



National Academy of Arbitrators
Southwest / Rockies Region

37th Annual Labor-Management Conference

Featured guest speakers and presenters:

James C. Oldham

President, NAA

The program includes:

Brian Clauss, NAA

Director, Veterans Legal Support Center, John Marshall Law School

“Post-Traumatic Stress in the Workplace”

Thursday Dinner and Program: A Tribute to

Vella Traynham, Director, Arbitration Services, FMCS and

Molly Bargaquest, Vice President of Case Management, AAA

Advocate (Basic & Advanced) and Arbitrator Training Sessions

and new this year

Chapter 143 Training for Advocates and Arbitrators

February 27 - March 1, 2014

Wyndham Hotel

Dallas Love Field

Thursday, February 27

Advocate and Arbitrator Training Programs

8:00 a.m. – 5:00 p.m. REGISTRATION

Registrar: **Elvis C. Stephens**,* Denton, TX

9:00 a.m. WELCOME – **T. Zane Reeves**,* Chair, Southwest /Rockies Region

9:00 a.m. – 3:45 p.m. **BASIC ADVOCATE TRAINING**
WINNING YOUR CASE: INSIGHTS AND PITFALLS

Instructors: **T. Zane Reeves**,* Albuquerque, NM; **Patrick M. Flynn**, Esq., Houston, TX (union attorney); **Joseph G. "Chip" Galagaza**, Esq., Houston, TX (mgmt. attorney)

Based on a new program developed by the NAA especially for advocates, participants will use case studies to develop advocacy skills and learn principles of: • case preparation, for example in contract construction and interpretation; • just cause determination; • witness examinations; • guidelines for opening and closing statements; • rules of evidence commonly used in arbitration.

9:00 a.m. – 3:45 p.m. **ADVANCED ADVOCATE TRAINING**
GETTING OFF THE GROUND

Instructors: **Louise Wolitz**,* Austin, TX; **Marsha Kelliher**,* Esq., Selinsgrove, PA; **Donald J. Petersen**,* Placitas, NM; **LeRoy R. Bartman**,* Fair Oaks Ranch, TX; **Yona Rosen**, Esq., (union atty.), Dallas, TX; **Christopher C. Antone**, Esq., (mgmt. atty.), Dallas, TX

Participants will use case studies and examples to cover some of the more complicated and thornier issues in advocacy. In addition, participants will practice researching and appropriately using prior arbitration awards to strengthen their cases. Actual BNA and CCH materials will be utilized.

9:00 a.m. – 3:45 p.m. **CHAPTER 143 TRAINING for Advocates and Arbitrators**

Advocates and arbitrators will meet jointly in the morning to cover Chapter 143 and its requirements for management and labor representatives and arbitrators. After lunch, advocates will cover the essential elements of Texas Chapter 143 appeal hearings and police/fire arbitrations – a comprehensive presentation about what works in this specialized area of appeal resolution. Speakers will share tips and their wealth of experience as advocates and hearing examiners/arbitrators.

Instructors: **William McKee**,* Denton, TX; **Don E. Williams**,* Esq., Longview, TX; **Craig Deats**, Esq. (union atty.) Austin, TX; **Lowell Denton**, Esq. (mgmt. atty.) San Antonio, TX; **Elizabeth Dierdorf**, Esq., Sr. Assistant City Attorney, Ft. Worth, TX; **Joe Singer**, Staff Rep., TX State Assn. of Fire Fighters, Austin, TX.

* Member, National Academy of Arbitrators

1:00 p.m. – 3:45 p.m. **ARBITRATOR TRAINING**

Instructor: **Diane Dunham Massey**,* Esq., Sugar Land, TX; **Maretta Comfort Toedt**,* Esq., Houston, TX; **Robert Armbruster**, Esq., (HPOU atty.); **Shani Dennis Williform**, Esq., (City atty.), Houston, TX

After lunch, arbitrators will learn from Chapter 143 advocates regarding what they expect from Chapter 143 hearing examiners. The day will conclude with a roundtable discussion with arbitrators sharing their best practice tips.

4:00 – 5:00 p.m. **AGENCY UPDATE (ALL)**

Moderator: **Frederick P. Ahrens**,* Dallas, TX; FMCS: **Vella Traynham**, Director, Arbitration Services, Washington, DC.; AAA: **Molly Bargenquest**, Vice President of Case Management, Dallas, TX

Agency representatives will present information on new initiatives in training and the latest data on labor cases filed and union elections in our area as compared to the rest of the country.

