ABA COMMITTEE ON DEVELOPMENT OF THE LAW
UNDER THE NATIONAL LABOR RELATIONS ACT
2019 MIDWINTER MEETING
SANTA MONICA, CALIFORNIA
FEBRUARY 24-27, 2019

PROGRAM AGENDA

GET YOUR LABOR LAW KICKS ON ROUTE 66!

SUNDAY, FEBRUARY 24

3:00 p.m. – 5:00 p.m. Registration

3:30 p.m. – 5:00 p.m. I Need a Lawyer! The Ethical Considerations of the Representation of Individual and Corporate Witnesses Before the Board

Management: Amy Moor Gaylord
Franczek Radelet P.C.

Union: Angie Cowan Hamada
Allison, Slutsky & Kennedy P.C.

6:00 p.m. – 6:30 p.m. First-time Attendee Reception

6:30 p.m. – 8:00 p.m. Welcome Reception

MONDAY, FEBRUARY 25

7:00 a.m. – 8:00 a.m. Continental Breakfast

8:00 a.m. – 8:30 a.m. Welcome, Committee Announcements and Introductions

8:30 a.m. – 9:45 a.m. Which Law Do I Follow?! E-Verify, The Duty to Bargain and The Intersection of an Employer’s Immigration Law Compliance Obligations and the NLRA

Management: Joshua D. Nadreau
Fisher Phillips

Union: Monica Guizar
Weinberg, Roger & Rosenfeld P.C.

Moderator: Colleen Breslin
National Labor Relations Board

9:00 a.m. – 10:30 a.m. Spouse/Guest Breakfast

9:45 a.m. – 10:00 a.m. Break
10:00 a.m. – 11:15 a.m.  *Magic Words, The Duty to Bargain, and 10(b):* The Board’s Re-Evaluation of 9(a) Bargaining Relationships in the Construction Industry, Whether the Parties Have to Bargain in Good Faith When Bargaining an 8(f) Agreement, and When is the 10(b) Limitations Period not the 10(b) Limitations Period

Management: Philip A. Miscimarra  
Morgan, Lewis & Bockius LLP

Union: Richard F. Griffin, Jr.  
Bredhoff & Kaiser PLLC

11:15 a.m. – 12:30 p.m.  *Rules, Rules & More Rules: Memorandum GC 18-04 and Employer Work Rules in the Post-Boeing Company World*

Management: Carita Austin  
Faegre Baker Daniels LLP

Union: Melinda Hensel  
International Union of Operating Engineers, Local 150

Moderator: Nicole Mormilo  
National Labor Relations Board

6:00 p.m. – 7:00 p.m.  *Speakers and Editors Reception (invitation only)*

**TUESDAY, FEBRUARY 26**

7:00 a.m. – 8:00 a.m.  Continental Breakfast

7:00 a.m. – 8:00 a.m.  Women’s Breakfast

8:00 a.m. – 9:15 a.m.  *Anarchy, Business as Usual, Something in Between? Lucia v. SEC and the Constitutional Challenge to the NLRB’s ALJs*

Management: Jay M. Dade  
Polsinelli

Union: Benjamin O’Donnell  
Gilbert & Sackman

Moderator: Genaira Tyce  
National Labor Relations Board

9:15 a.m. – 10:15 a.m.  *Enforcement Litigation Review*

Speakers: Meredith Jason  
Ruth Burdick  
National Labor Relations Board  
Washington, DC
10:00 a.m. – 10:15 a.m. Break

10:15 a.m. – 11:15 a.m. “C” Case Review

Speaker: Jayme Sophir
Associate General Counsel – Division of Advice
National Labor Relations Board
Washington, DC

11:15 a.m. – 12:30 p.m. Whose Burden is it Anyway? East End Bus Lines and the Nexus Element under Wright Line

Management: Harry I. Johnson III
Morgan, Lewis & Bockius LLP

Union: Kate M. Swearengen
Cohen, Weiss & Simon LLP

12:30 p.m. – 12:45 p.m. Committee and Section Business

WEDNESDAY, FEBRUARY 27

7:00 a.m. – 8:00 a.m. Continental Breakfast

7:00 a.m. – 8:00 a.m. Diversity and Inclusion Breakfast

8:00 a.m. – 9:15 a.m. Reading the Tea Leaves: The Implications of Janus v. AFSCME in the Private Sector

Management: Kyllan Kershaw
Seyfarth Shaw LLP

Union: Leon Dayon
Bredhoff & Kaiser PLLC

9:15 a.m. – 10:30 a.m. Update from the Office of General Counsel: 2018 Enforcement Developments and 2019 Planned Initiatives

Speaker: Hon. Peter B. Robb, General Counsel

10:30 a.m. – 10:45 a.m. Break

10:45 a.m. – 11:45 a.m. “R” Case Review: Discussion of Recent Issues Arising in Bargaining Unit Elections under Section 9 of the Act

Speaker: Terence Schoone-Jongen
National Labor Relations Board
Washington, DC
11:45 a.m. – 1:00 p.m.  A Conversation with the National Labor Relations Board

Speakers:  Hon. John F. Ring, Chairman
           Hon. Lauren McFerran, Member
           Hon. William J. Emanuel, Member
           Hon. Marvin E. Kaplan, Member
National Labor Relations Board
Washington, DC

7:00 p.m. – 10:00 p.m.  Farewell Reception and Dinner

Meeting papers and presentations are posted online at:
www.ambar.org/DLLpapers