The National Academy of Arbitrators 78th Annual Meeting & Member Education Conference



Individuality, Collectivity, Community: Exploring Pathways to the Evolving Field of Workplace Dispute Resolution



April 30th – May 3, 2025 Fairmont Olympic Hotel Seattle, WA

THE HOTEL

The Academy's block of guest rooms at a special conference rate of \$259 is limited; rooms in our block will be available until

March 31, 2025, or until our block is sold out, whichever occurs first. Attendees will be eligible for the conference rate of \$259 for a single or double occupancy only as long as rooms in the Academy's room block remain available. Room reservations may be made online (https://book.passkey.com/go/NAA2025Conference) or by calling the Fairmont Olympic Hotel 1-888-495-2126. Please be certain to request that your reservation be assigned to the "National Academy of Arbitrators" or "NAA" room block. Reservation must be guaranteed by a first night's deposit by a credit card acceptable to the Fairmont Olympic Hotel.

REGISTRATION FEE SCHEDULE

Registration for the conference is \$695.00. Each registration includes one non-transferable registrant ticket for the following events: Presidents Welcoming Reception, Thursday Distinguished Speaker Luncheon, and Friday Presidential Luncheon. Tickets are available at an additional cost for guests to attend all meal events. Guest meal tickets are transferable; registrant tickets are not.

DISCOUNTS

Interns of NAA Members, and Students: 50% off registration rate use code "HALFOFF" **Organizational Registrations:** 2 or more registrants, \$50 off each registration – use code "50OFF". **First Time Attendees:** 20% off - use code "FIRST" Note: Discounts cannot be combined.

CANCELLATION POLICY

REFUNDS: Only those cancellations received at the NAA Operations Center by mail, e-mail, telephone, or fax on or before **March 31, 2025**, will be entitled to refunds of the conference registration fee (subject to \$100 processing charge) and additional meal tickets.

PLEASE NOTE: All amounts will be processed in U.S. Dollars. The Academy accepts Checks (U.S. Funds Only) and Credit Cards (American Express, Discover, MasterCard, and Visa).

CLE & SHRM

Accreditation is being requested for this conference from states with mandatory continuing legal education requirements for attorneys. CLE forms will be available at the NAA registration desk. If you need more information, please contact the Operations Center, <u>naa@naarb.org</u>. Application will be sought for SHRM Recertification Credits.

COMMITTEE MEETINGS

NAA committee meetings may not be held during conference activities, including ticketed meal functions. Committee or Regional Chairs who need meeting rooms at other times, and who have not already scheduled space with the NAA Operations Center, must contact the Operations Center as soon as possible (Telephone: (607) 756-8363 or E-mail: naa@naarb.org). Time and space have been reserved on Friday from 3:00 pm - 4:00 pm for Committee and Regional meetings. This space is very limited and will be available on a first-requested, first-reserved basis.

WEDNESDAY, April 30, 2025

8:30 a.m. - 4:30 p.m. BOARD OF GOVERNORS MEETING

8:00 a.m. - 12:00 p.m. NEW MEMBER ORIENTATION

12:00 p.m. - 1:00 p.m. **NEW MEMBER LUNCHEON** (*By Invitation Only*)

1:00 p.m. **PRE-MEETING TOUR: SEATTLE AQUARIUM** *More information regarding this tour is coming soon!*

5:00 p.m. – 7:00 p.m. PRESIDENT'S OPENING RECEPTION AND NEW MEMBER WELCOME

THURSDAY, May 1, 2025

8:45 a.m. - 9:00 a.m. WELCOME & INTRODUCTORY REMARKS

Land Acknowledgement Alan Symonette, NAA President, *Media*, *PA*

Welcome and Blessing

Duwamish (dx^wdəw?abš) Tribal Members

Cecile Hansen - Tribal Council Chairwoman, 1975 - present Great-great-grand niece of Chief Si 'ahl ("Chief Seattle")

Ken Workman, President, Duwamish Tribal Services, Council Member

Presidential Remarks: Alan Symonette, NAA President, *Media, PA*

Program Announcements:
Sylvia Skratek, NAA, Tri-Chairs, Seattle Committee, Seattle, WA
David A. Weinberg, NAA, Tri-Chairs, Seattle Committee, Mill Valley, CA
Elizabeth Wesman, NAA, Tri-Chairs, Seattle Committee, Camas, WA