5:00 p.m. – 6:00 p.m. **SOCIAL HOUR (Cash Bar)** Appetizers sponsored by LERA, Greater Houston Chapter

6:00 p.m. – 8:00 p.m. **DINNER HONORING VELLA TRAYNHAM AND MOLLY BARGENQUEST**

Master of Ceremonies: **William McKee**,* Denton, TX

Friday, February 28

Plenary Sessions & Workshops

8:00 a.m. – 5:00 p.m. REGISTRATION

Registrar: **Elvis C. Stephens**,* Denton, TX

8:30 a.m. WELCOME – **T. Zane Reeves**,* Chair, Southwest /Rockies Region

8:35 a.m. **ADDRESS BY NAA PRESIDENT JAMES C. OLDHAM**,* Esq., Washington, D.C.

Topic: *The Times, They Are a Changin': Arbitral Activism and External Law*

9:10 a.m. – 10:30 a.m. **PLENARY SESSION**
CREEPING LEGALISM: WHAT'S AN ADVOCATE TO DO?

Moderator: **Thomas A. Cipolla**,* Austin, TX
Presenters: **James R. Moore**, Esq., (union atty.) Oklahoma City, OK; **Tony G. Puckett**, Esq., (mgmt. atty.) Oklahoma City, OK

No one likes it. Find out what arbitrators and practitioners are doing to stem the tide of creeping legalism in the grievance and arbitration process.

10:30 a.m. – 10:45 a.m. **BREAK**

10:45 – 12 Noon **WORKSHOPS – CHOOSE ONE OF FOUR:**

IT'S NOT YOUR FATHER'S POSTAL SERVICE ANY MORE

Discussion Leader: **Lynne Gomez,*** Esq., Houston, TX
Participants: **Manny Peralta**, Director of Safety & Health, NALC; **Joey C. Johnson**, IR Director, NRLCA; **Mike Morris**, Director of Labor Relations, APWU; **Michael R. Mlakar**, Manager, Field Labor Relations, USPS

Panelists will discuss postal arbitration issues, the effect of ongoing changes in the postal environment and other timely matters.

CULTURE CLASHES: What happens to labor and management when organizations (companies or unions) merge?

Moderator: **Benjamin M. Shieber,*** Baton Rouge, LA
Presenters: **J. Joe Harris**, Senior Labor Counsel, SWA, Dallas, TX; **Thom McDaniel**, TWU, International VP, Dallas, TX; **Jeff Wall**, VP Labor Relations, United Airlines, Chicago, IL; **Bruce York**, ALPA, Washington, DC.

Companies and Unions alike beyond the airline industry have wrestled with the impact of mergers and acquisitions on the CBA, the workforce, labor-management relations, seniority, and a host of related issues. Panelists who have “been there and done that” will offer their observations and recommendations intended to be broadly applicable.

ETHICAL ISSUES FOR ADVOCATES

Discussion Leader: **Rex Wiant,*** Kansas City, MO; **Maretta Comfort Toedt,*** Esq., Houston, TX

What are the rules? Conduct before the hearing, at the hearing, and after the hearing will be discussed. In addition, who really is your “client”, and what if the client’s interest conflicts with the interest of a grievant or other witness? What special problems are posed by multiple grievants? Can advocates ever testify as witnesses?

MATCH THE ARBITRATOR: HOW WOULD YOU DECIDE!

Discussion Leader: **Fred Ahrens,*** Dallas, TX;
Panelists: **Milden J. Fox, Jr.*** Bryan, TX; **Sharon Gallagher,*** Oshkosh, WI; **John B. Barnard,*** Dallas, TX

Advocates will have an opportunity to see how closely their decisions match the arbitrators’ as the parties discuss actual, but sanitized, scenarios.

12:00 p.m. – 1:30 p.m. **LUNCH**

Luncheon speaker: **Brian Clauss,*** Esq., Arbitrator and Director, Veterans Legal Support Center at John Marshall Law School, Chicago, IL

POST-TRAUMATIC STRESS SYNDROME IN THE WORKPLACE

PTSD is not just a condition suffered by returning veterans. Labor and management representatives are finding that PTSD affects police officers, fire fighters, and frankly anyone who has had a traumatic experience, whether on or off the job. Brian is a frequent speaker on how PTSD affects the employee, co-workers and others in the workplace.

