

NYU Labor & Employment Law

67th NYU Annual Labor Conference Explores Title VII of the Civil Rights Act After 50 Years

The NYU Center for Labor and Employment Law's 67th Annual Conference on Labor celebrated the 50th anniversary of Title VII of the Civil Rights Act of 1964, which Labor Center Faculty Director Professor Samuel Estreicher described as "the most significant piece of domestic legislation of the twentieth century." This year's Annual Conference, held on June 5 and 6, 2014, looked at the effects, implications and future of Title VII, and featured a keynote address by Hon. Jenny Yang (NYU Law '96), Chair of the Equal Employment Opportunity Commission (EEOC), and addresses by Hon. P. David Lopez, General Counsel of the EEOC, and Hon. Richard F. Griffin, Jr., General Counsel of the National Labor Relations Board.

Highlights of the Conference included an active debate on the EEOC's aggressive review of settlement agreements; an analysis of the role of psychological experts and of challenges to psychological tests in disparate impact and pattern or practice litigation; a review of class action settlements; and a look to the future of affirmative action.

Approximately 150 labor and employment law practitioners, government officials and academics attended the Annual Conference. Editorial work is

underway on the seventeen papers and several speeches presented, and the *Proceedings of the 67th NYU Annual Labor Conference: Title VII of the Civil Rights Act After Fifty Years* will be published by LexisNexis in 2015.



From left to right: NLRB Regional Director Karen P. Fernbach (Reg. 2); NLRB General Counsel Richard F. Griffin; Professor Samuel Estreicher; and NLRB Regional Director James G. Paulsen (Reg. 29).

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Congratulations...

Super Lawyers (2012-2014)

Marshall B. Babson (NY)
Jonathan Ben-Asher (NY)
Michael I. Bernstein (NY)
Irwin Bluestein (NY)
Frederick D. Braid (NY)
Ethan A. Brecher (NY)
Mark E. Brossman (NY)
Donald D. Dowling, Jr. (NY)
Eugene G. Eisner (NY)
Samuel Estreicher (NY)
Eugene S. Friedman (NY)
Willis Goldsmith (NY)
Jeffrey S. Klein (NY)
Mark D. Risk (NY)
Theodore O. Rogers, Jr. (NY)
Susan P. Serota (NY)
Ronald H. Shechtman (NY)
Robert S. Whitman (NY)
Daniel M. Young (CT)

Best Lawyers (2012-2014)

Marshall B. Babson (NY)
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Theodore O. Rogers, Jr. (NY)
Susan P. Serota (NY)
Ronald H. Shechtman (NY)
Daniel M. Young (CT)



EEOC Chair Jenny Yang delivered the Keynote Address at the 67th Annual NYU Conference on Labor

Members and Friends of the Labor Center

Editor's note: From time to time, the newsletter takes the opportunity to introduce to our readers members of the Advisory Board and others with whom we work.



Prof. David L. Gregory **St. John's University School of Law**

David L. Gregory, long-time Labor Center good friend, is the Dorothy Day Professor of Law and the Executive Director of the Center for Labor and Employment Law at St. John's University. Prior to joining the St. John's Law faculty in 1982, Gregory was an equal employment opportunity counselor with the Postal Service, a labor relations representative with Ford Motor Company, and an attorney with a prominent management labor and employment law firm in Detroit. He is a much-published author, active arbitrator, and guiding

spirit for labor and employment law students at St. John's. •



Eugene G. Eisner (NYU J.D. '61) **Eisner & Associates, P.C.**

A founding member of the NYU Center for Labor and Employment Law reflects on his 50 years as a labor lawyer...

In my fifty years as a labor lawyer I have represented unions and workers in both the private and public sectors, including a precedent setting case in the Supreme Court of the United States (the John Wiley & Sons, Inc. v. Livingston case, establishing the right of a union to arbitrate against a non-consenting successor corporation). I have defended strikers in New York City Criminal Court; and have appeared in hundreds of arbitrations and NLRB hearings. I taught labor law and arbitration courses at the Hofstra University - District 65 Institute - as well as labor law to graduate students at the CUNY Murphy Institute. I am proud to continue to represent Local 3, RWDSU (the Bloomingdales local) these past five decades.