9:00 a.m. - 10:15 a.m. PLENARY SESSION - GOING AWOL: ARBITRATION WITHOUT LAWYERS

Labor arbitration has long been a cornerstone of workplace dispute resolution, offering a unique approach that prioritizes fairness, efficiency, and the long-term relationship between labor and management. Historically, arbitration advocacy was often performed by nonlawyers from within the labor-management relationship, emphasizing the collaborative and practical nature of the process. Over time, attorneys have become more involved in labor arbitration, bringing their expertise and perspective to the field.

This session revisits the valuable role of nonlawyer advocates, both past and present, and explores how their contributions continue to complement the work of legal professionals. Designed to appeal to a broad audience of labor arbitrators, experienced advocates, and those new to arbitration advocacy, this plenary will highlight the benefits of empowering nonlawyers to take on advocacy roles in arbitration. It will also consider how their participation strengthens the collaborative spirit of labor arbitration and fosters enduring labor-management relationships.

Join our panel of experienced practitioners who will share their insights, challenges, and success stories. This session will set the stage for the breakout workshops that follow, which will provide practical training on skills essential for effective advocacy in labor arbitration, including preparing for hearings, examining witnesses, and drafting post-hearing briefs. At the conclusion of these sessions participants who have attended <u>all four sessions</u> will receive an NAA Certificate of Completion.

Whether you are a seasoned arbitrator, a legal professional, or a prospective advocate, this plenary will inspire fresh perspectives on the evolving dynamics of labor arbitration and equip you with tools to adapt to its changing landscape.

Moderator:

Richard Bales, NAA, Lima, OH

Continued on next page

Continuation of Plenary session on the previous page.

Speakers:

Natasha Boucher, CHRP, Human Resources Specialist, Labour Relations, Human Resources David Garcia, San Francisco Municipal Transit Agency Mark Mang, Southeast FAA Chris Perdue, Southeastern Region of NATCA Jennifer Whyte, Representative Power Workers' Union Peter Wilson, TWU Local 250-A

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

10:30 a.m. - 11:45 a.m. PLENARY SESSION - HOW DIFFERENT STANDARDS FOR POST ARBITRATION REVIEW CAN AFFECT HOW CASES ARE LITIGATED AND DECIDED

What happens to the case after the arbitration decision? Should arbitrators care? Should it affect the arbitration process?

Moderator:

Daniel Silverman, NAA, Falls Village, CT

Speakers:

Harriet E. Cooperman, Esq., Saul Ewing, LLP Ernest DuBester, Former FLRA Chair Dmitri Iglitzin, Esq., Barnard, Iglitzin & Lavitt, LLP Ira F. Jaffe, NAA, *Potomac*, *MD*

12:00 p.m. - 1:15 p.m. DISTINGUISHED SPEAKER LUNCHEON - IMPORTANCE OF CIVILITY IN DISPUTE RESOLUTION

Introduction:

Alan Symonette, NAA, Media, PA

Speaker:

Cynthia Nance, Dean of University of Arkansas School of Law; President, College of Labor & Employment Lawyers

1:30 p.m. - 2:45 p.m.

CONCURRENT SESSION - ARTIFICIAL INTELLIGENCE IN ARBITRATION: A CAUTIOUS APPROACH

What do NAA members and advocates think about the use of artificial intelligence in labor arbitration? How will AI impact the labor and employment arbitration profession? Will modification of the Code of Professional Responsibility be necessary? Presentations will summarize the results of the recent AI survey of NAA members and advocates and other findings of the NAA AI Study Group, which was assisted in its deliberations by representatives from AAA, FMCS, Cornell, and Penn State. With all the attention being paid to the use of AI, the Academy and appointing organizations will need to decide if they should take a stand.

Moderator:

William McKee, NAA, Denton, TX

Speakers:

Jeanne Charles, NAA, Fort Lauderdale, FL Mark David Gough, Associate Professor, School of Labor Studies and Employment Relations, The Pennsylvania State University Keith D. Greenberg, NAA, North Bethesda, MD Professor Harry Katz, Jack Sheinkman Professor, Director, Scheinman Institute on Conflict Resolution, ILR School, Cornell University, Ithaca, NY Thomas Kochan, NAA, Jamaica Plain, MA

1:30 p.m. - 2:45 p.m.

