



National Academy of Arbitrators (NAA)
Southwest Rockies Region

**42nd Annual Labor-Management and Employment
Conference**

February 28 - March 2, 2019

Houston Hobby Airport DoubleTree Hotel

Thursday, February 28, 2019

Training for labor advocates and arbitrators

LERA Thursday social hour, dinner and program

Speaker: **Ernest DuBester**

Member, Federal Labor Relations Authority

Friday, March 1, 2019

Red Light/Green Light, plenary sessions, and workshops

Luncheon speaker: **Edward B. Krinsky***

President, National Academy of Arbitrators (NAA)
Madison, WI

***Hotel group-rate registration ends February 12, 2019;
a limited number of rooms is available***

The SWR Region dedicates this conference to the memory of NAA arbitrator Mark Sherman, Esq., PhD. Mark tirelessly devoted his intellect, energy, and talent to improve labor-management relationships, negotiations and dispute resolution. He was an outstanding teacher and arbitrator. He will be sorely missed by the SWR Region.



* Indicates National Academy of Arbitrators Member

Mark R. Sherman
1956 – 2018

Thursday, February 28

Advocate & Arbitrator Training

8:00 a.m. – 5:00 p.m. REGISTRATION

9:00 a.m. WELCOME – **Kathy L. Eisenmenger**,* Esq., *Chair, Southwest Rockies Region*

9:00 a.m. – 4:30 p.m. ADVOCATE TRAINING

Instructors: **Rex Wiant**,* *Kansas City, MO & Kenner, LA;* **M. Zane Lumbley**,* *Esq., Brenham, TX & Monroe, WA.*

The instructors will take advocates through handling the As to Zs of labor and employment arbitration, from assessing the grievance's strengths and weakness, preparing witnesses, choosing relevant and persuasive exhibits, composing opening statements, making closing arguments, anticipating objections, and dealing with unexpected issues. This full-day of intensive, hands-on training is designed to build your arbitration advocacy skills.

9:00 a.m. – 4:30 p.m. ARBITRATOR TRAINING

FOR PRACTICING NEUTRALS ONLY!

Instructors: **I. B. Helburn**,* *Austin, TX;* **Sharon Gallagher**,* *Esq.; Milwaukee, WI.*

Distinguished speaker: **Ernest DuBester**, *Esq., Member, Federal Labor Relations Authority, Washington, D.C.*

Guest instructors: **Joseph "Chip" Galagaza**, *Esq., Houston, TX;* **Patrick M. Flynn**, *Esq., Houston, TX.*

The arbitrator training will include remedies, Ernest DuBester's discussion of the most significant differences between federal sector and other labor arbitration, discussion by Chip Galagaza and Pat Flynn of what gets arbitrators more work and what gets them struck from panels and a discussion of concerns raised by attendees.

5:00 p.m. – 6:00 p.m. SOCIAL HOUR (Cash Bar)

Hors d'œuvres. Sponsored by LERA, Greater Houston Chapter

6:00 p.m. LERA DINNER

Moderator: **Walter Darr**, *FMCS Commissioner, Houston, TX.*

Speaker: **Ernest DuBester**, *Esq., Member, Federal Labor Relations Authority, Washington, D.C.*

Friday, March 1

Plenary Sessions & Workshops

8:00 a.m. – 5:00 p.m. REGISTRATION

9:00 a.m. WELCOME – **Kathy L. Eisenmenger**,* Esq., *Chair, Southwest Rockies Region*

9:10 a.m. – 10:30 a.m. **PLENARY SESSION**



RED LIGHT - GREEN LIGHT

Moderator: **Ruben Armandariz**,* *Esq., San Antonio, TX.*

Panelists: **Benjamin Shieber**,* *Esq., Baton Rouge, LA & Woodville, MS;* **Pilar Vaile**,* *Esq., Yuma, CO;* **Angela McKee**, *Esq., Dallas, TX;* **Mark Burdette**, *Colleyville, TX.*

Is there a right answer here? The arbitrators will put their arbitrator tool boxes to the test in deciding difficult issues and formulating the proper process to make order of the chaos appearing before them. After the arbitrators explain the rationale for their respective responses to a variety of unique case scenarios, the audience will weigh in with their own questions and answers.

10:30 a.m. – 10:45 a.m. **BREAK**

10:45 – 12:00 p.m. PLENARY SESSION

AGENCY UPDATE

Moderator: **Maretta Comfort Toedt**,* *Esq., Houston, TX.*

FMCS: **Arthur Pearlstein**, *Esq., Director of Arbitration, Washington, DC.*

AAA: **TBA**

Agency representatives will bring advocates and arbitrators up-to-date on labor cases filed in our region and nationally, training initiatives, and organizational changes at the FMCS and AAA.