During the last decade, I have gotten more involved in employment law. We represent teachers and professors, as well as many individuals bringing discrimination lawsuits. More recently, my office has represented low-wage workers in the food service industry, bringing individual and class action cases in federal court against restaurants. Utilizing my experience as a labor lawyer, we have also organized workers into individual employee associations and negotiated collective bargaining agreements, including the recent Hot & Crusty Workers Association Agreement. •

TalkShop for In-house Employment Counsel Held

On October 16, the Labor Center introduced its new “Lunchtime TalkShop” series, with a session for in-house employment attorneys. The TalkShop – a workshop at which participants talk shop – featured presentations by experienced in-house counsel, Advisory Board Member Zachary Fasman of Proskauer Rose LLP, and Prof. Samuel Estreicher, followed by roundtable discussions of the several questions presented by attendees based on their everyday practice. Presenting at the TalkShop were Melissa R. Gold of JPMorgan Chase, Erika Ozer of Swiss Re America Holding Corporation, and Martin Schmelkin of Goldman Sachs & Co. The Labor Center plans to hold TalkShops for other special constituencies in the coming months.

More Photos from the 67th Annual Conference on Labor



Hon. P. David Lopez (EEOC General Counsel)



Terrance Nolan (Associate General Counsel and Director of Labor Relations, NYU)



Front, left to right: David Ross (Seyfarth Shaw LLP), Joe Sellers (Cohen Milstein Sellers & Toll PLLC), Frederick Braid (Holland & Knight LLP)
Back, left to right: Justin Swartz (Outten & Golden LLP), Professor Samuel Estreicher, Anne M. Lofaso (Associate Professor, West Virginia University College of Law), Ethan Brecher (Law Office of Ethan A. Brecher, LLC)



From left to right: Martin Schmelkin (Associate General Counsel, Goldman Sachs & Co.); Professor Samuel Estreicher; Linda Gadsby (Vice President and Deputy General Counsel, Scholastic Inc.); Professor Deborah Malamud (NYU Law).

Estreicher's Judicial Performance Index: The Supreme Court's 2012-2013 Labor & Employment Decisions¹

Political criteria for judging the Supreme Court's work are hopelessly unsatisfying as long as we reserve the right to have different political views and legal philosophies, and the Court continues to have a completely discretionary docket. I propose, instead, a more limited criterion that may generate broader consensus: Is the Court deciding what it has to and no more than it has to? In the table that follows, I apply this criterion to labor and employment cases argued and decided during the Court's 2012-2013 Term. A grade of 1 is awarded whenever the Court decides the case on the issue presented by the petition and the facts and rules no more than is necessary to address that question; if the Court purports to decide (rather than merely offer dicta on) a broader issue, it receives a score of 0. On the other hand, when the Court hears a case and fails to address a fairly presented issue, it also receives a score of 0.

Eight years of results are in:

- In the 2005-2006 Term, the Court heard 9 cases involving labor and employment issues. The maximum score it could have received was 9; instead, it received a grade of 4, for an overall performance score of .44.
- In the 2006-2007 Term, the Court heard 4 cases raising labor and employment issues and received the maximum score of 4, for an overall performance score of 1.0.
- In the 2007-2008 Term, the Court decided 11 cases raising labor and employment issues and received a grade of 10, for an overall performance score of .9.
- In the 2008-2009 Term, the Court decided 9 cases raising labor and employment issues and received a grade of 6, for an overall performance score of .67.
- In the 2009-2010 Term, the Court decided 10 cases raising labor and employment issues and received a grade of 8, for an overall performance score of .8.
- In the 2010-2011 Term, the Court decided 11 cases raising labor and employment and received a grade of 9, for an overall performance score of .81.
- In the 2011-2012 Term, the Court decided 6 cases raising labor and employment issues and received a grade of 5, for an overall performance score of .85.
- In the 2012-2013 Term, the Court decided 7 cases raising labor and employment issues (although two did not arise in an employment context) and received a grade of 3, for an overall performance score of .43.