CONCURRENT SESSION - AWOL ADVOCACY SESSION A (FOR NON-LAWYER ADVOCATES AND ATTORNEYS NEW TO LABOR ARBITRATION)

Case Selection, Arbitrability, Burdens of Proof, and Hearing Prep (*Attendees at all four Advocacy sessions will receive an NAA Certificate of Completion*)

Speakers:

Richard Bales, NAA, *Lima*, *OH* Sylvia Skratek, NAA, *Seattle*, *WA* Charlene MacMillan, Arbitrator, *Bellevue*, *WA* Page Todd, Arbitrator, *Olympia*, *WA*

1:30 p.m. - 2:45 p.m.

CONCURRENT SESSION - TURBULENCE IN THE SKIES

A panel of experienced advocates and arbitrators will discuss current and often controversial issues arbitrated in the airline industry. How is the unpredictable and sometimes even volatile atmosphere in the sky reflected in the issues presented to a system board of arbitration?

Moderator:

Margie Brogan, NAA, Philadelphia, PA

Speakers:

Walt De Treux, NAA, Philadelphia, PA

Tricia Kennedy, Director, Grievances/Dispute Resolution, Allied Pilots Assoc.

Eric Mennel, Director Labor Relations United Airlines

Maranda Rosenthal, Managing Director, Assoc. General Counsel, American Airlines

Peter Swanson, Senior Staff Attorney, AFA-CWA

3:00 p.m. - 4:15 p.m. CONCURRENT SESSION - OFF-DUTY MISCONDUCT IN THE PUBLIC SECTOR

Off-duty misconduct by public sector employees is a critical area of focus in arbitration, as it balances the individual's right to privacy with the employer's interest in maintaining public trust and workplace integrity. Arbitrators assess whether the off-duty behavior has a nexus to the employment relationship, such as harming the employer's reputation, undermining workplace harmony, or breaching ethical standards expected of public servants. In our session, our panel will examine both the nature of the nexus between off-duty conduct and the employment relationship as well as the current state of arbitral law involving off-duty misconduct.

Moderator:

Steven Bierig, NAA, Highland Park, IL

Speakers:

Jerry Marzullo, Asher, Gitler & D'Alba., Ltd. Melissa Sobota, Management Attorney P.C., Franczek

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

CONCURRENT SESSION - THE ENDURING LEGACY OF THE STEELWORKERS TRILOGY

1960 was a period of big labor, big industry, railroads, and Big Steel. In that climate, the Supreme Court issued a trio of decisions that settled major questions about the nature - and power - of labor arbitration. The nickname, the Steelworkers Trilogy, stuck and it has been law since then. United Steelworkers of America v. American MFG. Co., United Steelworkers of America v. Enterprise Wheel & Car Corporation and United Steelworkers of America v. Warrior & Gulf Navigation Company wrote the law that supported arbitration as the accepted form of dispute resolution in a collective bargaining environment. The Trilogy also gave us key principles to govern arbitration: the importance of the "common law of the shop," "system of self-government," and substituting "peaceful settlement for the older regime of industrial conflict." 1960 was a long time ago, but the important questions are still with us. Why do we arbitrate? Can we challenge a decision and, if yes, how? What happens in an arbitration that might give an unhappy party a reason to challenge this system and how arbitrators can avoid pushing the hot buttons.

Moderator:

Thomas Levak, NAA, Portland, OR

Speakers:

Paula A. Barran, Management Attorney, Barran Liebman LLP Michael J. Tedesco, Union Attorney, Tedesco Law Group

3:00 p.m. - 4:15 p.m. CONCURRENT SESSION - AWOL ADVOCACY SESSION B (FOR NON-LAWYER ADVOCATES AND ATTORNEYS NEW TO LABOR ARBITRATION)

Witnesses (Prep, Credibility, Cross Examination) (Attendees at all four Advocacy sessions will receive an NAA Certificate of Completion)

Speakers:

