



THE CENTER FOR AMERICAN  
AND INTERNATIONAL LAW



## 53<sup>rd</sup> Annual Course on Labor Law and Labor Arbitration



### 53<sup>rd</sup> Annual Course on Labor Law and Labor Arbitration

May 5 - 8, 2015

The Center for American  
and International Law  
Plano, Texas

Register before April 21 to receive a discount.

Register Now! [cailaw.org](http://cailaw.org)

#### Highlights Include

- | Three Hours of Ethics
- | The Representation Process in Practice - New Rules!
- | Recent Developments in Labor Law for Non-Union Employers
- | Lunch Presentation by NLRB Board Member Harry I. Johnson, III

This program is designed to fully satisfy the Texas Board of Legal Specialization requirement for NLRA credit for the current application filing period.

MCLE credit will be available

### Conference Co-Chairs

**Professor Douglas E. Ray**  
St. Thomas University  
School of Law  
Miami Gardens, Florida

**A. John Harper III**  
Shareholder  
Littler Mendelson P.C.  
Houston, Texas

The Center for American and International Law offers this intensive basic course on labor law and labor arbitration, emphasizing the legal framework within which employers, unions, and individual employees pursue their interests. It is designed to be a practical guide for the practice of labor law.

#### LABOR LAW

Most of the program features instruction on the basic aspects of labor law, with concentration on the National Labor Relations Act and collective bargaining contracts negotiated under the Act. Included in the broad range of topics are:

- | The Representation Process
- | Economic Pressure Including Strikes and Lockouts
- | Negotiation of Collective Bargaining Agreements

#### LABOR ARBITRATION

Part of the program focuses on the process of arbitrating grievance disputes under collective bargaining agreements.

**Lecture Outlines and Reference Book:** A materials notebook and the principal text (*Understanding Labor Law*, 2014 Edition, co-authored by Douglas E. Ray, the Co-Chair of this program) will be distributed at the course and are included in the price of the course.

### TUESDAY, MAY 5

#### 8:30 REGISTRATION AND CONTINENTAL BREAKFAST

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#### 9:00 THE ROAD TO REPRESENTATION UNDER THE NLRA

(includes a 15 minute break)

The NLRA and NLRB: NLRA Coverage; the election process including petitions, access to property, election prerequisites, appropriate bargaining units, voter eligibility and post-election proceedings.

— **Christopher David Ruiz Cameron**, Professor, Southwestern Law School, Los Angeles, California

| Co-Author *Labor Management Relations: Strikes, Lockouts and Boycotts* (Thomson/West 2014-15)

| Co-Author *Labor Law in the Contemporary Workplace* (West 2d ed. 2014)

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#### 12:00 LUNCH (Provided)

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#### 12:45 THE ROAD TO REPRESENTATION UNDER THE NLRA (Continued)

(includes a 15 minute break)

Pre-election activity and employee rights, employer and union interference with the election process, unlawful discrimination and discharge issues, bargaining orders, voluntary recognition, employer domination and unlawful assistance issues, and the Top Ten Developments in Labor and Employment Law for 2015.

— **Professor Cameron**

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#### 3:30 THE REPRESENTATION PROCESS IN PRACTICE - NEW RULES!

(Facilitated Discussion, includes a 15 minute break)

##### MODERATOR:

— **Martha Kinard**, Regional Director, NLRB Region 16, Fort Worth, Texas

##### PANELISTS:

— **Linda Davidson**, Supervisory Field Examiner, NLRB Region 16, Fort Worth, Texas

— **Ofelia Gonzalez**, Assistant to the Regional Director, NLRB Region 16, Fort Worth, Texas

— **David K. Watsky**, Lyon, Gorsky, Gilbert & Livingston, L.L.P., Dallas, Texas

— **Jonathan C. Wilson**, Littler Mendelson, PC, Dallas, Texas

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#### 5:15 RECESS AND WELCOMING RECEPTION

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# SCHEDULE

May 6 - 8

## WEDNESDAY, MAY 6

### 8:30 NLRB INVESTIGATIONS AND TRIALS IN UNFAIR LABOR PRACTICE CASES

- **Timothy Watson**, Regional Attorney, NLRB Region 16, Fort Worth, Texas

### 10:00 BREAK

### 10:15 NEGOTIATION OF COLLECTIVE BARGAINING AGREEMENTS (includes a 15 minute break)

Majority rule and exclusive representation, good faith concepts generally, duty to furnish information, unilateral action, subjects of bargaining, mid-term bargaining and duration of bargaining duty.

