



**SOUTHWEST
ROCKIES**

R E G I O N

**OF THE NATIONAL
ACADEMY OF ARBITRATORS**

45th Annual Labor-Management Conference

For Arbitrators and Practitioners

**The Rise of the Machines:
The Impact of AI and Automation on
The Workplace and Collective Bargaining**

February 22-24, 2024 at the Dallas DoubleTree Hotel by Hilton, at Love Field

Thursday, February 22, 2024

Training for Labor Advocates and Arbitrators

FMCS, NMB, and AAA Agency updates

Friday, February 23, 2024

Plenary Sessions and Workshops

Luncheon speaker: **William L. McKee, Ph.D.**, NAA National President

Thursday, February 22

Advocate & Arbitrator Training

8:00 a.m. – 5:00 p.m. REGISTRATION

9:00 a.m. WELCOME – **Pilar Vaile**,* Esq., Chair, NAA Southwest/ Rockies Region, Yuma, CO

*Indicates a member of the National Academy of Arbitrators

9:00 a.m. – 3:15 p.m. **ADVOCATE TRAINING**

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

Assisted by: **Paul Chapdelaine**,* League City, TX; **Danielle L. Hargrove**,* Esq., Dallas, TX; **Will Hartsfield**,* Esq., Dallas, TX; **Pilar Vaile**,* Esq., Yuma, CO; **Carl C. Bosland**,* Esq., San Diego, CA; **Diego J. Peña**, Esq., Bedford, TX; **James Oliver, III**, Esq., New Orleans, LA.

Topic: “AI Can’t Present an Arbitration Case but YOU Can!” 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.

FOR ADVOCATES

9:00 a.m. – 3:15 p.m. **ARBITRATOR TRAINING**

Instructors: **I. B. (Beber) Helburn**,* Ph.D., Austin, TX; **Michael Z. Green**,* Esq., Fort Worth, TX; **Sheila Mayberry**,* Esq., Portland, ME

Topic: Ask Your Colleagues – Arbitrators share insights and recommendations in 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 practicing Arbitrators at all levels of experience and will address issues arising at each stage in the life cycle of an arbitration matter.

FOR NEUTRALS

3:15 p.m. – 3:30 p.m. **Break**

3:30 – 4:15 p.m. **AGENCY UPDATE (ALL)**

Moderator: **Tom Cipolla**,* Esq., Austin, TX

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

AAA: **Chante Little**, Director of ADR Services, Dallas-Fort Worth Metroplex

NMB: **Terri D. Brown**, Esq., Director of Arbitration Services, Washington, DC

Topic: 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. **“MEET THE ARBITRATORS” SOCIAL HOUR**

An informal opportunity for advocates to meet and mingle with NAA SW/Rockies Region arbitrators; Cash Bar & Hors d'oeuvres

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

Moderator: **Edward Valverde**,* Esq., *Hurst, TX*

Speaker: **Timothy L. Watson**, Esq., Director, NLRB, Region 16, *Fort Worth, TX*

Topic: NLRB UPDATE: MEMORANDUM GC 23-02, ELECTRONIC MONITORING AND ALGORITHMIC INTERFERING WITH THE EXERCISE OF SECTION 7 RIGHTS

NLRB Region 16 Director Watson will discuss the Agency's October 31, 2022 Memo, and the continued applicability of extant law and Section 7 rights "to engage in protected activity and keep that activity confidential from their employer...", in the face of recent technological advances that "have dramatically expanded employers' ability to monitor and manage employees within the workplace and beyond."

Friday, February 23 Plenary Sessions & Workshops

8:00 a.m. – 3:00 p.m. REGISTRATION

9:00 a.m. WELCOME – **Pilar Vaile**,* Esq., Chair, NAA Southwest / Rockies Region, *Yuma, CO*

9:00 a.m. – 10:15 a.m. - **PLENARY SESSION # 1**

AI, AUTOMATION, AND THE FUTURE OF WORK: LABOR-MANAGEMENT CHALLENGES AND OPPORTUNITIES

Moderator: **Rick Bales**,* Esq. *Lima, OH*

Speakers: **Dr. Daniel Covarrubias**, Ph.D., Dir. of Texas A&M International University's A. R. Sanchez, Jr. School of Business' Texas Center for Border and Economic Development, *Laredo, TX*; and **Rod Tanner**, Esq., Tanner and Associates, P.C., *Ft. Worth, TX*

Topic: Reviewing the present and future impact of AI, automation, and robotics on the workplace; and responses by labor and management representatives in their business practices, bargaining, advocacy, etc.

10:15 a.m. – 10:30 a.m. **Break**

10:30 a.m. – 11:45 a.m. – **PLENARY SESSION # 2**

EEOC UPDATE: EMPLOYER LIABILITY FOR DISCRIMINATORY ALGORITHMS IN HIRING

Moderator: **Betty R. Widgeon**,* Esq., *Ann Arbor, MI*

Speakers: **Robert Canino**, Esq., Regional Counsel, EEOC, *Dallas, TX*; **Tonya Lennox**, Training & Outreach Coordinator, EEOC, *Dallas, TX*

Topic: The use of AI and automated decision making already plays a large role in modern Human Resource functions, including in the hiring, assessment and monitoring of employees. The EEOC will discuss its guidance regarding AI's impact on ADA and Title VII rights, and the Algorithmic Fairness Initiative.