After a hesitant start in the 2005-2006 Term, with the dip repeated in the 2008-2009 Term and in the 2012-2013 Term, the Court appears to be doing a fairly good job of deciding the question presented and not deciding more than it has to (in deciding that question) in cases involving the law of the workplace.

We will apply the same criteria to evaluate the Court's work product during the 2013-2014. Stay tuned. •

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**Estreicher's Judicial Performance Index:
The Supreme Court's 2012-2013 Labor & Employment Decisions
*Continued...***

Case	Issue	Judicial Restraint?	Non-Decision?	Net Score
Vance v. Ball State University, 133 S.Ct. 2434 (2013)	Whether ... the <i>Faragher-Ellerth</i> "supervisor" rule (1) applies to harassment by those whom the employer vests with authority to direct and oversee the victim's daily work, or (ii) is limited to those harassers who have the power to "hire, fire, demote, promote, transfer or discipline"?	Decided question presented.	No.	1
University of Texas Southwestern Medical Ctr v. Nassar, 133 S.Ct. 2517 (2013)	Whether Title VII's retaliation provision and similarly worded statutes require a plaintiff to prove but-for causation... or instead require only proof that the employer had a mixed motive?	Decided question presented.	No.	1
Fisher v. University of Texas at Austin, 133 S.Ct. 2411 (2013)	Whether the Court's decisions interpreting the Equal Protection Clause of the Fourteenth Amendment, including <i>Grutter v. Bollinger</i> , 539 U. 306 (2003), permit the University of Texas at Austin's use of race in undergraduate admissions decisions?	Did not decide the question presented.	Yes.	0
American Express Co. v. Italian Colors Restaurant, 133 S.Ct. 2304 (2013)	Whether the Federal Arbitration Act permits courts, invoking the "federal law of arbitrability," to invalidate agreements on the ground that they do not permit class arbitration of federal-law claims?	Decided question presented but with a broader rationale than necessary.	Yes.	0

More Friends (*continued*)...

Hon. Harry I. Johnson, III, Member, NLRB

Harry I. Johnson, III was sworn in as a member of the NLRB on August 12, 2013 for a term that expires on August 27, 2015. Prior to his appointment as a member of the NLRB, Johnson was a partner with the law firm Arent Fox LLP, a position he held since 2010. Previously, Johnson was a partner from 2006 to 2010 and an associate from 1994 to 2005 at Jones Day. In 2011 and 2013, he was recognized by *The Daily Journal* as one of the “Top Labor & Employment Attorneys in California.”

Johnson received a B.A. from Johns Hopkins University, an M.A.L.D. from Tufts University’s Fletcher School of Law and Diplomacy, and a J.D. from Harvard Law School. •

Hon. Kent Y. Hirozawa (NYU J.D. ‘82), Member, NLRB

Kent Y. Hirozawa was nominated by President Obama on July 16, 2013, to be a member of the NLRB, and was confirmed by the Senate on July 30, 2013, for a term that expires on August 27, 2016. He is the first Asian-American to serve as a Board member.

Hirozawa was born and grew up in the Detroit area. His father, a Hawaii resident, worked as a research chemist at the Wyandotte Chemical Company, later the BASF Corporation, in Wyandotte, Michigan, while his mother, from Hawaii, was a teacher at The Roeper School in Bloomfield Hills, Michigan. Hirozawa received his B.A. from Yale University and his J.D. from NYU School of Law, where he was co-editor-in-chief of the *N.Y.U. Review of Law & Social Change* and a student of Labor Center director Samuel Estreicher.

Hirozawa began his career as a field attorney in Region 2 of the Board after clerking in the U.S. Court of Appeals for the Second Circuit. Prior to returning to the Board, he represented unions, workers, and employee benefit funds for more than twenty years as a member of the New York City law firm Gladstein, Reif & Meginniss, LLP. Hirozawa served as chief counsel to NLRB Chairman Mark Gaston Pearce from April 2010 until he was sworn in as a Board member on August 5, 2013.

In addition to his work as a lawyer, Hirozawa has worked in both a chemical and a printing plant, cleaned offices and pumped gas, and has been a busboy, a bartender, an unemployment claims examiner and a co-owner of a small business. He has been married for over 25 years to Lynn M. Kelly (NYU J.D. ‘82), the Executive Director of the City Bar Justice Center. They are the parents of two children, Nora and Miles. •

Hon. Lafe E. Solomon, Former Acting General Counsel of the NLRB

Below is a review of Solomon’s professional journey and his longstanding relationship with the Labor Center.

Describing his three-plus years as Acting General Counsel as “extraordinary,” Lafe E. Solomon observed that the General Counsel of the NLRB, since 1940, had never received such outside scrutiny as during his tenure. Some of the controversy during his term was sparked by the 2011 complaint against The Boeing Company, and a 2010 complaint against a business that terminated an employee for her Facebook posts.

A native of Helena, Arkansas, Solomon received a B.A. degree in Economics from Brown University in 1970 and a J.D. from Tulane University in 1976. He began his agency career as a field examiner in Seattle in 1972. After taking a break to pursue a law degree, Solomon returned as an attorney in the Office of Appeals. He transferred to the Appellate Court Branch in 1979. Two years later, he left the General Counsel side of the agency to join the staff of former Board Member Don Zimmerman and then went on to work for another nine Board Members.

During his tenure as Acting General Counsel, Solomon introduced new initiatives, including an initiative to strengthen the agency’s response to “nip in the bud” discharge cases with a more efficient 10(j) injunction procedure. The initiative is widely regarded as successful and a great improvement for many workers.

Solomon mentioned how honored he has been to speak at the Labor Center conference in the spring of every year, how much he has learned, and how he will miss that aspect of his life. He has worked on several panels with Prof. Samuel Estreicher, and wanted to express his appreciation to him and to the Labor Center in general. •

More Friends (*continued*)...

Melissa R. Gold, JP Morgan Chase & Co.

Melissa R. Gold is a Senior Vice President and Associate General Counsel at JP Morgan Chase. Gold joined the JP Morgan Chase Legal Department (then Chemical Bank) 21 years ago and is a member of the HR Law Group with responsibility for the Corporate & Investment Bank. She also manages the EEO Case Management Team, which handles the discrimination charges filed with administrative agencies like the EEOC. Her practice includes a wide variety of employment law issues involving both employment litigation/arbitration and counseling. She also has extensive experience with issues arising from the enforcement of post-employment restrictions and in counseling on merger, sale, and acquisition related issues through firm mergers and acquisitions. She serves on JP Morgan's Legal Diversity committee.

Gold received a J.D. from the Benjamin N. Cardozo School of Law in New York City and a B.A. from Trinity College in Hartford, Connecticut, where she majored in Economics. Gold is a member of the Board of Directors of MFY Legal Services, which provides free legal assistance to residents of New York City on a wide range of civil legal issues, prioritizing services to vulnerable and under-served populations. She is also a member of the Federal Bar Council's Inn of Court Executive Committee and of the YWCA's Academy of Women Achievers. She is also a recipient of President Bush's 2005 Volunteer Service Award in recognition of her 100 hours of community service. •

Prof. Michael Z. Green, Texas A&M University School of Law, Fort Worth, TX,

and editor, of *The Challenge for Collective Bargaining: Proceedings of the New York University 65th Annual Conference on Labor* (LexisNexis 2014).

A member of the Texas A&M Law faculty and its predecessor since 2003 and a full professor with tenure since 2005, Professor Michael Z. Green became the inaugural Associate Dean for Faculty Research & Development in June 2008, holding that position through May 2012. A *cum laude* graduate of Loyola Chicago Law School where he also obtained a Master's in Industrial Labor Relations, he specializes in labor and employment law, discrimination, and dispute resolution matters. He worked as manager for a Fortune 500 company before law school and for a union law firm in law school. After law school and before becoming a law professor, he represented employers for several years including being chief negotiator for a collective bargaining agreement. An experienced mediator and arbitrator, Green serves on the Dallas Area Rapid Transit Trial Board, the American Arbitration Association's National Labor Panel, and the FMCS Roster of Labor Arbitrators. He was elected to the American Law Institute (ALI) in 2006 and serves on the ALI Consultative Group for the Restatement of Employment Law. For 2014-15, Green will serve as Secretary of the American Bar Association's Section of Labor and Employment. He is a much-published author. •

William A. Herbert, Hunter College

Hunter College President Jennifer Raab has appointed William A. Herbert as a Distinguished Lecturer and as the new Executive Director of the National Center for the Study of Collective Bargaining in Higher Education and the Professions, effective November 21, 2013. The National Center is a labor-management center that studies collective bargaining in higher education. It functions as a clearinghouse and forum for scholarly research and ideas concerning labor relations, collective bargaining, and labor law issues. As part of its mission, the National Center hosts an annual conference and publishes a journal and other material. The last annual conference took place from April 6-8, 2014 at the CUNY Graduate Center.

