the U.S. will highlight interesting differences in each country. Active discussion by audience members is not only encouraged – it’s unavoidable.

**Moderator:**
James S. Cooper, NAA
*Boston, MA*

**Panelists:**
Sarah Kerr Garraty, NAA
*Concord, MA*
Andrew M. Strongin, NAA
*Takoma Park, MD*
Christine A. Schmidt, NAA
*Toronto, ON*
2019 FEC Program Committee
Jeanne M. Vonhof, Chair

Randi Hammer Abramsky       Alan A. Symonette
Jack Clarke                 Kathryn VanDagens
Philip A. LaPorte           Jeanne Charles Wood

Kathryn Durham, Ex Officio
2019 FEC Host Committee
Kathryn Durham, Chair

Linda S. Byars
Fredric R. Dichter
Kathy L. Eisenmenger

Philip A. LaPorte
Lise G. Gelernter
Elizabeth C. Wesman

Non-Member
Howard Katzman

Walt De Treux, Ex Officio
Plan to Attend

2020 Annual Meeting/Members’ Education Conference
May 6 – 9, 2020
Grand Hyatt Denver
Denver, CO

2021 Annual Meeting/Members’ Education Conference
April 21 – 24, 2021
Marina del Rey Marriott
Marina del Rey, CA