



National Academy of Arbitrators (NAA)

Southwest / Rockies Region

44th Annual Labor-Management Conference
For Arbitrators and Practitioners

“Labor Relations in a Changing Environment: A Shot in the Arm”

February 23-25, 2023 at the Houston Hobby Airport - DoubleTree by Hilton

Thursday, February 23, 2023

Training for Labor Advocates and Arbitrators
FMCS and AAA Agency updates

Friday, February 24, 2023

Plenary Sessions and Workshops
Luncheon speaker: **Homer C. LaRue, Esq.**, NAA National President

Thursday, February 23

Advocate & Arbitrator Training

8:00 a.m. – 5:00 p.m. REGISTRATION

9:00 a.m. WELCOME – **Ruben Armendariz**,* Chair, Southwest Rockies Region

*Indicates a member of the National Academy of Arbitrators

9:00 a.m. – 3:45 p.m. **ADVOCATE TRAINING**

Instructors: **Kathy Fragnoli**,* Esq., *San Diego, CA*

Assisted by: **Pilar Vaile**,* Esq., *Yuma, CO*; **Lori LaConta**, Esq., *Houston, TX*; **Sharon A. Gallagher**,* Esq., *Milwaukee, WI*; **Danielle L. Hargrove**,* Esq., *San Antonio, TX*; **Kathryn (Katie) Durham**,* Esq., *Atlanta, GA*; **Carl C. Bosland**,* Esq., *San Diego, CA*; **Debra Simmons Neveu**,* Esq., *New Orleans, LA*; **Diego J. Pena**, Esq., *Fort Worth, TX*; **Edward Valverde**,* Esq., *Hurst, TX*; **Angie McKee**,* J.D., *Dallas, TX*; **Sandra Laura**, Esq. *Plano, TX*.

Topic: Learn persuasive advocacy including effective pre-hearing techniques to investigate, evaluate, organize and confidently present your case; how to craft and deliver persuasive witnesses to testify; how to conduct effective direct and cross examination; how to admit and effectively use exhibits; and how to make winning objections to evidence. There will be a hands-on mock hearing giving you the opportunity to demonstrate opening and closing arguments, examine witnesses and effectively use exhibits. New and experienced advocates will learn innovative techniques and pitfalls to avoid.

9:00 a.m. – 3:45 p.m. **ARBITRATOR TRAINING**

Instructors: **I. B. (Beber) Helburn**,* *Austin, TX*; **Pilar Vaile**,* Esq., *Yuma, CO*; **Margaret (Margie) Brogan**,* *Philadelphia, PA*

Topic: “Ask Your Colleagues – Have burning questions for your colleagues or just considering becoming an Arbitrator?” If yes to either, join us for an all-day Arbitrator Training drawn exclusively from real-life case scenarios offered by our Arbitrator colleagues in the SWR Region and elsewhere. This training is intended for new, experienced and prospective Arbitrators, and will cover pre-, mid-, and post-hearing nuts-and-bolts issues commonly confronting arbitrators, as well as give you an idea of the variety of “you can’t make this up” scenarios that an Arbitrator may face.

FOR PRACTICING NEUTRALS ONLY!

4:00 – 5:00 p.m. **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 agency policies and concerns, organizational changes, and other relevant matters of interest.

5:00 p.m. – 6:00 p.m. **SOCIAL HOUR - Sponsored by LERA, Greater Houston Chapter**

Cash Bar & Hors d’oeuvres

6:00 p.m. **NAA DINNER**

Moderator: **Patrick M. Flynn**, Esq., *Houston, TX*

Speaker: **Rick Levy**, Esq., *Austin, TX*, President, Texas AFL-CIO

The Talk: Building a bigger, broader, bolder labor movement in Texas

Texas AFL-CIO President Levy will discuss some of the changes, initiatives, and priorities of the Texas labor movement and the effects on the changing landscape of labor-management relations.

