



National Academy of Arbitrators (NAA)  
Southwest / Rockies Region

# 43<sup>rd</sup> Annual Labor-Management Conference

**For Arbitrators and Practitioners**

“The Evolving Workplace”

**February 20-22, 2020**

**Dallas Love Field – Double Tree Hotel**

## **Thursday, February 20, 2020**

- Training for Labor Advocates and Arbitrators
- FMCS and AAA Agency updates

## **Friday, February 21, 2020**

- Red Light/Green Light and Workshops
- Luncheon speaker: **Barry Winograd,\* Esq.**  
National President, National Academy of Arbitrators (NAA)

“THE FUTURE OF LABOR AND EMPLOYMENT ARBITRATION”

## THURSDAY, FEBRUARY 20 - ADVOCATE & ARBITRATOR TRAINING

**8:00 AM – 5:00 PM**

REGISTRATION

**9:00 AM – WELCOME**

Norman Bennett,\* Esq., Chair, Southwest/Rockies Region

*\*Indicates a member of the National Academy of Arbitrators*

**9:00 AM – 3:45 PM**

**ADVOCATE TRAINING**

INSTRUCTORS: **Kathy Fragnoli,\*** Esq., Dallas, TX; **Paul G. Chapdelaine,\*** Pearland, TX,  
ASSISTED BY: **Don E. Williams,\*** Esq., Lubbock, TX; **Sharon A. Gallagher,\*** Esq., Milwaukee, WI;  
**Pilar Vaile,\*** Esq., Yuma, CO; **Angela McKee,** Esq., Dallas, TX, **Sidney S. Moreland, IV,\*** Esq., Baton Rouge, LA

**Topics:** How to handle pre-hearing issues, case preparation, discipline and just cause, researching tools, remedies, subpoenas, opening comments, arbitrability, direct and cross examination, handling objections, closing statements, and enforcing the award.

**9:00 AM – 3:45 PM**

**ARBITRATOR TRAINING**

INSTRUCTORS: **I. B. Helburn,\*** Austin, TX;  
PRESENTERS: **Michael Z. Green,\*** Esq., Fort Worth, TX; **Raquel T. Castillo,** Fort Worth, TX; **Gretchen Paulig,** Esq., NTEU, Austin, TX; **Carl Bosland,** Esq., USPS, Washington, D.C.; **Sam Lisenbe,** NBA, APWU, Irving, TX

**Topics:** Evidence, Federal Sector Arbitration, Dos and Don'ts for Arbitrators, The Practice of Arbitration, Attendees' Concerns

FOR PRACTICING NEUTRALS ONLY!

**4:00 PM – 5:00 PM**

**AGENCY UPDATE (ALL)**

MODERATOR: **Tom Cipolla,\*** Esq., Austin, TX.  
FMCS: **Arthur Pearlstein,** Esq., Director of Arbitration, Washington, DC.  
AAA: To Be Announced

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.

**5:00 PM – 6:00 PM**

**SOCIAL HOUR**

Cash bar & Hors d'oeuvres

**6:00 PM**

**NAA DINNER**

MODERATOR: **Paul Chapdelaine,\*** Pearland, TX.  
SPEAKER: **Rick Bales,\*** Esq., Pittsburg, PA

**THE TALK: Artificial Intelligence in the Workplace: Implications for H.R., Unions and Neutrals**  
The increasing use of artificial intelligence (AI) in the workplace impacts recruiting and hiring, may create or reduce bias, affects performance evaluations and resulting pay and promotion decisions, and enhances employee monitoring on and off the job. Consequently, AI may affect negotiation demands, grievances filed, and arbitration cases heard. Our speaker, an arbitrator, law professor and subject matter expert, will provide an overview of this emerging topic.

## FRIDAY, FEBRUARY 21 – PLENARY SESSIONS & WORKSHOPS

**8:00 AM – 5:00 PM**

REGISTRATION

**9:00 AM – WELCOME**

Norman Bennett,\* Esq, Chair, Southwest/Rockies Region

**9:10 AM – 10:30 AM**

**PLENARY SESSION**

MODERATOR: **Bill McKee,\*** *Denton, TX*

SPEAKER: **Thomas A. Kochan,\*** *Boston, MA*

Tom Kochan will report on research done at MIT and elsewhere concerning the influence of advancing technologies on the future workplace and the implications for labor-management relations and dispute resolution. Emphasis will be given to how proactive efforts of business, labor, educators, governments and third-party neutrals can contribute to using technology to create better work and a more broadly-shared prosperity.

