

Message from the Section Chair



By the time you read this Message, our downstate colleagues will have suffered through, and hopefully recovered from, both Super Storm Sandy and Winter Storm Nemo. We are equally hopeful that no more severe weather events have occurred in the interim. Our thoughts are with those who have been burdened by these events and we all look forward to the arrival of Spring.

ward to the arrival of Spring.

While our activities since my last Message have not been quite as noteworthy as these weather events, they have nonetheless been significant. At the end of January, we held our Annual Meeting in conjunction with Bar Week in New York City. Thanks to Sharon Stiller and Seth Greenberg, co-chairs of our CLE Committee, we had another successful program, with nearly 300 people in attendance. Plenary presentations were made on both New York State wage-hour issues, with representatives from the Department of Labor (Acting General Counsel Pico Ben-Amotz and Senior Attorney Ben Shaw) on the panel, and on ethics and e-discovery, with U.S. Magistrate Judge James Francis, from the Southern District of New York, on the panel. Breakout sessions covered expatriates and secondees in the United States, restrictive covenants, and government mergers and consolidations, as well as an especially fascinating program on ADR and neuroscience (which we are considering reprising as a plenary session for next year so that everyone can attend). Also thanks to Sheryl Galler, who once again did an outstanding job of securing many sponsors for our program.

During the meeting we announced that, beginning in January of 2014, we will honor the memory each year of Past Section Chair and longtime Section and Executive Committee member Margery Gootnick with the Margery Gootnick Commemorative Lecture. I also had the pleasure of awarding our inaugural Lifetime Achievement Award to Frank Nemia. Frank, who has practiced Labor and Employment Law for more than 50 years, was instrumental in the establishment of our Section in 1975, served as its first Chair, and still chairs our Past Chairs Advisory Committee.

Our luncheon speaker that afternoon was the Hon. Mark Gaston Pearce, Chairman of the National Labor Relations Board (NLRB). There could not have been a more timely presentation given that just hours before Chairman Pearce spoke to us, the United States Court of Appeals

for the District of Columbia Circuit issued its decision in *Noel Canning v. National Labor Relations Board*, holding that President Obama's recess appointments to the NLRB were unconstitutional, leaving Chairman Pearce (at least in the eyes of the D.C. Circuit) as the only validly appointed member of the NLRB. We especially appreciate Chairman Pearce's willingness to remain in New York and speak to us that day, in the midst of this breaking development.

Our luncheon also provided an opportunity for us to honor our Stein Writing Competition winners (Andrew Midgen and Amanda Jaret of St. John's University Law School and Jon Dueltgen of the University of Pennsylvania Law School) and Kaynard Award scholarship winners (Amanda Jaret, believed to be our first "double winner," and Alyssa Zuckerman, daughter of our own Past Chair, Richard Zuckerman, both of St. John's University Law School, and Elizabeth Sprotzer of CUNY Law School).

Last, but by no means least, at our Annual Business Meeting, the Section's membership elected Ron Dunn as Chair-elect of the Section, beginning June 1, 2013. Ron is a longtime Section member who, most recently, served the Section so well as co-chair of our CLE Committee. Congratulations Ron!

Our many committees continue to actively work on a variety of projects and events. Shortly after the Annual Meeting, our Mentoring Program, under the direction of Rachel Santoro and Genevieve Peebles, held a reception, hosted at the offices of Sullivan & Cromwell, featuring Karen Fernbach, Regional Director of Region 2 of the NLRB. Director Fernbach, a longtime supporter of our Section, graciously spoke to our Mentees about career paths and choices. Check our website for information on joining our next class of Mentees.

Our Diversity and Leadership Development Committee has been working on two significant events, both of which will have been held by the time you read this Message. The first is a program jointly sponsored with Albany Law School and The Sage Colleges, entitled *Further Along the Jericho Road: The Elusive Struggle for Economic Justice*. Presenters included the Honorable Dennis Davis, a Judge of High Court, South Africa and Visiting Professor of Law at Georgetown Law School; Terrence L. Melvin, President of the Coalition of Black Trade Unionists; and Professor Nicholas Creary, SUNY Albany, Department of Africana Studies. The second event was a reception for current and past Section Diversity Fellows, hosted at the offices of Orrick, Herrington & Sutcliffe. The featured speaker at this event was Chai Feldblum,

Commissioner of the Equal Employment Opportunity Commission. Special thanks to Committee members Tim Taylor and Norma Meacham for their work on the Economic Justice program and to co-chairs Jill Rosenberg and Wendi Lazar for putting together our reception. Interested candidates should check the Section's website for information about our next class of Diversity Fellows.

Finally, I encourage everyone to check our revised website content, at www.nysba.org/Labor. We are working hard to keep our content up to date so Section members have easy access to information about the Section's

various events, projects and other activities. The Section exists to assist members and keeping you informed is one of the ways to do that. But of course the best way to serve you, the members, is to encourage you to become actively involved in the Section. Join a Committee and share your interest and expertise—it will make all of us better at what we do.

If you have any questions about our activities or comments about what we are doing (or not doing), drop me a note at jgaal@bsk.com.

John Gaal

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