



2023 Annual Meeting & Education Conference

HONORING OUR LEGACY: CREATING NEW VISTAS

May 3-6

Grand Hyatt
Denver, CO



National Academy of Arbitrators

naarb.org

On-Site Program Agenda

Wednesday, May 3, 2023

8:00 a.m. - 5:00 p.m.
NAA REGISTRATION DESK
Hotel Lobby (Lobby Level)

8:00 a.m. - 4:00 p.m.
BOARD OF GOVERNORS
Mt. Columbia (3rd Floor)

12:00 p.m. - 1:00 p.m.
NEW MEMBER LUNCHEON (*Invitation Only*)
Mt. Oxford (3rd Floor)

1:00 p.m. - 3:00 p.m.
NEW MEMBER ORIENTATION
Mt. Wilson (3rd Floor)

1:00 p.m. - 5:00 p.m.
TRAINING COURSES IN AIRLINE LABOR RELATIONS
Aspen Ballroom (2nd Floor)

Training in airline labor relations for neutrals and practitioners taught by leading labor relations professionals from airlines (UAL, AA, Delta, Southwest), airline unions (ALPA, AFA, IAMAW, TWU, APFA) and the NMB. *Separate Fee.*

Moderators:
Richard I. Bloch, NAA, *Washington, DC*
Joshua Javits, NAA, *Washington, DC*

Speakers:
Alin Boswell, AFA
Maria-Kate Dowling, General Counsel, National Mediation Board
Marc Esposito, Labor Relations for Delta
Deirdre Hamilton, Member, National Mediation Board
Arthur Luby, ALPA
Eric Mennel, Director, Labor Relations and Labor Strategy for UA
Thom McDaniel, Transport Workers Union of America, AFL-CIO
Kevin Minchey, Vice President, SWA
Jeff Nooger, former ALPA chair
Maranda Rosenthal, American Airlines
Carla Siegel, General Counsel for IAMAW
Maria I. Torre, UALMEC Grievance Chairperson, AFA– CWA

6:00 p.m. - 7:30 p.m.
PRESIDENT'S WELCOMING RECEPTION
Capitol Peak Ballroom (Grand Hyatt Conference Center - 38th Floor)

Thursday, May 4, 2023

8:00 a.m. - 5:00 p.m.

NAA REGISTRATION DESK

Torreys Peak (2nd Floor)

8:45 a.m. - 9:00 a.m.

WELCOME & INTRODUCTORY REMARKS

Colorado Ballroom (2nd Floor)

Presidential Remarks, Program Announcements, and Arrangements
Announcements

Presidential Remarks:

Homer C. La Rue, NAA, President, *Columbia, MD*

Program Announcements:

Lisa C. Charles, NAA, Program Chair, *Princeton, NJ*

Host Announcements:

Pilar Vaile, NAA, Host Chair, *Yuma, CO*

9:00 a.m. - 10:15 a.m.

WORKPLACE SAFETY AND FITNESS FOR DUTY: A BETTER APPROACH?

Colorado Ballroom (2nd Floor)

The panel will discuss the current environment, latest approaches, and recent developments in how best to determine fitness for duty.

Moderator:

Andrea Laiacona Dooley, NAA, *Oakland, CA*

Speakers:

George Faulkner, Faulkner, Hoffman, Phillips

Karl Kumli, Jackson Lewis

Dean Modecker, Secretary-Treasurer and Principal Officer, Teamsters
Local 455

10:15 a.m. - 10:30 a.m.

COFFEE BREAK

Colorado Ballroom Foyer (2nd Floor)

Thursday, May 4, 2023 (Continued)

10:30 a.m. - 11:45 a.m.

DEVELOPING YOUR INCLUSIVE INTELLIGENCE: THE PERSONAL BUSINESS CASE FOR DIVERSITY, EQUITY, AND INCLUSION

Colorado Ballroom (2nd Floor)

In the midst of the upheaval, we have experienced in the past three years, it is those who have developed a key form of intelligence who will thrive and be ahead of the curve. The most adaptive people are inclusively intelligent, meaning they have intentionally created broad networks of information, ideas, and associations; and are also aware of and work to interrupt their cognitive biases – the glitches that impact good decisions. Attend this session to learn more about this valuable form of personal and organizational intelligence and how to cultivate it so you can become a better decision-maker.

Moderator:

Alan Symonette, NAA, *Media, PA*

Speaker:

Kathleen Nalty, Kathleen Nalty Consulting

12:00 p.m. - 1:30 p.m.

DISTINGUISHED SPEAKER LUNCHEON

Aspen Ballroom (2nd Floor)

Introduction:

Homer C. La Rue, NAA, President, *Columbia, MD*

Speaker:

Gwynne Wilcox, NLRB

1:45 p.m. - 3:00 p.m.

FILM AND DISCUSSION – LESSONS LEARNED FROM 1968 MEMPHIS SANITATION STRIKE

Mt. Sopris A (Lobby Level)

Lessons learned from the history of collective bargaining in the public sector.

Moderator:

Alan Symonette, NAA, *Media, PA*

Speaker:

John E. Higgins, Jr., Former NLRB Chair, Field Attorney and Supervisory Attorney in Memphis in 1968 and marched in the funeral parade for MLK, Catholic University of America School of Law, District of Columbia PERB, *Chevy Chase, MD*

Thursday, May 4, 2023 (Continued)

1:45 p.m. - 3:00 p.m.

OUTSMART YOUR UNCONSCIOUS BIASES

Colorado Ballroom (2nd Floor)

Despite our best intentions, research shows we all have it – unconscious, unintentional bias. Unconscious attitudes and beliefs are shaped by all kinds of influences – some of which we would not agree with or even accept on a conscious level. Yet, these unconscious thoughts influence decision-making and can have a profound impact on our decisions. The key is to learn how to recognize your own unconscious biases. In this interactive session, attendees will engage in a competitive game and visualization exercise, as well as create their own personal action plans to interrupt unconscious bias.

Moderator:

Pilar Vaile, NAA, *Yuma, CO*

Speaker:

Kathleen Nalty, Kathleen Nalty Consulting

1:45 p.m. - 3:00 p.m.

MARIJUANA – COLORADO WORKPLACES LEADING THE WAY FOR OTHER STATES

Mt. Sopris B (Lobby Level)

Moderator:

Paul F. Gerhart, NAA, *Hilton Head, SC*

Speaker:

Todd McNamara, McNamara & Schechter LLP, *Denver, CO*

3:00 p.m. - 3:15 p.m.

COFFEE BREAK

Colorado Ballroom Foyer (2nd Floor)

3:15 p.m. - 4:30 p.m.

FIRESIDE CHAT

Colorado Ballroom (2nd Floor)

Interviewer:

Andree Y. McKissick, NAA, *Chevy Chase, MD*

Interviewee:

Jack Clarke, NAA, *Hull, GA*

Thursday, May 4, 2023 (Continued)

4:30 p.m. - 5:30 p.m.

SOUTHEAST REGION MEETING

Mt. Yale (3rd Floor)

4:30 p.m. - 5:30 p.m.

SOUTHWEST ROCKIES REGION MEETING

Mt. Oxford (3rd Floor)

5:00 p.m. - 6:00 p.m.

INTERNATIONAL STUDIES COMMITTEE MEETING

Crestone Peak (2nd Floor)

5:00 p.m. - 6:00 p.m.

REF MEETING

Mt. Harvard (3rd Floor)

5:30 p.m. - 7:00 p.m.

NEW MEMBER HAPPY HOUR

Colorado Foyer (2nd Floor)

Friday, May 5, 2023

8:00 a.m. - 5:00 p.m.

NAA REGISTRATION DESK

Torreys Peak (2nd Floor)

8:45 a.m. - 9:00 a.m.

