

## LABOR AND EMPLOYMENT LAW SECTION

### 2007-2008 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 of 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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At the beginning of 2007-2008, Richard Whiteman of the National Labor Relations Board and David Rhem of Varnum Riddering Schmidt Howlett LLP were members of the Council but retired from the Council mid-year and were replaced by Dennis Boren of the National Labor Relations Board and Lawrence Murphy of Varnum Riddering Schmidt Howlett LLP.

**2007-2008 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 Bloomfield Hills, Northville and Okemos.

**Events and/or Seminars:** This has been an active year for the Labor and Employment Law Section.

On September 27, 2007, 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 consisting of a keynote speech by The Honorable Kurtis T. Wilder from the Michigan Court of Appeals, a panel discussion on the differences between state and federal employment discrimination laws and case law by Mary Anne Helveston and Katherine Smith-Kennedy, and a discussion of e-discovery for employment litigators by James Boutrous.

On October 24, 2007, 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 17, 2007, the Section conducted a Holiday Reception at the Townsend Hotel in Birmingham, Michigan. The keynote speaker for this year's Holiday Reception was Michigan State Representative and Majority Floor Leader, Steve Tobocman, who discussed Michigan's budget crisis. The Holiday Reception was once again organized by former Section Chair, Deborah Gordon. Deb developed the idea for a Holiday Reception several years ago and has organized the event every year since its inception.

The Section's Mid-Winter Meeting was held on January 25-26, 2008 at the Historic Detroit Athletic Club. At the Section Dinner on January 25, the Section honored longtime Detroit labor law attorney and former General Counsel of the National Labor Relations Board, Leonard Page, with its Distinguished Service Award. Leonard's distinguished career was recounted by his longtime friend and colleague, Samuel McKnight. The Dinner also featured an entertaining performance by the Detroit-area musical parody group, A (Habeas) Chorus Line, whose members are primarily Detroit-area lawyers. On January 26, the Section held an educational program consisting of a MERC Update by Jeffrey Donahue, an NLRB Update written by Stephen Glasser and presented by Erikson Karmol, an EEO Update by Jeffrey Steele, a Capitol Hill(s) Update by Robert Boonin, a panel discussion on the continuing violations theory by The Honorable Robert J. Colombo, Jr. of the Wayne County Circuit Court, Lawrence Murphy and Michael Pitt, and a second panel discussion on trying the high-profile employment case by Kathleen Bogas and Deborah Gordon.

On April 10-11, 2008, the Section co-sponsored the Institute for Continuing Legal Education's 33d 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 11, 2008, the Section will be holding a "Spring-Board" seminar at The Reserve at Big Rock Chop House in Birmingham, Michigan. The event is designed to inform and empower attorneys to excel in their practices and take charge of their careers. The seminar consists of three, 30-minute roundtable discussions that allow participants to talk with facilitators representing the bench, defense and plaintiff attorneys, and the management side of law firms. Topics will include business development for newer attorneys, upward mobility in law firms and alternative works arrangements, and alternative and e-discovery. A two-hour networking and socializing reception with hors d'oeuvres and beverages will follow the roundtables.

**Other Activities:** The Section has adopted an initiative this year to make a concerted effort to attract participation and commitment from newer members of the Section so as to build the foundation that will carry the Section forward during the next couple of decades. The Council asked a subcommittee consisting primarily of newer members of the Section to help design programs and events that will not only directly involve newer labor and employment lawyers but will also encourage such lawyers to participate actively in future Section events. This subcommittee, which is led by Dan Swanson and Tim Howlett, consists of Anne Marie Welch, Brett Rendeiro, Brian Koncius, Charlotte Carne, Michael Chichester, Eric Pelton, Jay Boger; John Conway, Kevin Carlson, Mike Shoudy, Phyllis Gayden, Randy Barker, Ryan Mulally, Kevin Stoops and Susan Hiser, developed the idea and format for and then organized the "Spring-Board" seminar and networking reception to be held on June 11.

The Section is also exploring ways of improving its web page on the State Bar's website and has already made some improvements by adding a Links of Interest Page (thanks to Kathryn Van Dagens), a Membership Directory, back issues of the Section's publication, *Lawnotes*, and selected written materials from educational programs.

The Section also provided financial assistance to the Michigan State University Labor and Industrial Relations Library's project to develop a searchable collection of Act 312 Awards and Fact Finding Reports.

The Section continues to publish its quarterly journal, *Lawnotes*, under the able and creative leadership of Stuart Israel. Stu and his assistant editors, John Adam and Andrew Nickelhoff, 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,

David B. Calzone  
2007-2008 Chair  
Labor and Employment Law Section