American Bar Association
Section of Labor & Employment Law
Railway & Airline Labor Law Committee
Midwinter Meeting
March 6-8, 2019
New Orleans, LA

Wednesday, March 6

6:00 p.m. - 7:00 p.m.  Welcome Reception at Hotel Monteleone

Thursday, March 7

7:00 a.m. - 8:00 a.m.  Continental Breakfast and Registration

8:00 a.m. - 8:15 a.m.  Welcome by Committee Co-Chairs

Mary L. Johnson, General Counsel, National Mediation Board, Washington, DC
Chris A. Hollinger, O’Melveny & Myers LLP, San Francisco, CA

8:15 a.m. - 8:30 a.m.  Remarks from Section Leadership

Stephen B. Moldof, Union & Employee Council Liaison, ABA Section of Labor and Employment Law
Jennifer L. Sabourin, Employer Council Liaison, ABA Section of Labor and Employment Law

8:30 a.m. – 9:30 a.m.  Remarks from National Mediation Board Officials

Kyle Fortson, Chairman, National Mediation Board, Washington, DC
Linda Puchala, Member, National Mediation Board, Washington, DC
Gerald W. Fauth III, Member, National Mediation Board, Washington, DC
Patricia Sims, Director of Mediation, National Mediation Board, Washington, DC

9:30 a.m. - 9:45 a.m.  Break

9:45 a.m. 11:00 a.m.  Janus Issues
Panelists will review the genesis and debate the impact of the Supreme Court’s landmark June 27, 2018 public sector agency fee decision in Janus v. AFSCME, 138 S.Ct. 2448, with an emphasis on the decision’s impact on labor relations in the rail and air industries, in particular, and the private sector more generally.
11:00 a.m. – 11:15 a.m. Break

11:00 a.m. – 12 noon Advocates’ Critique of National Railroad Adjustment Board Arbitration
Panelists will cover a broad range of issues concerning the practice of arbitration before the NRAB, including the form, specificity and content of awards, expedited arbitration, SBAs, lead cases/the weight of prior decisions, arbitrating issues, arbitrator selection and related questions.

Richard Edelman, Mooney, Green, Saindon, Murphy & Welch PC, Washington, DC
Don Munro, Jones Day, Washington, DC

12:00 p.m. - 1:00 p.m. Hot Issues in Legal Ethics
Panelists will discuss legal ethics issues that arise when attorneys perform non-traditional legal functions such as collective bargaining and, more broadly, “fixing” client problems. Recent difficulties encountered by well-known lawyers also will be discussed.

Todd C. Duffield, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Atlanta, GA
Joshua B. Shiffrin, Bredhoff & Kaiser, PLLC, Washington, DC

7:00 p.m. – 9:00 p.m. Reception and Dinner
effective practices and procedures.

Joshua Javits, Arbitrator and Mediator, Washington, DC
Joyce M. Klein, Arbitrator, Ocean Grove, NJ
Elizabeth Wesman, Arbitrator, Camas, WA

10:45 a.m. – 11:00 a.m. Break

11:00 a.m. – 12:45 p.m. Hot Topics for Labor Relations Practitioners in the Rail and Air Industries
The panelists will discuss a variety of current/trending topics of interest for labor relations practitioners in the rail and air industries. Examples include regulatory developments with respect to single-pilot issues in the air cargo industry; more generally, the impact of, and responses to, potential pilot shortages; the application of the Railway Labor Act, and collective bargaining relationships thereunder, to airline and railroad work performed in foreign countries and/or by employees based in foreign countries; and recent developments with respect to Railway Labor Act preemption of state-law claims.

Douglas W. Hall, Jones Day, Washington, DC
Jessica Kimbrough, United Airlines, Inc., Chicago, IL
Stephen B. Moldof, Cohen, Weiss and Simon LLP, New York, NY
Robert A. Siegel, O’Melveny & Myers LLP, Los Angeles, CA

12:45 p.m. – 1:00 p.m. Section Business
Plans for Future Meeting
The Railway Labor Act Treatise