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

HANDLING PTSD IN THE WORKPLACE

Discussion Leaders: **Daniel F. Jennings,*** College Station, TX;
Presenters: **Brian Clauss,*** Esq., Park Ridge, ILL; **Daniel Pennington**, Chief of Police, Freeport, TX.

Police officers, firefighters, individuals in the military and in civilian organizations are reluctant to seek assistance for PTSD. Often any mention of PTSD is viewed as a powerful stigma that employees believe will damage or end their careers. This workshop will explore how the parties can work together to reduce that negative perception and assist employees in seeking and receiving needed help.

REMEDIES IN DISCIPLINARY ACTIONS

Discussion Leader: **Michael McReynolds,*** Ft. Worth, TX
Presenters: **Christopher C. Antone**, Esq., (mgmt. atty.) Dallas, TX; **Yona Rozen**, Esq., (union atty.) Dallas, TX

What is the scope of the arbitrator’s authority to remedy a violation when the contract is silent, versus the situation where the contract limits authority? Should an advocate suggest remedies? What to ask for, what to expect and what remedies have been actually awarded in disciplinary matters. Formulation of remedies in specific situations will be discussed from both labor- and management perspectives.

ETHICS FOR ARBITRATORS

Discussion Leader: **Ruben R. Armendariz,*** San Antonio, TX

What are some of the most common ethical issues that arbitrators face today? Using scenarios and guided by the Code of Professional Responsibility (CPR) for Arbitrators of Labor-Management Disputes, Arbitrator Armendariz will lead a discussion on arbitrator disclosures before, during and after the hearing, basis for fees and expenses, demonstrating and maintaining neutrality, retention of jurisdiction and more.

WHAT GEORGE LUCAS AND STEVEN SPIELBERG TEACH US ABOUT USING EVIDENCE TO TELL THE STORY

Discussion Leader: **Kathy Eisenmenger,*** Esq., Denver, CO;
Panelists: **Harold E. Moore,*** Arlington, TX; **Ed W. Bankston,*** Lafayette, LA; **Samuel J. Nicholas, Jr.*** Jackson, MS

Go behind the scenes and create a “story” for the arbitration hearing by reviewing the evidence collected by both parties in the dispute. Determine the best way to present the evidence at the hearing to fit the narrative.

3:15 p.m. – 3:30 p.m. **BREAK**

3:30 p.m. – 5:00 p.m. **LATE AFTERNOON WORKSHOPS –
CHOOSE ONE OF FOUR**

NON-DISCIPLINARY TERMINATIONS

Discussion Leader: **Donald J. Petersen**,* *Placitas, NM*

Discussion of this controversial topic will include elements such as what are some common examples of non-disciplinary terminations, are these terminations discipline or contract issues, who has the burden of proof, and what standard should be used.

MEASURED, METERED AND MONITORED

Discussion Leader: **William McKee**,* *Denton, TX*
Presenters: **Will Hartsfield**, Esq., *Dallas, TX*; *Union and Management Responses*

Polygraphs, breathalyzers, GPS, computers. Modern technology is here to stay in the workplace. Cases are frequently won or lost based on the use of this technology. How reliable are these instruments? How can technology be effectively used in today's workplace to discipline or discharge an employee?

**BEST PRACTICES – WAYS TO CUT COSTS AND MAKE HEARINGS
MORE EFFECTIVE**

Discussion Leader: **I. B. Helburn**,* *Austin, TX*
Presenters: **Gretchen Paulig**, Assistant Counsel, NTEU, *Austin, TX*; **Joseph Angelini, Jr.**, Advocate, Employee Relations Arbitrations, American Airlines, *Fort Worth, TX*; **Angelo Cucuzza**, Union Advocate, TWU Local 501, *New York, NY*. **Diana R. Stallard**, Senior Atty., IRS General Legal Services, *Dallas, TX*

Are you using "Go to Meeting," video teleconferencing, Skype? Why not? Have you thought of ways to streamline your grievance and arbitration process by including specific contract language in your CBA? Why not? Come and listen to labor and management representatives who have experimented with some of these cutting edge techniques.

ASK THE ARBITRATOR: HOW WOULD YOU HANDLE THIS!

Discussion Leader: **James P. O'Grady**,* *St. Louis, MO*;
Panelists: **John Sass**,* Esq., *Golden CO*; **Raymond L. Britton, Sr.**,* Esq., *Houston, TX*; **Vicki Peterson Cohen**,* *Clearwater, FL*

Arbitrators will discuss thorny issues that have arisen in their hearings and invite the audience to question and critique how the problem or issue was resolved.

