

National Academy of Arbitrators

2010 Fall Education Conference

October 22 - 24, 2010



**The Cleveland Marriott
Downtown at Key Center
127 Public Square
Cleveland, OH 44114**

NAA 2010 FEC - CLEVELAND

THE HOTEL

The Cleveland Marriott Downtown at Key Center is located at 127 Public Square, Cleveland, OH 44114. **The Academy's block of guest rooms at a special conference rate of \$159 is limited; rooms in our block will be available until September 10, 2010, or until our block is sold out, whichever occurs first.** Attendees will be eligible for the conference rate of \$159 for a single, double, triple or quad occupancy only as long as rooms in the Academy's room block remain available. Room reservations may be made by calling the Cleveland Marriott Downtown at Key Center at 1-216-696-9200. **Please be certain to request that your reservation be assigned to the National Academy of Arbitrators' room block.** Contact the hotel directly for information/rates on suites. Each room reservation must be guaranteed by a first night's deposit either by check or a credit card acceptable to the Cleveland Marriott Downtown at Key Center.

CONTINUING LEGAL EDUCATION

Accreditation is being requested for this conference from states with mandatory continuing legal education requirements for attorneys. CLE forms will be available at the NAA registration desk. If you need more information, please contact your Regional Chair or NAA National Coordinator of Regional Activities, Walter De Treux.

COMMITTEE MEETINGS

NAA committee meetings may not be held during conference activities, including ticketed meal functions. Committee or Regional Chairs who need meeting rooms at other times, and who have not already scheduled space with the NAA Operations Center, must contact the Operations Center as soon as possible (Telephone: (607) 756-8363, FAX: (888) 317-1729 or E-mail: naa@naarb.org). Time and space have been reserved on Saturday morning (7:00 am – 8:00 am) or Saturday Evening (5:30 pm - 6:30 pm) for Committee and Regional meetings. This space is very limited and will be available on a first-requested, first-reserved basis.

REGISTRATION FEE SCHEDULE

Each registration includes one non-transferable registrant ticket for the following events: Friday Dinner, Saturday Luncheon, and Sunday Breakfast. Tickets are available at an additional cost for spouse/companions/partners to attend all meal events. Spouse/Companion/Partner meal tickets are transferable; registrant tickets are not. Tickets will be collected.

Please return the enclosed registration form or register on the NAA Website, www.naarb.org at your earliest convenience.

\$300 – Earlybird Registration Fee for registrants whose form, accompanied by full payment, is postmarked on or before July 20, 2010.

\$330 – Regular Registration Fee for registrants whose form, accompanied by full payment, is postmarked July 21 through August 31, 2010.

\$380 – Late Registration Fee for registrants whose form, accompanied by full payment, is postmarked or hand-delivered after August 31, 2010.

Payment must accompany registration. Only those registrants whose full registration fees have been received at the NAA Operations Center by **August 31, 2010** will appear on the Participant List. No supplemental lists will be prepared.

Only cancellations received by August 31, 2010, will be guaranteed a refund of the meeting fees and/or an abatement of unpaid costs, minus a \$100 processing fee. Registrants who register and fail to attend will receive post-meeting invoices for their outstanding balances.

Please note: The Academy accepts Discover, MasterCard and Visa only, and all fees are payable in U.S. Funds.

Thursday, October 21, 2010

1:30 p.m. – 5:00 p.m. NAA Registration Desk
1:30 p.m. – 5:00 p.m. Board of Governors
1:30 p.m. – 5:00 p.m. CPRG
1:30 p.m. – 5:00 p.m. Membership Committee

Friday, October 22, 2010

8:00 a.m. – 5:00 p.m. Board of Governors
8:00 a.m. – 5:00 p.m. Nominating Committee
8:00 a.m. – 5:00 p.m. CPRG
8:00 a.m. – 5:00 p.m. Membership Committee
8:00 a.m. – 12:00 p.m. New Member Orientation
9:00 a.m. – 5:00 p.m. NAA Registration Desk
12:00 p.m. – 1:00 p.m. New Member Luncheon
(By Invitation Only)
1:00 p.m. – 5:00 p.m. Skills Enhancement Workshop
(Separate Fee)

SEW: WORKING EFFECTIVELY IN THE FEDERAL SECTOR

FLRA Member (and former Arbitrator) Ernie DuBester and Senior FLRA staff discuss the unique attributes of Federal Sector Arbitration under the Federal Service Labor-Management Relations Statute, including:

- *The FLRA's Recently Revised Arbitration Regulations*
- *Drafting Awards that Withstand the Authority's Review*
- *Dealing Successfully with Management Rights Under Federal Statutes*
- *Awarding Remedies (such as back pay and attorney fees) Consistent with Legal Limitations that Apply in the Federal Sector*

6:30 p.m. Reception/Dinner

Saturday, October 23, 2010

7:00 a.m. – 8:00 a.m..... **Committee Meetings**

8:00 a.m. – 4:00 p.m. **NAA Registration Desk**

8:30 a.m. – 9:00 a.m..... **Plenary**

Presidential Remarks: Gil Vernon
NAA President
Eau Claire, WI

New Member Introductions: Margery F. Gootnick
New Member Orientation
Rochester, NY

Program Announcements: Rex Wiant, II
Program Chair
Kansas City, MO

Arrangements Announcements: Susan Grody Ruben
Local Host Chair
Cleveland, OH

9:00 a.m. – 9:45 a.m..... **Plenary**

**BREAKTHROUGH: PSYCHIATRIC DIAGNOSIS AND
THE RETURN TO WORK**

PART 1: THE MEDICAL EVIDENCE

Moderator:
Patricia Thomas Bittel, NAA
Cleveland, OH

Presenters:

Sandra McPherson, Ph.D. Clinical and Forensic Psychologist <i>Cleveland, OH</i>	George E. Tesar, MD Chairman Department of Psychiatry and Psychology Cleveland Clinic Health System <i>Cleveland, OH</i>
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9:45 a.m. – 10:00 a.m..... **Break**

Saturday, October 23, 2010 (Continued)

10:00 a.m. – 11:30 a.m. Plenary

**BREAKTHROUGH: PSYCHIATRIC DIAGNOSIS AND
THE RETURN TO WORK**

PART 2: RESPONSE BY THE PARTIES AND ARBITRATORS

Moderator:

Alan A. Symonette, NAA
Philadelphia, PA

Presenters:

Bart Bixenstein, Esq. Management Side Ogletree, Deakins, Nash, Smoak & Stewart <i>Cleveland, OH</i>	Susannah Muskovitz, Esq. Union Side Faulkner, Muskovitz & Phillips <i>Cleveland, OH</i>
Homer C. La Rue, NAA <i>Columbia, MD</i>	Rosemary A. Townley, NAA <i>Larchmont, NY</i>
Sandra McPherson, Ph.D. Clinical and Forensic Psychologist <i>Cleveland, OH</i>	

11:45 a.m. – 1:15 p.m. Cracker Barrel Luncheon

Please submit topics to Rex Wiant

1:30 p.m. – 2:45 p.m. Concurrent Session

**PRIMER ON FEDERAL HEALTH LAW:
THE ABC's OF HIPPA AND FLMA**

Moderator:

Robert Gary Bailey, NAA
Columbia, MO

Presenter:

John Loeschen, Esq.
Loeschen Law
Roanoke, VA

Saturday, October 23, 2010 (Continued)

1:30 p.m. – 2:45 p.m. Concurrent Session

I WISH THE ARBITRATOR WOULD...

Moderator:

Helen M. Witt, NAA
Pittsburgh, PA

Presenters:

Dennis Arouca
Vice President of Labor Relations
ArcelorMittal Steel

David McCall
Director District 1
United Steelworkers

1:30 p.m. – 2:45 p.m. Concurrent Session

LEVELING THE PLAYING FIELD

In the face of unequally qualified advocates, when and how (if at all) do you attempt to level the playing field? A lively interactive scenario-based session. *This session will be repeated at 3:00 p.m.*

Moderator:

Dennis E. Minni, NAA
Strongsville, OH

Presenters:

Thomas A. Cipolla, NAA
Austin, TX

Elizabeth C. Wesman, NAA
Hendersonville, NC

1:30 p.m. – 2:45 p.m. Concurrent Session

**MUSIC AND FILM - BUILDING COMMUNITY
FOR SOCIAL JUSTICE**

This presentation will examine the role of music and film in building communities to advocate for social justice. With music used by escaping slaves, workers, and civil rights activists from the 1800s to the present, the role of music in building community will be discussed. The role of films in the fight for social justice from the 1950's to the present will also be presented. Audience participation is strongly encouraged! *This session will be repeated at 3:00 p.m.*