Friday, February 24 Plenary Sessions & Workshops

8:00 a.m. – 5:00 p.m. REGISTRATION

9:00 a.m. WELCOME – **Ruben Armendariz**,* Chair, Southwest / Rockies Region

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

COVID-19 and the WORKPLACE: LABOR AND EMPLOYMENT LAWS and ARBITRATION

Moderator: **Debra Simmons Neveu**,* Esq., *New Orleans, LA*

Speaker: **Rick Bales**,* Esq., *Lima, Ohio*; **Carl C. Bosland**,* Esq., *San Diego, CA*

The COVID-19 pandemic dramatically impacted working conditions, with government-imposed vaccination, quarantine and isolation, social distancing, testing, masking, and leave requiring employers to quickly implement COVID policies, engage in collective bargaining, and issue discipline for policy violations and more. Unions and employees have challenged many employer actions, filing grievances, complaints, appeals, and lawsuits that have led to arbitration and administrative hearings and trials. Law school professor and arbitrator Rick Bales will present the findings and implications of his survey of COVID-related arbitration awards. Carl C. Bosland, Esq., arbitrator and author of the recently issued, COVID-19 and Federal Sector Labor and Employment Law, will discuss COVID-19 workplace laws, regulations, guidance, and litigation.

10:30 a.m. – 10:45 a.m. **Break**

10:45 a.m. – Noon - **PLENARY SESSION**

RED LIGHT - GREEN LIGHT

Discussion Leader: Tom Cipolla,* Esq., *Austin, TX*

Arbitrators: Sharon A. Gallagher,* J.D. *Milwaukee, WI*; *Danielle L. Hargrove*,* Esq., *Dallas, TX*; *Don E. Williams*,* Esq., *Santa Fe, NM*; *Will Hartsfield*,* Esq., *Dallas, TX*

Advocates:

This session will feature a panel of four Arbitrators, laying out hypothetical cases for participants to weigh in on, Red light, grievance denied, Green light, Grievance Awarded. Following a presentation of the hypothetical, participants will vote, Red light or Green Light, and then they will engage in a discussion of the strengths and weaknesses of the cases, and why they “voted” the way they did.

12:00 p.m. – 1:30 p.m. - **LUNCH**

Looking in the Crystal Ball: What Lies Ahead in Arbitration?

Introducer: **Ruben Armendariz**,* Chair, Southwest Rockies Region

Speaker: **Homer C. LaRue**,* Esq., NAA National President

1:45 p.m. – 3:15 p.m. **EARLY AFTERNOON WORKSHOPS (CHOOSE ONE OF THREE)**

ETHICS:

Discussion Leaders: **Lynn M. Gomez**,* Esq., *Bellaire, TX*; **Rex Wiant**,* *Kansas City, MO*

This interactive session will focus on a variety of ethical issues in arbitration and is intended to qualify for CLE credit in Texas. The contents of this session will be repeated at 3:30 p.m.

THE BIDEN FLRA

Moderator: **Carl C. Bosland**, Esq.,* Esq., *San Diego, CA*
David Eddy, Esq., Special Counsel, FLRA, *Washington D.C.*

FLRA Special Counsel David Eddy will discuss changes in the FLRA, including rulings, which have taken place since President Biden assumed office.

POLICE ARBITRATION

Discussion Leaders: **Don E. Williams**,* Esq., *Santa Fe, NM*; **Norman Bennett**,* Esq., *McKinney, TX*; **Will Hartsfield**,* Esq., *Dallas, TX*
Panelists: **Bettye Lynn**, Esq., *Fort Worth, TX*; **Ben M. Sifuentes, Jr.**, Esq., *San Antonio, TX*

Topics to be discussed include employment testing, salaries, staffing, sanctions, cause for discipline and demotion, due process, remedies, subpoenas, protective orders, as well as evidentiary rules, including the exclusionary rule.

Because policing and police arbitration have been the subjects of renewed controversy after the death of George Floyd, this workshop will go for the entire afternoon for those who wish to stay after the break.

3:15 p.m. – 3:30 p.m. **BREAK**

3:30 p.m. – 4:45 p.m. **LATE AFTERNOON WORKSHOPS (CHOOSE ONE OF FOUR)**

ETHICS

Discussion Leaders: **Lynn M. Gomez**,* Esq., *Bellaire, TX*; **Rex H. Wiant**,* *Kansas City, MO*
This session will be a repeat of the earlier session.