Saturday, March 1

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

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

Convener: **I. Beber Helburn**,* Ph.D.

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

Program Committee:

I. Beber Helburn*
Lynne Gomez,* Esq.
Maretta Comfort Toedt,* Esq.
Arrangements:
William McKee*

CLE CREDITS (INCLUDING ETHICS)

Approved by the State Bar of **Texas** for 12.25 participatory hours of MCLE and the State Bar College, including 1.50 hours for ethics. Approved by the State Bar of **Oklahoma** for 14.50 hours, including 2.00 hours for legal ethics. Attendance forms will be available at the registration table.

LOCATION

Wyndham Hotel at Dallas Love Field
3300 Mockingbird Lane
Dallas, Texas 75235
(214) 357-8500 (phone)

HOTEL RESERVATIONS

The hotel has reserved a block of rooms at the group rate of **\$115.00** per night plus tax. All reservations should be received by the hotel no later than February 6, 2014. Any reservation requests received by the hotel after February 6, 2014, 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. The toll-free number is 1-877-999-3223. Ask for the Wyndham Dallas Love Field Airport location and provide Group Code NAA to receive the **\$115.00** group rate.

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

TRANSPORTATION

The Wyndham provides free shuttle transportation to and from Dallas Love Field for registered guests.

SOUTHWEST / ROCKIES REGION NAA

To register online and for more information about our region, list of member arbitrators, and articles, please visit our website: www.naswr.org.

NAA PROCEEDINGS

Volumes 1 through 63 (1948 through 2010) of *The Proceedings of the National Academy of Arbitrators* are now available on the Academy's website (www.naarb.org). Papers presented at the NAA Annual Meeting are published by BNA in *The Proceedings*, which are available free of charge on the Academy website in a searchable format.

REGISTRANT INFORMATION

Please Register by February 6, 2014 to avoid late fees

NAME 1 _____

Email _____

NAME 2 _____

Email _____

NAME 3 _____

Email _____

NAME 4 _____

Email _____

Organization _____

Street _____

CITY _____ ST _____ ZIP _____

PHONE _____

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.

10:45 a.m. – 12 Noon Workshops

1. It's Not Your Father's Postal Service Anymore _____
2. Culture Clashes _____
3. Ethical Issues for Advocates _____
4. You Be the Arbitrator _____

1:45 – 3:15 p.m. Workshops

5. Post-Traumatic Stress Disorder _____
6. Remedies in Disciplinary Actions _____
7. Ethics for Arbitrators _____
8. What George Lucas & Steven Spielberg teach us _____

3:30 – 5:00 p.m. Workshops

9. Non-disciplinary Terminations _____
10. Measured, Metered and Monitored _____
11. Best Practices: Ways to Cut Arbitration Costs _____
12. How Would You Handle This? _____

REGISTRATION FEES CALCULATION

Please check the specific training session you wish to attend
Thursday, February 27, 2014

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

Registration	Reg. Reg. (thru 02/06/2014) Ind./Group*	Late Reg. 02/07 to 27/2014) Ind./Group*	# at- tend- ing	Amt. Due
Basic Advocacy	\$120/\$110	\$145/\$135		
Advanced Advocacy	\$120/\$110	\$145/\$135		
Arbitrator Training	\$120/\$110	\$145/\$135		
Chapter 143 Training	\$120/\$110	\$145/\$135		
Dinner	\$45.00	\$45.00		

Friday, February 28, 2014

Plenary Session & Workshops	Reg. Reg. (thru 02/06/2014) Ind./Group*	Late Reg. 02/07 to 27/2014) Ind./Group*	# attend- ing	Amt. Due
Total	\$120/\$110	\$145/\$135		

Total Enclosed for February 27 and/or 28, 2014

\$

**TO REGISTER ONLINE, VISIT OUR WEBSITE
AT: WWW.NAASWR.ORG.**

CREDIT CARDS ACCEPTED

Contact Elvis Stephens @ 940-382-3087

Make checks payable to: Southwest Rockies Region NAA

No refunds after February 6

Mail or FAX to:

Elvis Stephens *

P.O. Box 424221

Denton, TX 76204-4221

Phone (940) 382-3087

Fax (940) 382-4507

Email: SWRockie@verizon.net

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Return Service Requested



TO: