

**American Bar Association Section of Labor & Employment Law
Committee on Practice and Procedure Under the National Labor Relations Act
Midwinter Meeting**

**Naples, Florida
February 20-23, 2008**

DRAFT PROGRAM AGENDA

Wednesday, February 20

7:30 a.m. - 8:30 a.m. Newcomers Breakfast with the Board and General Counsel

(Spouse/Guest Breakfast - 9:30 a.m. -11:00 a.m.)

8:30 a.m. - 8:45 a.m. Welcome, Introductions, Council Liaison Report

**8:45 a.m. - 9:15 a.m. Review of Letter to National Labor Relations Board /
General Counsel**

The “letter” reviews a number of critical and timely procedural issues impacting practice before the NLRB and encompassing the investigation and processing of representation and unfair labor practice matters at every level of the administrative and judicial process. The materials that form the basis for the presentation at this session are the result of a year-long process beginning in each of P&P’s geographical regions throughout the country and culminating in a national meeting with the National Labor Relations Board in Washington, D.C.

**9:15- 10:15 a.m. “R” Case / **C Case Updates With Emphasis on Procedural
Issues**

This program will offer a timely and thought-provoking review of new and important unfair labor practice and representation cases issued by the NLRB and/or Administrative Law- judges during 2006.

John E. Higgins, Jr. -- Deputy General Counsel,
National Labor Relations Board, Washington, D.C.
Barry J. Kearney - Associate General Counsel,
National Labor Relations Board, Washington, D.C.

10:15 a.m. - 10:30 a.m. Break

- 10:30 - 12:00 p.m.** **Legislative Responses to the NLRB: EFCA, RESPECT, Others?**
Focus on issues raised by the legislation and the underlying issues and causes.
- 12:00 - 12:30 p.m.** **OPEN**
- 12:30 p.m.** **Women's Lunch (All Invited)**
- 6:00 p.m. - 7:30 p.m.** **Welcome Reception**

Thursday, February 21

- 8:00 a.m. - 9:00 a.m.** **Continental Breakfast**
- 8:00 a.m. - 9:00 a.m.** **Regional Co-Chair Breakfast Meeting**
- 9:00 a.m. - 10:00 a.m.** **NLRB General Counsel Response to Committee's Issues**
The General Counsel and his staff will present and address a number of current significant procedural issues impacting the union and management bar practicing before the Agency in dealing with the Agency's processing of representation petitions and unfair labor practice charges and complaints throughout the Agency's various regions and the General Counsel's office.
- 10:00 a.m. – 11:15 a.m.** **Decertifications and Withdrawal of Recognition / Dana**
Recent decisions and problems
- 11:15 a.m. - 11:30 a.m.** **Break**
- 11:30 a.m. – 12:15 p.m.** **Minority Recognition and the Members Only Contract: A Possible Solution? What Issues Need to be Resolved?**
Dicks Sporting Goods can and USWA rulemaking petition.
- 1:00 p.m.** **Golf Outing**
- 6:30 p.m. -9:00 p.m.** **Reception and Dinner**

Friday, February 22

- 8:00 a.m. - 9:00 a.m.** **Continental Breakfast**
- 8:00 a.m.-9:00 a.m.** ***How to Take a Case Before the NLRB* Editors' Breakfast Meeting**

- 9:00 a.m. - 10:00 a.m.** **NLRB Response to Committee's Issues**
This session involves presentations by the NLRB's Chairman, Members and the Executive Secretary regarding significant/timely procedural issues involving the Board's present and anticipated handling of a number of procedural issues of concern to members of the union and management bar who practice before the Board.
- 10:00 a.m. - 11:00 a.m.** **Remedies**
New Issues in Salt CASES: Extraordinary Remedies; Attorneys' Fees
- 11:00 a.m. -11:30 a.m.** **Update from FMCS Director Arthur Rosenfeld**
- 11:30 a.m. - 12:30 p.m.** **Ethical Issues in Representation Cases**
Problems Facing Management and Union Attorneys in Campaigns

Saturday, February 23

- 8:00 a.m. -9:00 a.m.** **Continental Breakfast**
- 9:00 a.m. -11:00 a.m.** **Election Procedures**
Review of Issues; New Ballots; Recent Statistics on Election Petitions; Need for Further Changes?
- 11:00 a.m. – 11:15 a.m.** **Break**
- 11:15 a.m. – 12:15 p.m.** **Committee Reports and Updates**
Diversity Report and Outreach: Update and Planning for NLRA Basics Programs; Regional Committee Planning for 2008
- Liaison Reports:
1. Equal Opportunity in the Legal Profession
 2. Marketing
 3. CLE
 4. Section Newsletter
 5. Pro Bono