THE BIDEN NLRB

Moderator: **Edward Valverde**,* Esq., *Hurst, Worth, TX*
Speaker: **Timothy L. Watson**, Esq., Director, NLRA Region 16, *Fort Worth, TX*

Regional Director Watson will discuss the changes that have taken place in the NLRB, including decisions, since President Biden assumed office.

POSTAL SERVICE

Discussion Leader: **Angie McKee**,* J.D., *Dallas, TX*
Panelists: **Jennifer Breslin**, Esq., USPS, *Washington D.C.*; **David Heather**, NRLCA, *Kansas City, MO*; **Charlie Cash**, APWU, *Washington, D.C.*; **Eileen Mills**, NPMHU, *Washington, D.C.*; **James Henry**, NALC, *Washington, D.C.*

Topic: Panelists will update attendees on the status of contract negotiations and describe how the results 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.

POLICE ARBITRATION

This session will be a continuation of the earlier session.

Saturday, February 25

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

Business meeting for National Academy of Arbitrators members only.

10:00 a.m. – 12:00 **Noon - POSTAL SCRUM**

Convener: **Steven Stromquist**, Minneapolis, MN

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.

Program Committee

Chair: Carl C. Bosland, Esq., NAA

Deputy-Chair: Kathy Fragnoli, Esq., NAA

Michael Z. Green, Esq., NAA

Lynn Gomez, Esq. NAA

Will Hartsfield, Esq., NAA

Ruben Armendariz, Esq., ex-officio, NAA

Arrangements Committee

Chair: Lynne M. Gomez, Esq., NAA

Paul G. Chapdelaine, NAA

REGISTRANT INFORMATION

Please register by January 29, 2022 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 for Arbitrators and Advocates _____
- 2. The Biden FLRA _____
- 3. Police Arbitration _____

3:30 – 4:45 p.m. Workshops

- 1. Ethics for Arbitrators and Advocates _____
- 2. The Biden NLRB _____
- 3. Postal Service _____
- 4. Police Arbitration (continued) _____

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 NAA SWR Region arbitrators, and see selected articles, papers and presentations.

REGISTRATION FEES CALCULATION

Please check the specific training session you wish to attend

Thursday, February 23, 2023

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

Registration	Regular Reg. (thru 02/07/2023 Ind./Group*	Late Reg. (02/08 to 02/26/2023) Ind./Group*	# Attending	Amt. Due
Advocate Training	\$130/\$120	\$155/\$145		
Arbitrator Training ***	\$130/\$120	\$155/\$145		
Dinner	\$49.00	\$49.00		

***This Session is for "Neutrals" only!

Friday, February 24, 2023 [*] Rate for each of four or more attending from one organization

Plenary Sessions & Workshops	Regular Reg. (thru 02/07/2023) Ind./Group*	Late Reg. 02/08 to 02/26/2023) Ind./Group*	# Attending	Amt. Due
Total	\$130/\$120	\$155/\$145		

Total Enclosed for February 24 and 25, 2023	\$
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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 (210) 379-0860

Email: swrockies7@gmail.com

Make checks payable to: Southwest / Rockies Region NAA

No refunds after January 29, 2023

Mail to:

Ruben Armendariz
National Academy of Arbitrators
[SW/Rockies](#)
[29010 Pfeiffers Gate](#)
[Fair Oaks Ranch, TX 78015](#)
email: arbruben@gmail.com

LOCATION

DoubleTree Hotel by Hilton at Hobby Airport, 8181 Airport Blvd, Houston, TX 77061. (713) 645-3000

HOTEL RESERVATIONS

The hotel has reserved a limited block of rooms at the group rate of \$125.00 per night plus tax, subject to availability. All reservations should be received by the hotel no later than **February 8, 2023**. Reservation requests received by the hotel after February 8, 2023 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 \$125.00 plus 17% tax group rate.

To register online, go to: <https://www.hilton.com/en/attend-my-event/houhody-naa-dd3e75a5-d68e-442e-86f4-3ebd88a3b5b7/>

The group name is NATIONAL ACADEMY OF ARBITRATORS.

The group code is: NAA.

TRANSPORTATION

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

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 and articles 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). Papers presented at NAA Annual Meetings are published by BNA in *The Proceedings*, which are available free of charge in a searchable format.