OPENING REMARKS

Colorado Ballroom (2nd Floor)

Program Announcements:

Lisa C. Charles, NAA, Program Chair, *Princeton, NJ*

Host Announcements:

Pilar Vaile, NAA, Host Chair, *Yuma, CO*

9:00 a.m. - 10:15 a.m.

CYBER SECURITY AND DIGITAL PRIVACY – MONITORING OF WHITE-COLLAR WORKERS

Colorado Ballroom (2nd Floor)

Moderator:

Andree Y. McKissick, NAA, *Chevy Chase, MD*

Speakers:

Philip L. Gordon, *Little Mendelson, Denver, CO*

Tom Muther, *Minaham, Muther, Klinger, Denver, CO*

Matthew Shechter, *McNamara and Shechter, Denver, CO*

Friday, May 5, 2023 (Continued)

10:15 a.m. - 10:30 a.m.

COFFEE BREAK

Colorado Ballroom Foyer (2nd Floor)

10:30 a.m. - 11:45 a.m.

NEW BREED OF ORGANIZERS – STARBUCKS, AMAZON, SEIU

Colorado Ballroom (2nd Floor)

Employees at Amazon and Starbucks appear to be the source of new organizing efforts over the past several years. Why? What is it about these employees that are different from others? What does it mean for the future of labor-management relations in the US? Explore these questions with panelists in the thick of it.

Moderator:

Sheila G. Mayberry, NAA, *Portland, ME*

Speakers:

George Davies, Quinn, Connor, Weaver & Rouco LLP, *Birmingham, AL*

Ian Hayes, Partner, Hayes Dolce, *Buffalo, NY*

Ahmed A. White, Colorado Law, *Boulder, CO*

12:00 p.m. - 1:30 p.m.

PRESIDENTIAL LUNCHEON

Aspen Ballroom (2nd Floor)

Speaker:

Homer C. La Rue, NAA, President, Columbia, *MD*

1:45 p.m. - 3:00 p.m.

**AIRLINE, RAILROAD - POLICIES AND GRIEVANCES
STEMMING FROM COVID AND DIVERSITY ISSUES**

Colorado Ballroom (2nd Floor)

Moderator:

Debra Simmons Neveu, NAA, *New Orleans, LA*

Speakers:

Deirdre Hamilton, NMB

Angela Heverling, Sr. Manager Labor Relations, Amtrak

Thom McDaniel, Transport Workers Union of America, AFL-CIO

Jonathan Oliff, Managing Director and Senior Attorney at AA

Zach Voegel, BMW

Friday, May 5, 2023 (Continued)

1:45 p.m. - 3:00 p.m.

US POSTAL SERVICES – IMPACT OF COVID AND DIVERSITY ISSUES

Mt. Sopris B (Lobby Level)

Moderator:

Margo R. Newman, NAA, *Toronto, ON*

Speakers:

Jennifer Breslin, Director, Collective Bargaining & Arbitration, USPS

Charlie Cash, Industrial Relations Director, APWU

Mark Gisler, Partner, Peer, Gan & Gisler

Don Gonzales, Western Regional Director, NPMHU

James D. Henry, Vice President, NALC

1:45 p.m. - 3:00 p.m.

BEST PRACTICES IN EMPLOYMENT ARBITRATION CASE MANAGEMENT

Mt. Sopris A (Lobby Level)

Notwithstanding the recent limitations placed on arbitration of sexual harassment disputes, the field of employment arbitration is still active. For many Academy members, it is a growing part of our practice. This program will address some of the fundamental challenges and issues which arise in the administration of an employment arbitration case, including managing a pre-hearing conference and essentials of the initial case management order; dealing with subpoenas and discovery issues; protective orders; nuances in the handling of dispositive motions; fee practices; and specific issues related to hearing and award.

Moderator:

Patricia T. Bittel, NAA, *Park City, UT*

Speakers:

Jacquelin F. Drucker, NAA, *New York, NY*

Scott L. Evans, Shareholder Buchalter, *Denver, CO*

William E. Hartsfield, NAA, *Dallas, TX*

Friday, May 5, 2023 (Continued)

3:00 p.m. - 4:15 p.m.

SPECIAL SESSION – HOW ARBITRATION IS HANDLED IN CAMBODIA

Colorado Ballroom (2nd Floor)

For the Denver NAA Annual Meeting we will be presenting a panel about The Arbitration Council of Cambodia.

Moderators:

Allen Ponak, NAA, *Toronto, ON*

Sherrie Rose Talmadge, NAA, *Boston, MA*

Speakers:

Prof. Kong Phallack, Arbitrator, Arbitration Council, Attorney-at-Law, and Mediator, KhmerLex Legal Solutions Law Office, Professor and Researcher, National University of Management

Ann Vireak, Arbitrator, Annmar & Associates Law Office Director, Attorney-at-law

You Suonty, Arbitrator and Attorney-at-Law

4:15 p.m. - 5:15 p.m.

CONTINUING EDUCATION COMMITTEE MEETING

Mt. Oxford (3rd Floor)

4:30 p.m. - 5:30 p.m.

ARBITRATIONINFO.COM COMMITTEE MEETING

Mt. Yale (3rd Floor)

4:30 p.m. - 5:30 p.m.

OUTREACH COMMITTEE MEETING

Mt. Wilson (3rd Floor)

5:30 p.m. - 7:00 p.m.

HAPPY HOUR

Colorado Foyer (2nd Floor)

Saturday, May 6, 2023 (MEMBERS ONLY)

8:00 a.m. - 12:00 p.m.

NAA REGISTRATION DESK

Torreys Peak (2nd Floor)

8:30 a.m. - 8:45 a.m.

OPENING REMARKS

Colorado Ballroom (2nd Floor)

Program Announcements:

Lisa C. Charles, NAA, Program Chair, *Princeton, NJ*

Host Announcements:

Pilar Vaile, NAA, Host Chair, *Yuma, CO*

8:45 a.m. - 9:45 a.m.

STATE OF THE WORKPLACE, STATE OF THE ARBITRATION PROFESSION

Colorado Ballroom (2nd Floor)

Professor Katz will share observations concerning the current state of the workplace as well as that of the arbitration profession. The arbitration profession observations will be drawn from the data collected during the recent survey of National Academy of Arbitrator members.

Moderator:

Sarah Miller Espinosa, NAA, *Alexandria, VA*

Speaker:

Professor Harry Katz, Jack Sheinkman Professor, Director, Scheinman Institute on Conflict Resolution, ILR School - Cornell University, *Ithaca, NY*

Saturday, May 6, 2023 (MEMBERS ONLY - Continued)

9:45 a.m. - 10:15 a.m.

DEIB ACTION PLAN UPDATES

Colorado Ballroom (2nd Floor)

Status report on implementation of DEIB

Moderator:

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

Speaker:

Melissa H. Biren, NAA, *Morris Plains, NJ*

10:15 a.m. - 10:45 a.m.

**INCLUSION VIGNETTES – BYSTANDER RESPONSIBILITY
IN OBSERVED ACTS OF DISCRIMINATION**

Colorado Ballroom (2nd Floor)

The panelists will briefly discuss the results of the bystander survey sent out earlier this year and then begin the dialogue on how important bystander behavior can be for the Inclusion and Belonging aspects of DEIB.

Moderator:

Elizabeth Neumeier, NAA, *Gloucester, MA*

Speakers:

Haydee Rosario, NAA, *Bronx, NY*

David Weinberg, NAA, *Mill Valley, CA*

Elizabeth C. Wesman, NAA, *Camas, WA*

10:45 a.m. - 11:00 a.m.

COFFEE BREAK

Saturday, May 6, 2023 (MEMBERS ONLY - Continued)

11:00 a.m. - 12:00 p.m.