Prior to his Hunter College appointment, Herbert was the Deputy Chair and Counsel of the New York State Public Employment Relations Board (PERB), where he was responsible for researching and drafting final agency decisions, and overseeing agency policies, practices and legislation. Before his tenure at PERB, he represented labor and employment clients in federal and state courts, administrative agencies, and in arbitration. •

More Friends (*continued*)...

Lee F. Bantle (NYU J.D. '83), Bantle & Levy LLP

Lee F. Bantle graduated *magna cum laude* from the University of Minnesota with a B.A. in Journalism in 1977 and with a M.A. in Speech-Communications with honors in 1979. He then received his J.D. from New York University in 1983. He was Law Clerk to the Hon. Edward R. Korman, U.S. District Court Judge in the Eastern District of New York. Bantle was associated with the law firm of Debevoise & Plimpton LLP from 1983 to 1986 and with the law firm of Beldock Levine & Hoffman LLP from 1987 to 1999, where he also became member. On January 1, 2000, he opened Bantle & Levy LLP.

Bantle regularly speaks at conferences on employment law, including at the National Employment Lawyer's Association conference, at the Association of the Bar of the City of New York seminar, and at the Practicing Law Institute seminar. He has published numerous articles on the subject of employment law, as well as novels on a range of subjects. His children's novel *Diving for the Moon* (Simon & Schuster 1995), deals with the impact of HIV infection on a 12-year old hemophiliac boy. His young adult novel, *David Inside Out* (Henry Holt 2009), deals with a 16-year old boy coming to terms with his sexual identity. Bantle is currently the President of Friends Against Violence Everywhere, a non-profit corporation working to reduce gun violence in this country. He is formerly a member of the Board of Directors of the New York chapter of the National Employment Lawyers Association and was for many years the chair of its Judiciary Committee. He has served on the Association of the Bar of the City of New York's Committee on AIDS and its Committee on Federal Legislation. He has been a cooperating attorney for the Lambda Legal Defense and Education Fund. •

“Will Workers Have a Voice in China’s ‘Socialist Market Economy’? The Curious Revival of the Workers Congress System”

Prof. Cynthia Estlund, NYU School of Law

An overview of Estlund's recent research. Full text may be obtained at the following address:
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2364552

U.S. labor scholars often look with envy across the Atlantic, where more robust conceptions of industrial democracy have contributed to the development of works councils. They might want to take a sidelong glance across the Pacific as well.

China's Staff and Worker Representative Congresses (SWRCs) were meant to enable workers to participate in “democratic management” in the planned economy. With liberalization, the SWRCs lost clout within the state sector and were mostly missing within the growing non-state sector. More recently, however, some lawmakers and officials are pushing to establish SWRCs in large private and foreign enterprises.

Today most SWRCs are feeble and ineffectual; their formal extension into the private sector will do little by itself to democratize workplaces. But it is possible to imagine a future in which SWRCs are supported by clearer laws, stronger employment protections, more responsive unions, and a clearer Party-state commitment to delivering those improvements to workers. Whether that future is likely may depend on what China's leader hope to accomplish by reviving the SWRCs.

A functioning SWRC system could serve a whole cluster of regime objectives: It could help to promote social stability by resolving workplace conflict within the enterprise; it could avert independent organizing by strengthening official channels for worker representation; it could improve enforcement of employment laws by engaging workers in monitoring compliance; and it could promote productivity by fostering communication and cooperation. Finally, reviving the SWRCs could bolster the regime's legitimacy among citizens who have come to doubt its socialist *bona fides*. Some of these ends are obviously self-serving for the one-party regime. But the SWRCs could accomplish none of those self-serving ends without also working for workers to some degree.

