ABA Committee on Practice and Procedure
Under the National Labor Relations Act
Midwinter Meeting
February 26 – March 1, 2018
Santa Monica, California

PROGRAM AGENDA

Tuesday, February 26

6:00-7:00pm Welcome Reception

Wednesday, February 27

7:30-8:30am Newcomers’ Breakfast

7:30-8:30am Continental Breakfast

8:30-9:00am Welcome/Introductions/Section Council Report

9:00-10:00am Year in Review

Speakers: Jayme L. Sophir, Associate General Counsel – Division of Advice, National Labor Relations Board, Washington, DC
Terence Schoone-Jongen - Assistant Chief Counsel, Office of Representation Appeals, National Labor Relations Board, Washington, DC
(Possibly Government Fellow – Amanda Jarrett)

10:00-11:00am Board Member Recusal Determinations (Ethics)

Speakers: TBD (Former Board Members)

11:00-11:15am Break

11:15-12:15pm A Practitioners View of GC 19-02 and the Board’s FY 2019-2022 Strategic Plan

Speakers: TBD (Union and Management)

12:15-1:15pm The Duty of Fair Representation after GC Memo 19-01
The General Counsel recently offered guidance to the Regions on the processing of duty of fair representation cases where a union asserts a “mere negligence” defense. This panel will explore the implications of GC Memo 19-01 on unions, employers and employees.

Speakers: TBD (Union and Management)

1:15-2:30pm Women’s Lunch

Thursday, February 28

7:30-8:30am How to Take a Case Editors’ Breakfast
7:30-8:30am  Continental Breakfast

8:30-9:30am  Persuasive Writing: Making Your Case to the Board

    Speakers:  TBD (Former Board Members)

9:30-11:00am  Meet the National Labor Relations Board
Join us for an intimate discussion with Chairman Ring and Board Members Pearce McFerran, Kaplan and Emmanuel.

    Speakers:  John Ring, Chairman, National Labor Relations Board, Washington, DC
               Mark Gaston Pearce, Member, National Labor Relations Board, Washington, DC
               Lauren McFerran, Member, National Labor Relations Board, Washington, DC
               Marvin Kaplan, Member, National Labor Relations Board, Washington, DC
               William Emanuel, Member, National Labor Relations Board, Washington, DC

11:00-11:15am  Break

11:15-12:45pm  Recent Developments from the Office of the NLRB General Counsel
Attendees will have the chance to hear from new General Counsel Peter Robb, and learn more about his current and planned initiatives.

    Speakers:  Peter B. Robb, General Counsel, National Labor Relations Board, Washington, DC
               John W. Kyle, Deputy General Counsel, National Labor Relations Board, Washington, DC

7:00-10:00pm  Reception & Dinner

Friday, March 1

7:30-8:30am  Regional Co-Chair Breakfast

7:30-8:30am  Continental Breakfast

8:30-9:30am  Inside the Executive Secretary’s Office
Meet the Board’s new Executive Secretary, Roxanne Rothschild, who will give practitioners an overview of her role and responsibilities of the Office of the Executive Secretary.

    Speakers:  Roxanne Rothschild, Executive Secretary, National Labor Relations Board, Washington, DC

9:30-10:30am  Regional Directors on the Exercise of Discretion
This panel of Regional Directors will discuss their exercise of discretion in enforcing the Act, in both the R Case and C Case contexts. The Regional Directors will also discuss how approaches to the exercise of discretion may vary between attorney and non-attorney Regional Directors.

    Speakers:  TBD (Regional Directors – possibly William B. Cohen, Mori Rubin and Leonard (Pete) Perez)

10:30-10:45am  Break
10:45-11:45am  **Joint Employer Determinations**
This panel will discuss the Board’s Notice of Proposed Rulemaking regarding joint employer determinations and the implications of the proposed rules for employers and unions.

**Speakers:**  TBD (Union and Management)

11:45am-12:45pm  **Rulemaking Versus Adjudication**

**Speakers:**  TBD (Union and Management)

12:45-1:15pm  **P&P Town Hall**
1. Review of program – feedback and suggestions for next year
3. Annual Section Conference – P&P participation
4. Fall Regional Meetings – suggestions for improvement
5. “Letter-Writing” meeting and follow up with NLRB
6. Diversity issues related to membership, participation and attendance
7. Other Committee activities and possibilities:
   a. Liaison reports
   b. Other interactions with NLRB
   c. Recruiting new members
   d. Hot topics
   e. Newsletter
   f. Other matters