- **Michael Z. Green**, Professor of Law, Texas A&M University School of Law, Fort Worth, Texas  
| Editor, *The Challenge for Collective Bargaining: Proceedings of the New York University 65th Annual Conference on Labor* (LexisNexis 2014)

### 12:45 LUNCH (Provided)

### 1:15 STRIKES & LOCKOUTS

Legal status of strikes and picketing, rights of strikers, unprotected concerted activities, employer responses to concerted activity, lockouts, unlawful strikes, and picketing.

- **Arthur T. Carter**, Littler Mendelson, PC, Dallas, Texas
- **Rod Tanner**, Tanner and Associates, PC, Fort Worth, Texas

### 3:15 BREAK

### 3:30 SECONDARY BOYCOTTS & HANDBILLING

Secondary activity, corporate campaigns, consumer picketing, and handbilling.

- **Douglas E. Ray**, Conference Co-Chair, Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida  
| Co-Author *Labor Management Relations: Strikes, Lockouts, and Boycotts* (Thomson/West 2014-15)  
| Co-Author *Understanding Labor Law* (LexisNexis 2014)  
| Member, National Academy of Arbitrators

### 5:30 RECESS

## THURSDAY, MAY 7

### 9:00 OVERVIEW OF THE RAILWAY LABOR ACT (RLA)

- **Robert L. Jones, Jr.**, Senior Labor & Employment Attorney, American Airlines, Fort Worth, Texas

### 10:30 BREAK

### 10:45 PROACTIVE APPROACHES TO ETHICS & PROFESSIONALISM

- **Jonathan E. Smaby**, Executive Director, Texas Center for Legal Ethics, Austin, Texas

### 11:45 RECENT DEVELOPMENTS IN LABOR LAW FOR NON-UNION EMPLOYERS

- **Mark A. Shank**, Gruber Hurst Johansen Hail Shank LLP, Dallas, Texas

### 12:30 LUNCH (Provided)

### 1:15 PRACTICAL BARGAINING TIPS

#### MODERATOR: Professor Ray

- **Brett Glass**, Director of Labor Relations, Dr Pepper Snapple Group, Plano, Texas
- **Mr. Tanner**

### 2:15 BREAK

### 2:30 ENFORCING THE LABOR AGREEMENT THROUGH LABOR ARBITRATION: LAW AND ADVOCACY (includes a 15 minute break)

- **Professor Ray**

### 5:00 RECESS

## FRIDAY, MAY 8

### 8:30 ETHICAL CONSIDERATIONS IN NEGOTIATIONS, NLRB REPRESENTATION, AND UNION RELATIONS

- **Stephanie K. Osteen**, Jackson Walker L.L.P., Dallas, Texas

### 9:30 BREAK

### 9:45 ETHICAL PRACTICE BEFORE THE NLRB

- **Jamal M. Allen**, Ethics Counsel, National Labor Relations Board, Houston, Texas

10:45 WHO IS AN NLRA EMPLOYEE: NORTHWESTERN, MCDONALDS, ETC.

— Mr. Carter

11:30 MEET & GREET BOARD MEMBER  
HARRY I. JOHNSON, III

12:00 LUNCHEON PRESENTATION - RECENT DEVELOPMENTS AT THE NATIONAL LABOR RELATIONS BOARD  
(60 minute presentation; Introduction by **Martha Kinard**, Regional Director, NLRB Region 16, Fort Worth, Texas)

— **Harry I. Johnson, III**, Board Member, National Labor Relations Board, Washington, D.C.

2:00 AVOIDING FLSA TRAPS: COMMON WAGE AND HOUR ISSUES IN UNION AND NON-UNION SETTINGS

— **John M. Farrell**, K&L Gates LLP, Dallas, Texas

2:45 THE WELCOME MAT IS OUT FOR ORGANIZING: THE BOARD'S RECENT RULE MAKING AND DECISIONS AND THEIR IMPACT ON ORGANIZING ACTIVITY

— **Alex Stevens**, Haynes and Boone, LLP, Dallas, Texas

3:30 BREAK

3:45 FACULTY PANEL: ALL QUESTIONS (HOPEFULLY) ANSWERED

MODERATOR: **A. John Harper, III**, Conference Co-Chair, Littler Mendelson, PC, Houston, Texas

4:30 ADJOURN

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## THE CENTER FOR AMERICAN AND INTERNATIONAL LAW

Founded in 1947 by Robert Storey, Dean of the Southern Methodist University School of Law, **The Center for American and International Law (CAIL)** is a nonprofit educational institution dedicated to improving the quality of justice through continuing education to lawyers and law enforcement officials in the United States and throughout the world.