12:00 p.m. – 1:30 p.m. – **LUNCH**

Topic: THE STATE OF LABOR ARBITRATION

Introducer: **Pilar Vaile**,* Esq., Chair, NAA Southwest/ Rockies Region, *Yuma, CO*

Speaker: **William L. McKee**,* Ph.D., NAA National President, *Denton, TX*

1:45 p.m. – 2:45 p.m. **EARLY AFTERNOON WORKSHOPS (CHOOSE ONE OF FOUR)**

WORKSHOP A - ADVANCED ADVOCACY: DIRECT AND CROSS EXAMINATION

Moderator: **Carl C. Bosland,*** Esq., *San Diego, CA*

Speakers: **Joseph G. (Chip) Galagaza,** Esq., *Spring, TX*; **Joe H. Gillespie,** Esq., *Dallas, TX*

Topic: Building on what you learned in Advocate Training, this workshop provides and demonstrates advanced direct and cross examination techniques to prepare and execute persuasive witness examination.

WORKSHOP B - ELEVATING YOUR ARBITRATION PRACTICE - A SURVEY OF BEST BUSINESS PRACTICES TO IMPROVE YOUR EFFICIENCY AND INCOME AS A FULL-TIME ARBITRATOR

Moderator: **Danielle L. Hargrove,*** Esq., *Dallas, TX*

Speakers: **Brian Clauss,*** Esq., *St. Charles, IL*; **Andrea Stulgies-Clauss,** Esq., *St. Charles, IL*; **Pilar Vaile,*** Esq., Chair, NAA Southwest/Rockies Region, *Yuma, CO*

Topic: What makes for a successful arbitration practice? Are you as busy as you would like to be? This workshop will cover the results of a recent survey of best practices of experienced arbitrators who have successfully grown their workplace arbitration practice and their income. The workshop will cover such areas as: Case Management/Scheduling, Preliminary hearing management, Postponements, Cancellations, Billing Practices and Invoicing, Back Office/Office Administration, Office Resources, and Staffing. Whether you are just starting your arbitration practice or want to take your existing practice to the next level, this workshop is for you.

WORKSHOP C - POSTAL SERVICE

Discussion Leaders: **Angie McKee,** Esq., *Houston, TX* and **Betty R. Widgeon,*** Esq. *Ann Arbor, MI*

Panelists: **Jennifer Breslin,** Esq., USPS Labor Relations, *Washington D.C.*; **Bridget Boseak,** 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.

WORKSHOP D - FIRE AND POLICE BARGAINING, TECHNOLOGY, AND ARBITRATION

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

Panelists: **Diego J. Peña,** Esq., *Bedford, TX*; **Patricia H. McGruder,** Esq., *Arlington, TX*; **Michael Z. Green,*** Esq., *Ft. Worth, TX*

Topic: Topics to be discussed include cause for discipline and demotion, due process, remedies, subpoenas, protective orders, evidentiary rules, the exclusionary rule, and the impact of AI and automation.

2:45 p.m. – 3:00 p.m. **BREAK**

3:00 p.m. – 4:00 p.m. **CLOSING PLENARY - SAFE, ETHICAL AI USE FOR LAWYERS**

Moderator: **Pilar Vaile**,* Esq., *Yuma CO*

Presenter: **Ellen Pitluk**, Esq., Ethics Attorney, State Bar of Texas, *San Antonio, TX*

Topic: This session will focus on the risks and ethical responsibilities of lawyers using generative AI in legal representation and/or arbitration; and it is intended to qualify for **CLE Ethics Credit** in Texas.

Saturday, February 24

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: **Steve Stromquist**, Arbitrator, *Columbia Heights, MN*

This traditional Saturday session gives postal 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 1.0 hour for ethics.

Program Committee

Chair: Carl C. Bosland,* Esq.

Deputy-Chair: Kathy Fragnoli,* Esq.

Ruben Armendariz*

Michael Z. Green,* Esq.

Danielle L. Hargrove,* Esq.

Will Hartsfield,* Esq.

I.B. (Beber) Helburn,* Ph.D.

Pilar Vaile,* Esq., ex-officio, Chair, NAA Southwest/Rockies Region

Arrangements Committee

Chair: Edward Valverde,* Esq.

Danielle L. Hargrove,* Esq.

Michael Z. Green,* Esq.

ON-LINE REGISTRATION INFORMATION. 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. Please register by January 31, 2024 to avoid late fees.