Richard Bales, NAA, *Lima, OH* Sylvia Skratek, NAA, *Seattle, WA* Charlene MacMillan, Arbitrator, *Bellevue, WA* Page Todd, Arbitrator, *Olympia, WA*

4:30 p.m. - 5:15 p.m. FIRESIDE CHAT

Interviewer:

Samantha Tower, NAA, Media, PA

Interviewees:

Shyam Das, NAA, *Media*, *PA* Kathleen Miller, NAA, *Media*, *PA*

5:45 p.m. **SEATTLE SYMPHONY** *Purchase tickets here. Limited spots available, register today.*

FRIDAY, May 2, 2025

8:45 a.m. - 9:00 a.m. WELCOME & INTRODUCTORY REMARKS

Presidential Remarks: Alan Symonette, NAA President, *Media*, *PA*

Program Announcements:

Sylvia Skratek, NAA, Tri-Chairs, Seattle Committee, Seattle, WA

David A. Weinberg, NAA, Tri-Chairs, Seattle Committee, Mill Valley, CA

Elizabeth Wesman, NAA, Tri-Chairs, Seattle Committee, *Camas, WA*

9:00 a.m. - 10:15 am PLENARY SESSION - THE INTERNATIONAL LABOUR ORGANIZATION (ILO) AND ITS GLOBAL IMPLEMENTATION OF CORE CONVENTIONS

A broad analysis/background of core ILO Conventions adopted worldwide. An international panel of experts will focus on the rationale and implementation of Convention 190, ILO expectations, ILO assistance, successes, and challenges. The panel will focus on access to remedies for complaints of workplace harassment and bullying specifically regarding sexual harassment. A comparative look at countries with excessive complaints of workplace harassment/sexual harassment and their adoption of different approaches to dealing with complaints.

Moderator:

Hilary Mofsowitz, NAA, New York, NY

Speaker:

Valentina Beghini, International Labour Organization, Legal Specialist, Violence, Harassment and Non-Discrimination Gender, Equality, Diversity and Inclusion Branch, *Switzerland*

Tanya Venter, Tokiso Dispute Settlement (Pty) Ltd., South Africa Robin Runge Distinguished Professorial Lecturer in Law, The George Washington University School of Law, Washington, DC

FRIDAY, May 2, 2025 (Continued) 10:15 a.m. -10:30 a.m. **TRANSITION BREAK**

10:30 a.m. - 11:45 a.m. CONCURRENT SESSION - ARBITRATION OR COURT SUIT -WHICH IS BETTER FOR EMPLOYEES?

Many people believe that arbitration is second-class justice in which employees seldom prevail. Our study comparing the results of AAA employment arbitration and federal court litigation found:

- Employees win more often in arbitration than in court litigation;
- Employees receive justice in arbitration more quickly;
- Employees are able to bring cases to arbitration that are too small to litigate;
- Employees receive larger awards in court litigation than in arbitration.

We are sharing our research with Congress in order to persuade them that employment arbitration should be preserved and reformed, not eliminated.

Moderator:

Rosemary Pye, NAA, Chevy Chase, MD

Speakers:

Theodore St. Antoine, NAA, *Cambridge, MA* Lewis Maltby, President, National Workrights Institute

FRIDAY, May 2, 2025 (Continued)

10:30 a.m. - 11:45 a.m. CONCURRENT SESSION - AWOL ADVOCACY SESSION C (FOR NON-LAWYER ADVOCATES AND ATTORNEYS NEW TO LABOR ARBITRATION

Evidence/Objections; Past Practice

(Attendees at all four Advocacy sessions will receive an NAA Certificate of Completion)

Speakers:

Richard Bales, NAA, *Lima, OH* Sylvia Skratek, NAA, *Seattle, WA* Charlene MacMillan, Arbitrator, *Bellevue, WA* Page Todd, Arbitrator, *Olympia, WA*

10:30 a.m. - 11:45 a.m. CONCURRENT SESSION - POISONED AND FRAUGHT WORKPLACES - A RESTORATIVE APPROACH

How do employers and unions restore respectful, trusting working relationships after a period in which relationships have broken down, collectively between a union and management, or individual through bullying and harassment in the workplace? International experts will present a worldwide perspective of work/successes/challenges in this fascinating area of awareness and change; a deep dive into techniques used that show successes and lessons learned.