A closer look at the SWRCs and their changing legal status may offer a glimpse of how China's leaders envision the role of workers in the “socialist market economy.” Having first “corporatized” the State-Owned Enterprises of the planned economy to resemble the capitalist corporations of the market economies, some policymakers might now aim to “socialize” those capitalist corporations - to amplify the voices of workers and the state in their internal governance. Both the employers and the workers of the world may want to take a closer look. •

“Easy In, Easy Out”: A Future for U.S. Workplace Representation

98 U. Minn. L. Rev. 101 (2014)

Samuel Estreicher

ABSTRACT: This paper proposes an amendment to our basic labor laws that I call “easy in, easy out”. Essentially, representation elections – secret-ballot votes to decide whether employees wanted union representation and whether they wanted to be represented by the particular petitioning labor organization(s) – in relatively broad units, would, over time, become automatic. Every two years (unless the union achieved a collective bargaining agreement, in which case every three years) the employees in the unit would have, without any required showing of interest, an opportunity to cast a secret ballot whether they wish to continue the union’s representation, vote in a rival organization, or have no union representation at all. Petitioning labor organizations and employers would be required to share certain specified information, in electronic form, with the voting employees. The theory is to make representation elections more like general political elections, to make it easier to vote in a union, if that is the employees’ preference, and vote them out when they no longer believe the bargaining agent is accountable to them. Most other aspects of the labor laws would continue unchanged. •

Upcoming Labor Center Events

WORKER CENTERS: A NEW FORM OF WORKER ORGANIZATION?

Thursday, November 6, 2014
Lipton Hall
NYU School of Law
108 West Third Street

LABOR CENTER BOARD MEETING

Friday, November 14, 2014

18th ANNUAL EMPLOYMENT LAW WORKSHOP FOR FEDERAL JUDGES

Wednesday-Friday March 11-13, 2015

LABOR CENTER BOARD MEETING

Friday, March 13, 2015

LITIGATION SKILLS FOR PLAINTIFF LABOR AND EMPLOYMENT LAWYERS

Tuesday, March 3, 2015

LABOR AND EMPLOYMENT LAW IN THE ARTS

Tuesday, April 7, 2015

For more information on these and other events, visit our website at www.law.nyu.edu/centers/labor or contact us at (212) 992-8103.

Board News

Frederick D. Braid was listed in Chambers USA “America’s Leading Lawyers for Business 2014”, and in New York Super Lawyers for 2014. He is also listed in the 21st Edition of Best Lawyers in America in the practice areas of Employment Law - Management, Labor Law - Management, and Litigation - Labor and Employment.

Donald D. Dowling, Jr. published *Internal Investigations in Overseas Workplaces*, (NYSBA Labor & Employment Journal, Summer 2013); *Exporting US Anti-Discrimination Rules? Not So Fast*, (Law 360, 8/26/2013); *Anti-Discrimination Policies Don’t Always Translate*, (National Law Journal, 8/12/2013); *Policing Cross-Border Workplace Discrimination*, (Corporate Counsel, 8/5/2013); *Cross-Border Anti-Harassment Initiatives*, (AIG legal Insights, Spring 2013), was interviewed in *Q&A with Don Dowling on Anti-Discrimination across borders*, (Reuters Legal, 8/19/2013), and presented the paper *How a US University Can Employ Faculty, Researchers, Administrators and Foreign Locals at an Overseas Program*, to the National Association of College and University Attorneys, (June 2013, Philadelphia, PA). He was also listed in the Chambers Awards for Excellence 2013, 2014, and 2015.

Eugene G. Eisner was a speaker at the NYU Labor & Employment Law 66th Annual Conference on Labor (FLSA of 1938 and current issues arising thereunder). Mr. Eisner was featured in New York Area of Best Lawyers, 2013 edition, as well as Super Lawyers, New York Metro, 2014 edition.

Eugene S. Friedman was named by Best Lawyers as the “2013 Lawyer of the Year in New York City practicing labor and employment law litigation”.