**10:30 AM – 10:45 PM**

**BREAK**

**10:45 AM – NOON**

**PLENARY SESSION**

**RED LIGHT - GREEN LIGHT: Arbitrators IN THE HOT SEAT**

MODERATOR: **Rex H. Wiant,\*** *Kansas City, MO*

PANELISTS: **Will Hartsfield,\*** Esq., *Dallas, TX*; **James P. O’Grady,\*** *St. Louis, MO*; **Benjamin M. Shieber,\*** Esq., *Baton Rouge, LA*; **Pilar Vaile,\*** Esq., *Yuma, CO*

This session will focus on several hypothetical scenarios that will be concerned with gender issues in the workplace.

**12:00 PM – 1:30 PM**

**LUNCH**

“The Future of Labor and Employment Arbitration”

SPEAKER: **Barry Winograd,\*** Esq., *Oakland, CA*; NAA National President

**1:45 PM – 3:15 PM**

**EARLY AFTERNOON WORKSHOPS**

CHOOSE ONE OF THREE

### **ETHICS**

DISCUSSION LEADERS: **Lynne M. Gomez\*** Esq., *Bellaire, TX*; **Michael Z. Green,\*** Esq., *Fort Worth, TX*

This interactive session will focus on a variety of ethical issues in arbitration. The session will be repeated at 3:30.

### **POSTAL SERVICE**

DISCUSSION LEADER: **M. Zane Lumbley,\*** *Brenham, TX*

PANELIST: **Kate Attridge**, U.S.P.S., *Washington, D.C.*; **Lew Drass**, N.A.L.C.; *Washington, D.C.*; **David Heather**, NRLCA, *Kansas City, MO*; **Vance Zimmerman**, APWU, *Washington, D.C.*; **Eileen Mills**, Southern Region Director, NPMHU, *Washington, D.C.*

Panelists will update attendees on the status of contract negotiations and describe how the result of those negotiations may impact our service on the arbitration panels administered by the U. S. Postal Service and the labor organizations representing its many employees.

### **HEARSAY EVIDENCE IN ARBITRATION**

DISCUSSION LEADER: **Thomas A. Cipolla,\*** Esq., *Austin, TX*

**Topics:** “Did I hear what you heard?”– Hearsay in Arbitration. What is it? Admissibility? Exceptions? Admissions? Reliability? Documents/Business Records? “Statements in other forums.”

**3:15 – 3:30 PM**

**BREAK**

**3:30 – 4:45 PM**

**LATE AFTERNOON WORKSHOPS**

**CHOOSE ONE OF THREE**

**ETHICS**

DISCUSSION LEADER: **Lynne M. Gomez**,\* Esq., *Austin, TX*; **Michael Z. Green**,\* Esq., *Fort Worth, TX*

This session will be a repeat of the above session for those attendees not attending the early afternoon session.

**PUBLIC SAFETY**

DISCUSSION LEADER: **Don E. Williams**,\* Esq., *Lubbock, TX*

PANELISTS: **Rod Tanner**, Esq., *Fort Worth, TX*, **Julia Gannaway**, Esq., *Fort Worth, TX*

These well published and noted speakers will discuss the claim of disparate treatment as an affirmative defense in Fire, Police and other public service agency disciplinary cases and as time permits, discovery and cross-examination in discipline cases.

**DUTY OF FAIR REPRESENTATION**

MODERATOR: **Sidney S. Moreland IV**,\* Esq., *Baton Rouge, LA*

This session is drawn from my paper, to be provided to attendees, on The Duty of Fair Representation. The session will fill a void of information on this important legal doctrine and will provide guidance on what and what not Union officers should do in the course of their duties.

**SATURDAY, FEBRUARY 22**

**8:00 AM – 10:00 AM**

**NAA SW/ROCKIES REGIONAL MEETING**

Business meeting for National Academy of Arbitrators members only.

**10:00 a.m. – 12:00 Noon**

**POSTAL MEETING**

CONVENER: **Louise Wolitz**,\* *Austin, TX*

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 been made to the State Bars of **Oklahoma** and **Texas** for participatory hours of MCLE, including 1.50 hours for ethics. [The State Bar of Texas (SBOT) and the Texas State Bar College have approved (pending) hours of MCLE, including 1.5 hours of ethics.] Information regarding approved CLE will be available at the conference registration desk.