Moderator:

Christopher J. Albertyn, NAA, Toronto, ON

Speaker:

Charles Nupen, StratAlign, Johannesburg, South Africa (Participating via Zoom) Jennifer Pernfuss, Respect: Conciliation & Education, Toronto, ON Thivya Rakini, Tamil Nadu Textile and Common Labour Union (TTCU) Dindigul, Tamil Nadu (Participating via Zoom)

FRIDAY, May 2, 2025 (Continued) 12:00 p.m. - 1:30 p.m. **PRESIDENTIAL LUNCHEON**

Introduction: Margie Brogan, NAA, *Philadelphia*, *PA*

Speaker:

Alan Symonette, NAA, Media, PA

1:30 p.m. - 2:45 p.m. CONCURRENT SESSION - THE FUTURE OF THE POSTAL SERVICE

The discussion will center on the potential impact of the new administration on the future of the Postal Service and best practices for arbitration hearing.

Moderator: Ruben Armendariz, NAA, *Fair Oaks Ranch, TX*

Speaker:

Paul Barner, Executive Vice President, National Association of Letter Carriers, AFL-CIO
Jennifer Breslin, Director, Collective Bargaining & Arbitration, United States Postal Service, Washington, D.C.
Charlie Cash, Industrial Relations Director, American Postal Workers Union, AFL-CIO, Washington, D.C.
Mark Gisler, Esq., Partner, Peer, Gan and Gisler, LLP, Washington, D.C.
Nick Lehto, Regional Director Colorado, National Postal Mail Handlers Union, Denver, CO

FRIDAY, May 2, 2025 (Continued)

1:30 p.m. - 2:45 p.m. CONCURRENT SESSION - THE PATH FORWARD: INCREASING THE INCLUSION AND SELECTION OF DIVERSE NEUTRALS IN THE ADR FIELD

A roundtable discussion among ADR experts and scholars with a wealth of experience in the recruitment, development and selection of neutrals will discuss the various initiatives they have undertaken to increase the inclusion and selection of diverse neutrals on the rosters of arbitrators and mediators. The roundtable will also explore the challenges involved in the implementation of DEI initiatives throughout the United States and Canada.

Moderators:

Hilary Mofsowitz, NAA, *New York, NY* Haydee Rosario, NAA, *Bronx, NY*

Speakers:

Koml Kandola, Arbitrator, President of the Arbitrators Association of British Columbia Homer La Rue, NAA, *Columbia*, *MD* Sarah Miller-Espinosa, NAA, *Alexandria*, *VA* Paul Roose, NAA, *Oakland*, *CA*

1:30 p.m. - 2:45 p.m. CONCURRENT SESSION - AWOL ADVOCACY SESSION D (FOR NON-LAWYER ADVOCATES AND ATTORNEYS NEW TO LABOR ARBITRATION)

Oral Closings/Written Arguments

(Attendees at all four Advocacy sessions will receive an NAA Certificate of Completion)

Speakers:

Richard Bales, NAA, *Lima*, *OH* Sylvia Skratek, NAA, *Seattle*, *WA* Charlene MacMillan, Arbitrator, *Bellevue*, *Washington* Page Todd, Arbitrator, *Olympia*, *Washington*

FRIDAY, May 2, 2025 (Continued)

3:00 p.m. Committee Meetings TBD

4:30 p.m. **CHIHULY GARDEN TOUR** *More information regarding this tour is coming soon!*

SATURDAY, May 3, 2025

8:45 a.m. - 9:00 a.m. WELCOME & INTRODUCTORY REMARKS

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

CONCURRENT SESSION - ARBITRATOR-LED MEDIATION: CANADIAN PRACTICE AND AMERICAN POSSIBILITIES

Canadian arbitrators routinely wear two hats, slipping into mediator-mode in the midst of a proceeding at a pivotal moment, or even starting with mediation at the outset of the arbitration hearing. In Canada, these practices are widely supported by the community albeit not without some controversy. In the USA, not so much. This panel includes experienced practitioners who will assess the state of arbitrator-led mediation in Canada and the USA, and how American arbitral practice could evolve to add more of a mediation component.