Willis Goldsmith was named by Legal 500 as a Leading Lawyer in 2013 and 2014, and by HR Executive Magazine as among the “100 Most Powerful Employment Lawyers in America” for 2013 and 2014.

Jeffrey M. Hirsch was named both Associate Dean for Academic Affairs and Geneva Yeargan Rand Distinguished Professor of Law at the University Of North Carolina School Of Law.

Jeffrey S. Klein was listed among the 100 Most Powerful Employment Attorneys. He was also listed in Lawdragon’s “500 Leading Lawyers in America” and in the “Top 100 New York Metro Super Lawyers” for 2014. He was also selected for inclusion in the 2015 edition of *The Best Lawyers in America* in the practice areas of Employment Law – Management, and Litigation –Labor and Employment.

Yoram Margalioth received the Tel Aviv University Rector’s Prize for Excellence in Teaching in the 2013 academic year. Dozens of his papers (written in Hebrew) have been cited by Israeli courts, including several by the Supreme Court.

Theodore O. Rogers was named the 2014 New York City “Employment Law-Management Lawyer of the Year and was listed in the “Top 100 Nation’s Most Powerful Employment Lawyers” (June 2013). He was also listed in 2013 Chambers USA guide, Band 1, among New York labor and employment lawyers.

Susan P. Serota was named the “2013 Employment Lawyer of the Year” by Chambers USA Women in Law Award, and listed in Euromoney’s “2013 Guide to the World’s Leading Women in Business Law”, in Fortune Magazine’s “Women Leaders in Law” (10/28/2013), in Legal 500’s “2013 Employee Benefits and Executive Compensation”, and in Chambers USA’s “2013 and 2014 Star Individual, Employee Benefits and Executive Compensation, New York and National”.

Robert S. Whitman was recently elected as a Fellow of the College of Labor & Employment Lawyers.

More Friends...



Howard Robbins, (NYU Law '94), Proskauer Rose LLP

Labor Center friend Howard Robbins (NYU Law '94), a labor and employment law partner at Proskauer Rose LLP, was recently interviewed by The New York Law Journal about the role he played in the Metropolitan Opera's recent union negotiations. Robbins represented management as they worked to come to an agreement that meant no lock-out and an unaffected season. Among the highlights in the article, Robbins details his strategy in working on a case like this: "I bargained in every negotiation and conducted the negotiations in the way I typically do with other clients, which is that I did a tag-team with the employer's principal, in this case Peter Gelb. I presented the employer's proposals and did much of the speaking in support of the employer's position over the months of negotiations, and Peter—who, of course, is far more familiar with the Met's business needs and artistic mission—spoke to those broader issues and to what he believed, as general manager, it was his responsibility to achieve so as to secure the Met's future." To read more, please click the following link: <http://www.newyorklawjournal.com/id=1202673631499/QA-Howard-Robbins#ixzz3H4T8HNWU>

More Photographs of the 67th Annual Conference on Labor



Marcia Adams, Field Attorney with the NLRB, asks a question, while Elena Voss of the Metropolitan Museum of Art and Labor Center Advisory Board Member Daniel Young look on



Dean Michael J. Yelnosky, Roger Williams University School of Law

NYU Labor & Employment Law
New York University School of Law



Front row: Michael J. Gray (Jones Day), Jill L. Rosenberg (Orrick, Herrington & Sutcliffe LLP), Darnley D. Stewart (Giskan Solotaroff Anderson & Stewart LLP)
Back row: Prof. Michael Z. Green (Texas A&M University School of Law), Shlomit Yanisky-Ravid (Yale Law School), Gregory M. Gochanour (EEOC), Prof. Samuel Estreicher (NYU School of Law)

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NYU Labor & Employment Law

New York University School of Law

Center for Labor and Employment Law

New York University School of Law

139 MacDougal Street, 4th Floor

New York, NY 10012

Phone: (212) 992-8103

Fax: (212) 995-4657

Samuel Estreicher

Dwight D. Opperman Professor of Law

Director

samuel.estreicher@nyu.edu

(212) 998-6226

Torrey L. Whitman

Coordinator

torrey.whitman@nyu.edu

(212) 992-8103

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Phone: (212) 992-8103

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