**Program Committee**

Chair: I.B. Helburn, NAA

Deputy-Chair: Paul G. Chapdelaine, NAA

Ruben Armendariz, NAA

Kathy Fragnoli, NAA

Pilar Vaile, NAA

**Arrangements Committee**

Co-Chair: William McKee, NAA

Co-Chair: William E. Hartsfield, NAA

## REGISTRANT INFORMATION

Please Register by January 29, 2020 to avoid late fees.

NAME 1 \_\_\_\_\_ Address: \_\_\_\_\_

Email \_\_\_\_\_

NAME 2 \_\_\_\_\_ Address: \_\_\_\_\_

Email \_\_\_\_\_

NAME 3 \_\_\_\_\_ Address: \_\_\_\_\_

Email \_\_\_\_\_

NAME 4 \_\_\_\_\_ Address: \_\_\_\_\_

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:

### 1:45 – 3:15 p.m. Workshops

1. Ethics of Arbitrators and Advocates \_\_\_\_\_
2. Postal Service Update \_\_\_\_\_
3. Hearsay Evidence \_\_\_\_\_

### 3:30 – 5:00 p.m. Workshops

1. Ethics for Arbitrators and Advocates \_\_\_\_\_
2. Police and Fire Arbitration Update \_\_\_\_\_
3. The Duty of Fair Representation \_\_\_\_\_

***Please let us know if you require special accommodations or meals. Meals are provided as stated in this program as part of registration fee but breakfast in on their own.***

To register online and receive more information about our region and this program, go to [www.naaswr.org](http://www.naaswr.org). Here you can keep updated on program changes, view the list of member arbitrators, and see selected articles, papers and presentations.

## REGISTRATION FEES CALCULATION

Please check the specific training session you wish to attend

Thursday, February 20, 2020

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

Registration	Regular Reg. (thru 01/29/2020) Ind./Group*	Late Reg. (01/30 to 02/30/2020) Ind./Group*	# attending	Amt. Due
<b>Advocate Training</b>	\$120/\$110	\$145/\$135		
<b>Arbitrator Training xxxx</b>	\$120/\$110	\$145/\$135		
<b>Thursday Night NAA Dinner</b>	\$45.00	\$45.00		

XXXX This Session is for "Neutrals" only!

Friday, February 21, 2020

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

Plenary Sessions & Workshops	Regular Reg. (thru 01/29/2020) Ind./Group*	Late Reg. (01/30 to 02/30/2020) Ind./Group*	#attending	Amt. Due
<b>Total</b>	\$120/\$110	\$145/\$135		

<b>Total Enclosed for February 20 and 21, 2020</b>	<b>\$</b>
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TO REGISTER ONLINE, VISIT OUR WEBSITE AT: [www.naaswr.org](http://www.naaswr.org).

Credit cards accepted on the website or by contacting Ruben Armendariz, \*at (210)379-0860

Email: [swrockies7@gmail.com](mailto:swrockies7@gmail.com)

Make checks payable to: Southwest / Rockies Region NAA

No refunds after January 29, 2020

**Mail to:**

Ruben Armendariz,\*  
National Academy of Arbitrators  
SW/Rockies  
8610 Cheviot Heights  
San Antonio, TX 78254  
Email: arbruben@gmail.com

**LOCATION**

DoubleTree Hotel at Dallas Love Field, 3300 W. Mockingbird Lane, Dallas, TX 75235. (214) 357-8500

**HOTEL RESERVATIONS**

The hotel has reserved a limited block of rooms at the group rate of \$129.00 per night plus tax, subject to availability. All reservations should be received by the hotel no later than January 29, 2020. Reservation requests received by the hotel after January 29, 2020 are subject to space and rate availability. Check-in time is 3:00 p.m. For call-in reservations, call (214) 357-8500 and provide Group Code NAA to receive the \$129.00 group rate.

To register online, go to: <http://doubletree.hilton.com/en/dt/groups/personalized/D/DALLODT-SWR-20200219/index.jhtml>

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 Dallas Love Field.

**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](http://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](http://www.arbitrationinfo.com), offers neutral, non-commercial and comprehensive information about workplace arbitration.

**PROCEEDINGS**

Volumes 1 through 66 (1948 through 2019) of The Proceedings of the NAA are now available on the Academy's website ([www.naarb.org](http://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.