Moderator:

Justice Michelle Flaherty, Ontario Superior Court of Justice, former Arbitrator-Mediator

Speakers:

Jules Bloch, NAA, *Toronto, ON* Jeanne Charles, NAA, *Pembroke Pines, FL* Amanda Rogers, Arbitrator-Mediator, *Vancouver, BC*

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

CONCURRENT SESSION - WHAT DO THE PARTIES WANT FROM THE NEUTRALS?

Discussion of the impact of common and not-so-common areas where arbitrators' practices vary. Examples include scheduling, pre-hearing matters, management of the hearing, evidentiary rulings, decision brevity/length, mediating before/during/after the hearing, and other areas of interest. Audience participation will be encouraged.

Moderator:

Luella Nelson, NAA, Portland, OR

Speakers:

Kristina Hillman, Weinberg, Roger & Rosenfeld David Worley, Miller Nash

SATURDAY, May 3, 2025 (Continued) 10:15 a.m. - 10:30 a.m.

TRANSITION BREAK

10:30 a.m. – 11:45 a.m. CONCURRENT SESSION - AGENCY: HOW DO I GET ON LISTING AGENCY PANELS, AND THEN HOW DO I GET SELECTED?

Moderator:

David Weinberg, NAA, Mill Valley, CA

Speakers:

Terri Brown, Esq., Director, Office of Arbitration Services, National Mediation Board, Washington, D.C.Christine Newhall, Senior Vice President, American Arbitration Association, Boston, MA

Arthur Pearlstein, Esq., Director of Arbitration, Federal Mediation and Conciliation Service, *Washington*, *D.C*.

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

CONCURRENT SESSION - NAVIGATING MEDIA AND PUBLIC MESSAGING: ELEVATING ARBITRATION'S ROLE IN LABOR DISPUTE RESOLUTION

The days of dedicated labor writers are mostly behind us, with journalists now covering issues they may not fully grasp. As the National Academy of Arbitrators works to enhance the understanding of arbitration, correct common misconceptions in the media and communicate the vital role of arbitration in labor dispute resolution to the public, we invite you to attend a session that will sharpen your skills in crafting impactful messages for both the media and the broader public.

Led by our Media and Communications Strategy Committee, alongside our partners at Common Ground Public Relations, this session will provide you with tools to effectively communicate the Academy's messages while maintaining your neutrality and professionalism. Whether you are personally engaging with the media or simply want to understand how the Academy is addressing these challenges on behalf of the industry, this session is essential for all involved in the field.

You will walk away with practical tools, including a messaging map, which will help you navigate complex, high-stakes discussions with confidence. We'll cover key topics such as:

- Developing and maintaining clear, consistent messaging
- Staying on message during interviews and public speaking engagements
- Projecting confidence and credibility through body language
- Communicating during crises or controversial situations
- Applying techniques through case studies and simulations

Join us for an engaging learning experience that will empower you to speak confidently, strategically and professionally on behalf of the arbitration community.

Moderator:

Andrea Dooley, NAA, Oakland, CA

Speaker:

Denise Bentele, Common Ground Public Relations, St. Louis, MO

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

LUNCH ON YOUR OWN

Showing of *The Last Labor Guild* video. This is the story of the Boston Labor Guild, which is the last operating worker school of more than 100 during the Depression. It is both an historical record and a template for other communities to educate workers about effective labor relations and the administration of local unions. Financed by the NAA's Research and Education Foundation.

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

MEMBER RECOGNITIONS FOLLOWED BY ANNUAL BUSINESS MEETING (Members Only)

New Members, 25- & 40-Year Members, and Honorary Life Members

3:00 p.m. 2025 - 2026 BOARD OF GOVERNORS MEETING

2025 Seattle Committee

Sylvia Skratek, *Tri-Chairs* David A. Weinberg, *Tri-Chairs* Elizabeth Wesman, *Tri-Chairs*

Jules B. Bloch Lou Chang Andrea Laiacona Dooley Juan Carlos Gonzalez Keith D. Greenberg Fredric R. Horowitz Arne Peltz Samantha E. Tower Luella E. Nelson Hilary Mofsowitz Haydee Rosario Betty Rankin Widgeon

Sheila G. Mayberry, *Ex-Officio* Bonnie J. McSpiritt, *Ex-Officio*

SAVE THE DATE