Much of CAIL's work is accomplished through its five educational institutes:

- Institute for Energy Law
- Southwestern Institute for International and Comparative Law
- Institute for Transnational Arbitration
- Institute for Law and Technology
- Institute for Law Enforcement Administration

Today, tens of thousands of lawyers and law enforcement officers from all 50 states and 130 countries have participated in CAIL's high quality, cutting-edge programs.

Find out more at [cailaw.org](http://cailaw.org)

### What 2014 Participants Had to Say

*"The faculty was outstanding and were able to simplify the topics for non-labor attorneys."*

*"Excellent! It exceeded my expectations! The program was extremely organized, contained great presentations - helpful to junior and senior labor practitioners - and provided helpful practice materials. The speakers were also outstanding and presented unique perspectives."*

# REGISTRATION

## 53<sup>rd</sup> Annual Course on Labor Law and Labor Arbitration

May 5 - 8, 2015

at The Center for American and International Law  
Plano, Texas

Registration includes the conference, course materials, lunches and a reception. Live program materials do not include DVDs.

Check applicable box:	Received by 4/21/15	Received after 4/21/15
Regular registration fee	<input type="checkbox"/> \$1295	<input type="checkbox"/> \$1345
CAIL Member or Member Employee	<input type="checkbox"/> \$1145	<input type="checkbox"/> \$1195
Government Employee	<input type="checkbox"/> \$1195	<input type="checkbox"/> \$1245
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U.S. Law Student (J.D.)	<input type="checkbox"/> \$300	<input type="checkbox"/> \$350
Attend Friday classes & lunch only	<input type="checkbox"/> \$345	<input type="checkbox"/> \$395
Attend Meet & Greet & Friday lunch only (no materials)	<input type="checkbox"/> \$35	<input type="checkbox"/> \$50
Materials Only I will not be attending the conference (includes DVDs of the live program)	<input type="checkbox"/> \$1195	<input type="checkbox"/> \$1245

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### PAYMENT INFORMATION

Check enclosed payable to: **The Center for American and International Law**

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ONLINE  
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MAIL  
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The Center for American  
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5201 Democracy Drive  
Plano, TX USA 75024

PHONE  
credit card only  
972.244.3404 or 800.409.1090  
8:30am-5:00pm CST

PAYMENT MUST ACCOMPANY REGISTRATION

### GENERAL INFORMATION

**CANCELLATION POLICY:** Tuition, less a \$50 cancellation fee, will be refunded if written cancellation is received by April 21, 2015. E-mail cancellation notice to [lgaspar@cailaw.org](mailto:lgaspar@cailaw.org). After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

**OVERNIGHT ACCOMMODATIONS:** The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at Hyatt Place Plano, 3100 Dallas Parkway, Plano, TX 75093. The last day to obtain this special room rate of \$92 + tax is April 18, 2015. Call the Hyatt at 972.378.3997 and use group/corporate #: G-CL48 for reservation.

**NONDISCRIMINATION POLICY:** CAIL does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.

**MCLE CREDIT:** This program is approved by the State Bar of Texas for 26 hours, including 3 hours of ethics. Course ID Number: 901313395. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules.

For this conference, CAIL will directly apply (if requested) for course accreditation in the following states: CA, MN, NM, OH, OK, PA, TX and VA. Some of these states may not approve a program for credit hours before the program occurs. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. CAIL conferences are typically accredited by all mandatory CLE states.

**SPECIALIZATION CREDIT:** 1) This program is approved by the Texas Board of Legal Specialization for 26 hours in the following areas: Civil Appellate Law, Civil Trial Law and Labor and Employment Law; and 2) Meets the 24 hr. NLRA requirement for the current TBLS application filing period.



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**53<sup>RD</sup> ANNUAL COURSE  
ON LABOR LAW AND LABOR ARBITRATION**  
The Center for American and International Law  
5201 Democracy Drive  
Plano, TX USA 75024

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