12:00 p.m. – 1:30 p.m. **LUNCH**

Speaker: **Edward B. Krinsky**,* *President, National Academy of Arbitrators, Madison, WI*

1:30 p.m. – 3:00 p.m. EARLY AFTERNOON WORKSHOPS

CHOOSE ONE OF THREE

FEDERAL SECTOR ISSUES

Discussion Leader: **I. Beber Helburn**,* *Austin, TX.*

Guest speaker: **Ernest DuBester**, *Esq., Member, Federal Labor Relations Authority, Washington, D.C.*

Dr. Helburn will summarize his research comparing FLRA decisions of the Trump, Obama and Bush #43 FLRAs for cases (30 for each administration) where arbitrators have sustained grievances and the agencies have filed exceptions with the FLRA. FLRA Member DuBester, who has dissented from most of the Trump majority decisions that have set aside arbitration awards, will comment on the research and his view of the current state of federal sector labor relations.

CREATE AND HOLD YOUR MOJO FOR YOUR ARBITRATION CASE

Discussion Leader: Louise Wolitz, Austin, TX, & New York City, NY.*

Panelists: Nadine Littles, Esq., arbitrator, Houston, TX; Edward B. Valverde, Esq., arbitrator, Fort Worth, TX.

An interactive exercise to draw upon objective evaluation of relevant, material and pertinent evidence in case assessment. The goal is to reach a persuasive and substantive story of the case and to anticipate the opposing party's views. The session will not duplicate the Advocates' Training but will delve into fine tuning specific skills.

ETHICS FOR ADVOCATES AND ARBITRATORS

Discussion Leader: Lynne Gomez, Esq., Bellaire, TX, and Michael Z. Green, Esq., Fort Worth, TX.*

Two NAA arbitrators lead an interactive debate using thought-provoking scenarios based on published cases involving ethical issues. The session sharpens the attention to both black letter provision in the AAA, FMCS and NAA Code of Professional Responsibility for Arbitrators of Labor-Management Disputes as well as the nuances arbitrators and advocates are faced with in their practices.

3:00 – 3:15 p.m. **BREAK**

3:15 p.m. – 4:45 p.m. **LATE AFTERNOON WORKSHOPS**

CHOOSE ONE OF THREE

POSTAL SERVICE UPDATE

*Moderator: Kathy Eisenmenger,*Esq., Denver, CO, & Danielle Hargrove, Esq, San Antonio, TX.*

Panelists: Rick Acker, Manager Field Labor Relations, USPS; Lew Drass, Vice President, NALC; Teresa Harmon, NPMHU Manager, Contract Administration; Vance Zimmerman, APWU Director, Labor Relations.

Panelists will address current issues and ongoing changes in the postal environment and answer audience questions.

ETHICS FOR ADVOCATES AND ARBITRATORS

See description for early afternoon session.

POLICE AND FIRE UPDATE

Moderator: Will Hartsfield, Esq., Dallas, TX.*

Panelists: Michael Rickman, Esq., Combined Law Enforcement Associations of Texas (CLEAT); Ric J. Navarro, Esq., Denton Navarro Rocha Bernal & Zech, P.C., Harlingen, TX.

How reliable is video and audio evidence captured by body-worn cameras? What discipline is reasonable for failing to activate a body worn camera? Is it appropriate for Police Officers / Firefighters to use personal cell phones to record events? What is the reliability of GPS to support or refute charges? How do arbitrators sort through testimony of expert witnesses? Can unions use subpoenas to obtain investigation documents, "g" files, or medical records? What about witness testimony via video or telephone calls? Can the media and members of the public attend arbitration hearings? What about domestic violence charges as a basis or factor in discipline actions?

Saturday, March 2

8:00 a.m. – 10:00 a.m. **NAA SW/ROCKIES REGION MEETING**

Business meeting for National Academy of Arbitrators members only.

10:00 a.m. – 12:00 Noon **POSTAL MEETING**

*Moderator: Kathy Eisenmenger**

This traditional Saturday session gives all stakeholders an "open mike" to express their concerns about any aspect of postal arbitration.

CLE CREDITS (INCLUDING ETHICS)

Application has made for participatory hours for MCLE, including 1.5 hours of ethics with the State Bar of Texas (SBOT) and Texas State Bar College, the State Bar of Oklahoma and the State Bar of Louisiana. Information regarding approved CLE will be available at the conference registration desk.

Program Chair: Kathy Eisenmenger,* Esq.

Program Co-chairs : Norman Bennett,* Esq. ; Don E. Williams,* Esq.

Arrangement Co-chairs: Lynne Gomez,* Esq.; Paul Chapdelaine,* Diane Dunham Massey,* Esq.

Registrars: Elvis Stephens*, Ruben Armendariz,* Esq.

REGISTRANT INFORMATION

Please Register by February 12, 2019 to avoid late fees.

NAME 1 _____

Email _____

NAME 2 _____

Email _____

NAME 3 _____

Email _____

NAME 4 _____

Email _____

Organization _____

Street _____

CITY _____ ST _____ ZIP _____

PHONE _____ Check One: Cell _____ Ofc _____

EMAIL _____

Please note that future conference brochures and registration may be available on-line only. Your email address will ensure that you receive notification of next year's conference.

For planning purposes, please indicate below which Friday workshops you or members of your group are planning on attending.

1:30 – 3:00 p.m. Workshops

1. Prepare Your Arbitration Case _____
2. Federal Sector Issues in the Workplace _____
3. Ethics for Advocates and Arbitrators _____

3:15 – 4:45 p.m. Workshops

4. Police and Fire Arbitration Update _____
5. Postal Service Update _____
6. Ethics for Advocates and Arbitrators _____

Please let us know if you require special accommodations or meals.

To register online and receive more information about our region and this program, go to www.naaswr.org. Here you can keep updated on program changes, view the list of member arbitrators, and see selected articles.

REGISTRATION FEES CALCULATION

Please check the specific training session you wish to attend

Thursday, February 28, 2019

[*] Rate for each of four or more attending from one organization

Registration	Regular Reg. (thru 02/12/2019 Ind./Group*	Late Reg. (02/13 to 02/28/2019) Ind./Group*	# attending	Amt. Due
Advocate Training	\$120/\$110	\$145/\$135		
Arbitrator Training	\$120/\$110	\$145/\$135		
Dinner	\$45.00	\$45.00		

Friday, March 1, 2019

[*] Rate for each of four or more attending from one organization

Plenary Sessions & Workshops	Regular Reg. (thru 02/12/2019) Ind./Group*	Late Reg. 02/13 to 03/01/2019) Ind./Group*	# attending	Amt. Due
Total	\$120/\$110	\$145/\$135		

Total Enclosed for February 28 and March 1, 2019	\$
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TO REGISTER ONLINE, VISIT OUR WEBSITE AT: www.naaswr.org.

**Credit cards accepted on the website or by contacting
Ruben Armendariz at swrockies7@gmail.com**

Make checks payable to: Southwest Rockies Region NAA

No refunds after February 12, 2019

Mail to:

Ruben Armendariz, *Esq., Arbitrator
8610 Cheviot Heights
San Antonio, Texas 78254

Phone (210) 379-0860.

Email: swrockies7@gmail.com

National Academy of Arbitrators
Ruben Armendariz,* Esq., Arbitrator
8610 Cheviot Heights
San Antonio, Texas 7825

Return Service Requested

STAMP or
Indicia

TO:

LOCATION

DoubleTree Hotel at Houston Hobby Airport, 8181 Airport Boulevard, Houston, Texas 77061-4142.
(713) 645-3000

HOTEL RESERVATIONS

The hotel has reserved a limited block of rooms at the group rate of \$115.00 per night plus tax, subject to availability. All reservations should be received by the hotel no later than **February 12, 2019**. Reservation requests received by the hotel after February 12, 2019 are subject to space and rate availability. Check-in time is 3:00 p.m. For call-in reservations, call (713) 645-3000 and provide Group Code NAA to receive the \$115.00 group rate.

To register online, go to:

http://doubletree.hilton.com/en/dt/groups/personalized/H/HOUHODT-NAA-20190227/index.jhtml?WT.mc_id=POG

The group name is NATIONAL ACADEMY OF ARBITRATORS.
The group code is: NAA.

Please let us know if you require special accommodations or meals.

TRANSPORTATION

The DoubleTree Hotel provides free shuttle transportation to and from Houston Hobby Airport for registered guests.

SOUTHWEST / ROCKIES REGION NAA

To register for the conference online and for more information about our region and this program, go to www.naaswr.org. Here you can keep updated on program changes, view the list of member arbitrators, and see selected articles.

ARBITRATION INFO WEBSITE

The NAA, in conjunction with the University of Missouri School of Law, has launched a new website for the general public, professionals, and journalists. The website, www.arbitrationinfo.com, offers neutral, non-commercial and comprehensive information about workplace arbitration.

PROCEEDINGS

Volumes 1 through 66 (1948 through 2013) of *The Proceedings of the NAA* are now available on the Academy's website (www.naarb.org). Papers presented at NAA Annual Meetings are published by BNA in *The Proceedings*, which are available free of charge in a searchable format.