American Bar Association  
Section of Labor & Employment Law  
Railway & Airline Labor Law Committee  
Midwinter Meeting  
March 11-13, 2020  
Laguna Beach, CA

Wednesday, March 11  
6:00 p.m. - 7:30 p.m.  Welcome Reception at Surf and Sand Resort

Thursday, March 12  
7:30 a.m. - 8:00 a.m.  Registration and Breakfast  
8:00 a.m. - 8:15 a.m.  Welcome by Committee Co-Chairs  
Douglas W. Hall, Jones Day, Washington, DC  
Mary L. Johnson, National Mediation Board, Washington, DC  
Marcus Migliore, Air Line Pilots Association, Washington, DC  
8:15 a.m. - 8:30 a.m.  Remarks from Section Leadership  
Stephen B. Moldof, Section Vice Chair and Union & Employee Council Liaison, Cohen, Weiss & Simon, LLP, New York, NY  
Jennifer L. Sabourin, Employer Council Liaison, Miller Canfield, Detroit, MI  
8:30 a.m. – 9:30 a.m.  Remarks from Officials of the National Mediation Board  
Linda Puchala, Chairman  
Kyle Fortson, Member  
Gerald W. Fauth III, Member  
Patricia Sims, Director of Mediation  
National Mediation Board, Washington, DC  
9:30 a.m. - 10:45 a.m.  The National Mediation Board’s Decertification Rule  
Panelists will discuss the NMB’s recent regulatory rulemaking adding an alternative RLA decertification process and expanding the post-decertification election bar, including a discussion of litigation challenging those changes.  
Jeff Bartos, Guerrieri, Bartos, & Roma, Washington, DC  
Nicholas Geale, Advisor, Metropolitan Washington Airports Authority, former Chairman and Member, National Mediation Board, Washington, DC  
Ellen Ham, FordHarrison
10:45 a.m. 11:00 a.m. Break

11:00 a.m.-12:00 noon Recent Issues between Railroad Management and Labor
Panelists will discuss recent issues between railroad management and labor, including Amtrak’s implementation of a new substance abuse policy and how it was handled by the parties; “Precision Scheduled Railroading,” a new business and operating model for the freight rail, including comments regarding implications for Amtrak; the extent of NMB authority once parties are in mediation and the advisability of certain exercises of that authority; and infrastructure needs of Amtrak and problems that will result if they are not addressed.

Richard Edelman, Mooney, Green, Saindon, Murphy & Welch P.C.
Andrea Gansen, Amtrak

12:00 noon - 1:00 p.m. Hot Issues in Legal Ethics
Panelists will discuss ethics issues pertaining to deception and truthfulness to others (ABA Model Rules 8.4 and 4.1), particularly in the context of negotiations and collective bargaining, as well as issues pertaining to representing an organization as a client (ABA Model Rule 1.13), attorney-client privilege, supervising others (ABA Model Rules 5.1 and 5.3), and communications outside of the organization (ABA Model Rule 4.2).

Chris Harrison, Ogleletree, Deakins, Nash, Smoak & Stewart, P.C.
Joshua B. Shiffrin; Bredhoff & Kaiser, PLLC

7:00 p.m.-9:00 p.m. Reception and Dinner

Friday, March 13

7:30 a.m. – 8:15 a.m. Breakfast

8:30 a.m. – 9:30 a.m. Classification of Major/Minor Disputes, Self-Help and Status Quo
Panelists will provide analysis of recent developments regarding the classification of disputes as “major” or “minor” status quo and self-help case law, injunction and contempt issues

Aparna Joshi, O’Melveney & Myers, Los Angeles, CA
Christina Papadopoulos, Allied Pilots Association
Maranda Rosenthal, American Airlines, Fort Worth, TX
Carla Siegel, IAMAW, Upper Marlboro, MD

9:30 a.m. –10:30 a.m. Application of Preemption Doctrines
The panelists will discuss the latest case law regarding application of preemption doctrines – e.g., RLA, ADA, Machinists/Garmon, Dormant Commerce Clause – to claims brought under state wage and hour and benefit statutes, local “living wage” ordinances, and the potential impact on airline collective bargaining.

Darin Dalmat, Barnard, Iglitzin & Lavitt, LLC
Don Munro, Jones Day
10:30 a.m. – 10:45 a.m. Break

10:45 a.m.-11:45 a.m. Issues and Litigation Stemming from the Grounding of B-737 MAX
Panelists will discuss issues and litigation stemming from the grounding of the B-737 MAX, including the impact on employee compensation and associated collective bargaining impacts, US DOJ Grand Jury investigation, and other related matters.

David Broderdorf, Morgan, Lewis & Bockius
Tom Ciantra, ALPA
Rachel Janger, O’Melveney & Myers
Helen Yu, SWAPA

11:45 a.m. – 12:45 p.m. Railway Labor Act Hot Topics
The panelists will discuss emerging issues facing labor and management in the rail and air industries, including recent litigation developments regarding the Supreme Court’s Janus decision; scope and joint venture issues in airline collective bargaining; and recent cases concerning what does – and does not – constitute Section 6 negotiations.

Molly K. Gabel, Seyfarth Shaw, Seattle, WA
Jessica Kimbrough, United Airlines, Chicago, IL
Art Luby, ALPA, Washington, DC
Elizabeth Roma, Guerrieri, Bartos & Roma, Washington, DC

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