Presenter:

Prof. Kathleen L. Pereles, Ph.D
Coordinator, Thomas N. Bantivoglio Honors Concentration
Associate Professor, Rohrer College of Business
Rowan University
Glassboro, NJ

Saturday, October 23, 2010 (Continued)

3:00 p.m. – 4:15 p.m. Concurrent Session

ISSUES IN HEALTHCARE COLLECTIVE BARGAINING

Moderator:

Deborah M. Brodsky, NAA
Farmington, MI

Presenters:

Craig Brown, Esq.
Littler Mendelson
Management Attorney
Cleveland, OH

3:00 p.m. – 4:15 p.m. Concurrent Session

**Subtle Influences, Significant Effects: Understanding Arbitration
Decision Making In Order To Guard Against Bias**

Funded by the NAA Research and Education Foundation

Moderator:

James P. O'Grady, NAA
St. Louis, MO

Commenter:

Chris Knowlton, NAA
Berkeley, CA

Presenter:

Eugene Borgida, Ph.D.
Morse-Alumni Distinguished Professor of Psychology
Professor of Law, University of Minnesota
St. Paul, MN

3:00 p.m. – 4:15 p.m. Concurrent Session

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Associate Professor, Rohrer College of Business
Rowan University
Glassboro, NJ

4:30 p.m. – 5:30 p.m. Concurrent Session

FMCS/NMB/AAA UPDATE

Moderator:

Phyllis E. Florman, NAA
Prospect, KY

Presenters:

Christine Newhall
Senior VP Case Management
AAA
Boston, MA

Roland Watkins, Director
Office of Arbitration Services
NMB
Washington, DC

Vella Traynham, Director
Office of Arbitration Services
FMCS
Washington, DC

4:30 p.m. – 5:30 p.m. Concurrent Session

CANADA UPDATE

Presenter:

James Oakley, NAA
St. John's, NL

5:30 p.m. – 6:30 p.m. Committee Meetings

Sunday, October 24, 2010

7:30 a.m. – 8:30 a.m. Breakfast

8:45 a.m. – 9:15 a.m. Plenary

Presidential Remarks: Gil Vernon
NAA President
Eau Claire, WI

2011-2012 Slate: Donald S. McPherson
NAA Nominating Committee, Chair
Indiana, PA

9:15 a.m. – 10:45 a.m. Plenary

ETHICS AND ARBITRATION

Presenters:

Sara Adler, NAA
Los Angeles, CA

Alan Miles Ruben, NAA
Cleveland, OH

Edward B. Krinsky, NAA
CPRG Chair
Madison, WI

Gene Whetzel, Esq.
General Counsel
Ohio Bar Association

10:45 a.m. – 12:00 p.m. Plenary

PEARLS OF WISDOM

Moderator:

Susan Grody Ruben, NAA
Cleveland, OH

Presenters:

Marvin J. Feldman, NAA
Cleveland, OH

George Nicolau, NAA
New York, NY

Joan Ilivicky, NAA
New York, NY

Helen M. Witt, NAA
Pittsburgh, PA

2010 FEC Program Committee

Rex Wiant, II, *Chair*

Regular Members

Richard W. Dissen
Mark I. Lurie
Samuel J. Nicholas, Jr.
C. Allen Pool

Ad Hoc Local Members

Patricia Thomas Bittel
Marvin J. Feldman
Charles W. Kohler
Nels E. Nelson
Alan Miles Ruben

2010 FEC Host Committee

Susan Grody Ruben, *Chair*

Patricia Thomas Bittel	Dennis E. Minni
Marvin J. Feldman	Thomas R. Skulina
Paul F. Gerhart	Anna DuVal Smith
Mitchell B. Goldberg	Robert Gary Stein
Harry Graham	Gregory J. Van Pelt
Jonathan I. Klein	Virginia Wallace-Curry
Colman R. Lalka	David A. Petersen, <i>Ex Officio</i>

PLAN TO ATTEND:

2011 Annual Meeting

May 25 – 28, 2011

**San Diego Marriott Hotel & Marina
San Diego, CA**

2011 Fall Education Conference

September 30 – October 2, 2011

**Four Seasons Miami
Miami, FL**

2012 Annual Meeting

June 6 – 9, 2012

**Hyatt Regency Minneapolis
Minneapolis, MN**

2012 Fall Education Conference

October 12 – 14 2012

**Francis Marion Hotel
Charleston, SC**