For Mail-In Registration for up to four registrants, please provide a separate email for each individual being registered; and please submit a separate document with addresses and emails for more than four registrants. Please register by January 31, 2024 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 and Saturday sessions you or members of your group are planning on attending:

1:45 – 2:45 p.m. Friday Afternoon Workshops (Choose one of 4 to attend):

1. Advanced Advocacy: Effective Direct and Cross Examination ____
2. Building & Running an Arbitration Practice: ____
3. Postal Service Update ____
4. Fire and Police Bargaining, Arbitration, and Technology ____

3:00– 4:00 p.m. Friday Closing Plenary Session - Ethics & AI _____

Attending _____ Not Attending _____

10:00 a.m. – Noon

Saturday Postal Scrum

Attending _____ Not Attending _____

Please let us know if you require special accommodation or meals requirements.

REGISTRATION FEES CALCULATION

Please check the specific training session you wish to attend.

Thursday, February 22, 2024

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

Registration	Regular Reg. (thru 01/31/2024 Ind./Group*	Late Reg. (02/01 to 02/23/2024 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 23, 2024 [*] Rate for each of four or more
attending from one organization**

Plenary Sessions & Workshops	Regular Reg. (thru 01/31/2024) Ind./Group*	Late Reg. 02/01 to 02/24/2024) Ind./Group*	# Attending	Amt. Due
Total	\$130/\$120	\$155/\$145		

Total Enclosed for February 22 and 23, 2024	\$
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To register online, go to: www.naaswr.org.

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

Email: swrockies7@gmail.com

To register by mail, make checks payable to: Southwest / Rockies Region NAA

Absolutely no refunds after January 31, 2024

Mail to:

Ruben Armendariz*
National Academy of Arbitrators
[SW/Rockies](#)
[29010 Pfeiffers Gate](#)
[Fair Oaks Ranch, TX 78015](#)

LOCATION

HOTEL RESERVATIONS

The hotel - DoubleTree at Love Field, in Dallas - is located five minutes from the Love Field airport and has been recently renovated.

The hotel has reserved a limited block of rooms at the group rate of \$154 per night plus tax, subject to availability. All reservations should be received by the hotel no later than February 8, 2024. Reservation requests received by the hotel after February 8, 2024 are subject to space and rate availability. Check-in time is 3:00 p.m. For phone reservations, call [\(214\) 357-8500](tel:2143578500) and provide Group Code NAA to receive the group rate.

For hotel registration: The group name is NATIONAL ACADEMY OF ARBITRATORS.

The group code is: NAA.

TRANSPORTATION

The hotel provides free shuttle service to/from Love Field.

The conference organizers also want to remind you to check out www.Vonlane.com for luxury bus service from Austin, Houston and San Antonio. The Dallas stop is at our hotel. In addition, Southwest has great service from each of these cities to Love Field.

ARBITRATION INFO WEBSITE

The NAA, in conjunction with the University of Missouri School of Law, has launched a 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.

NAA PROCEEDINGS

The *Proceedings of the NAA, 2016-2020*, are available on the Academy's website in a keyword searchable database (<https://naarb.org/proceedings-database/>).

NAA REF ANNOUNCEMENTS

The National Academy of Arbitrators' Research and Education Foundation (REF) - an organization that provides funding that promotes research, publications, and education that contribute to the field of labor and employment arbitration - has encouraged members to share with information on two exciting film projects funded by REF and produced by the **College of Labor and Employment Lawyers** and **Available Free on the Internet:**

- *The Memphis Sanitation Strike of 1968 – Its Place in Labor History:*

Most people remember this strike as the occasion of Dr. Martin Luther King's assassination, when he traveled to Memphis to lead the striking workers. This is both a Civil Rights and a labor law film. It is an hour-long documentary with contemporaneous news footage and interviews with a key union negotiator, a City official, and former sanitation worker who lived through these events. The strike was for recognition, with the employees seeking to have the City of Memphis, their employer, recognize the Union as their bargaining representative. Because there was no state agency to conduct an election and the City would not recognize the Union voluntarily, the employees "took to the streets." Had the employees been able to go to a state agency for assistance, the course of history might have been different and tragedy, including the assassination of Dr. King, averted. Although this was 55 years ago, about half the states continue to have no state agency for the public sector that performs the functions of the NLRB for the private sector. The film is available with a study guide on the College of Labor and Employment Lawyers website at Video History Project/ Full-Length Films: <https://theclcl.org/full-length-films/>

- *The Art & Science of Labor Arbitration:*

This documentary focuses on distinguished arbitrators whose careers and contributions are landmarks in labor law policy and the resolution of labor law disputes. We hear their insights, anecdotes, and advice highlighting the challenges and successes of arbitration as it is – and was – practiced by giants of the profession. Anyone viewing it will come away with a great appreciation for the benefits of arbitration and the joy of being an arbitrator. The film is available with a study guide on the College of Labor and Employment Lawyers website at Video History Project/ Full-Length Films: <https://theclcl.org/full-length-films/>

DEDICATION



The SWR Region dedicates this conference to the memory of NAA arbitrator Norman Ray Bennett. A lifelong Texan, during the course of his 58-year legal career Norman served as an in-demand labor arbitrator until shortly before his passing. Brilliant, fair minded, patient, and steady, Norman was an outstanding labor arbitrator, attorney, colleague, and friend. He will be sorely missed by the SWR Region.