WHEN DOES WAGE RESTRAINT LEGISLATION BREACH CANADA'S CHARTER OF RIGHTS? CAN THIS QUESTION ALWAYS BE LITIGATED?

Mt. Sopris B (Lobby Level)

Two recent developments have brought the relationship between wage restraint legislation and Canada's Charter of Rights and Freedoms onto the front burner of public debate.

First, the Ontario Superior Court of Justice recently struck down broadly applicable public sector wage restraint legislation in the province as an unjustified infringement of the freedom of association protected by section 2(d) of the Canadian Charter of Rights and Freedoms. The Ontario government has since appealed. Regardless of the eventual outcome, the litigation will clarify (1) when a wage restraint bill will amount to substantial interference with Charter freedom of association so as to infringe it, and (2) under what conditions and on the basis of what evidence wage restraint legislation that does infringe the freedom could be demonstrably justified as a reasonable limit on it.

Second, the Ontario government recently invoked the notwithstanding clause (section 33) of the Constitution Act in legislation to impose a wage settlement on public sector education workers regardless of whether it infringed Charter rights. It then promptly rescinded the legislation in the face of public opposition. But the Ontario government was not the first to invoke the clause, and its actions raised the question of whether governments may do so again if political conditions are different. If so, might affected unions and employees access the courts to seek a declaration of Charter infringement, with a view to influencing public debate on whether the government's use of the notwithstanding clause should continue?

This panel will take up these questions in a dynamic, roundtable format.

Moderator:

Kevin Banks, NAA, *Wakefield, PQ*

Speakers:

Colleen Bauman, Goldblatt Partners, *Ottawa, ON*

Richard Charney, Norton Rose Fulbright, *Toronto, ON*

Bruce Curran, Faculty of Law, University of Manitoba

Tim Hadwen, Retired, Management Board of Cabinet

Saturday, May 6, 2023 (MEMBERS ONLY - Continued)

11:00 a.m. - 12:00 p.m.

DESIGNATING AGENCIES

Colorado Ballroom (2nd Floor)

The three main designating agencies will describe the current status of their panels, yearly panel statistics, and new initiatives. They will entertain questions from the audience regarding their panel.

Speakers:

Terri Brown, National Mediation Board

Christine Newhall, American Arbitration Association

Arthur Pearlstein, Federal Mediation and Conciliation Service

12:00 p.m. - 1:00 p.m.

LUNCH ON YOUR OWN

1:00 p.m. - 1:30 p.m.

MEMBER RECOGNITIONS

Colorado Ballroom (2nd Floor)

25 & 40 Year Members and New Members

1:30 p.m.

ANNUAL BUSINESS MEETING (Members Only)

Colorado Ballroom (2nd Floor)

3:00 p.m.

BOARD OF GOVERNORS MEETING

Mt. Columbia (3rd Floor)

New Members

Robert H. Barron*
Wynnewood, PA

Meeta A. Bass*
Reynoldsburg, OH

Ezio Borchini*
Bethesda, MD

David P. Clark
Washington, DC

Melinda G. Gordon*
Tarrytown, NY

Janice Johnston*
Toronto, ON

Lee A. Kraftchick*
Miami, FL

Sheri E. Ross*
Santa Monica, CA

*In attendance at annual meeting.

2023 Annual Meeting Program Committee

Lisa C. Charles, *Chair*

Andrea Laiacona Dooley

Sarah Miller Espinosa

Randi E. Lowitt

Sheila G. Mayberry

Debra Simmons Neveu

Margo R. Newman

John F. Sass

Alan Symonette

David Weinberg

Elizabeth C. Wesman

Daniel G. Zeiser

Andree Y. McKissick, *Ex Officio*

Bonnie J. McSpirtt, *Ex Officio*

2023 Annual Meeting Host Committee

Pilar Vaile, *Chair*

Kathy L. Eisenmenger

John F. Sass

Walt De Treux, *Ex Officio*

Plan to Attend:



NATIONAL ACADEMY
OF ARBITRATORS

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