

# The Peggy Browning Fund Newsletter

*Educating Law Students on the Rights and Needs of Workers*

Fall 2004

Joseph Lurie, President

Mary Anne Moffa, Executive Director

## Sixth Annual Workers' Rights Conference Inspires and Energizes Law Students

Photos by MAM



"I was able to participate in a collective brainstorm and dialogue, with the goal of strengthening workers' rights. [It was] an absolutely fabulous conference – re-energizing me and my commitment to the labor movement."

*Left to right: James R. Gresham, Dennis Walsh, keynote speaker George Gresham, Joe Lurie. Other photos: Students and facilitators at our Workers' Right Conference.*

This was the reaction of Francisco Ugarte, one of the students attending the Peggy Browning Fund's Sixth Annual National Law Students Workers' Rights Conference, held on October 15 & 16, 2004, at the George Meany Center/National Labor College in Silver Spring, Maryland.

Nearly 140 students registered for this year's conference, which opened with a networking reception for students and a showing of the film *Where Do You Stand?*, which traced the epic struggle of textile workers in Kannapolis, North Carolina. Following the film, students discussed the film with panelists Fred Feinstein (*PBF Advisory Board member and former General Counsel, NLRB*), filmmaker Alexandra Lescaze, David Prouty (*PBF Advisory Board member and General Counsel, UNITE HERE*) and Dennis Walsh (*PBF Director and Member, NLRB*), each of whom was involved in various legal aspects of the historic events portrayed in the film.

The lively discussion considered such issues as the NLRB elections process and whether it works or whether it should be scrapped; whether card check recognition should be made mandatory; and legal remedies and whether they're

sufficient to allow for free choice of a representative. The students were very engaged in the issues and seemed quite knowledgeable and committed to the labor movement.

Keynote speaker George Gresham, Secretary-Treasurer of 1199 SEIU in New York, delivered a moving, inspirational address. Through the story of his father's dream for a better America and how that affected him, Mr. Gresham demonstrated vividly and movingly how the labor movement is "the way to social change that benefits the majority of Americans...good for men, women, blacks, whites, immigrants ...good for all working people."

Gresham described how the labor movement "promoted respect and dignity, how it built bridges between black and white workers, and how it united all kinds of Americans for gains on the job and in the political arena." Mr. Gresham moved many to tears and left everyone energized and motivated.

The rest of the conference was filled with interactive workshops designed to demonstrate various ways the labor movement advances the causes of workers' rights and how lawyers contribute to that struggle. Students freely debated such topics as "Organizing Challenges and Real World Strategies," "International and Domestic Labor Rights in the Global Economy," "The Rewards of Labor Law Practice," and "The Labor Movement as Political Movement." They made many strong connections with other like-minded students and professionals.

Student Julia Williams reflected the feedback of many others when she wrote: "The conference was wonderful. Thanks so much for the opportunity to participate in such an inspiring event. Being around so many motivated people reminded me that we are part of a bigger movement, which is easy to forget in the law school environment."



Photos by MAM

The official registration and financial information of The Peggy Browning Fund may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.

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# The Value of a Peggy Browning Fellowship

By Kristina Zinnen, 2004 PBF Fellow



Photo by MAM

**M**y summer fellowship was an excellent experience that far exceeded my expectations, and each of my goals was met.

What I liked most was feeling excited about the law. I was exposed to various types of work in the labor and employment law field (union in-house counsel, labor law firm attorney, mediator, arbitrator, attorneys with specialties in immigration, ERISA, etc.) that result in real changes in people's lives. My supervising attorney has a complex and fascinating job. *The fellowship confirmed my decision to go to law school and to choose to practice in this field, and provided a clearer idea of possible types of work within the labor and employment law field that would interest me.*

I hoped to gain insight into the workday of a union attorney. At UNITE HERE Local 2 (San Francisco, California), there was never a dull moment. No day is the same for union in-house counsel, whose exciting, fast-paced work makes a real difference in people's lives.

I hoped to gain a better understanding of substantive labor law. I did study traditional labor law, but also many other laws that affect workers, including ERISA, workers comp, immigration, and tort, among others.

I hoped to gain training in legal skills necessary to fight for workers. This summer I honed traditional skills such as legal research and writing and organizing with new skills, such as consulting with union lobbyists and legislative drafters.

I hoped to have a clearer idea of the path I wish to pursue after graduation. The fellowship affirmed my commitment and interest in labor and employment law. After graduation, I plan to work for a labor and employment government agency, then for either a labor law or plaintiff-side employment law firm, and then ultimately pursue a career in labor and employment alternative dispute resolution.

I am proud of the work I did this summer. I participated in a bargaining study team and subcommittee that examined establishing a Workers' Compensation Carve Out program. Due to the Workers' Compensation reforms that were passed in California in 2002, such a program is now available for non-construction collective bargaining agreements.

My involvement with the study team and subcommittee on Workers' Compensation Carve Out was exciting because it is cutting edge – it has never been done outside of the construction industry in California. I am continuing to work with the subcommittee and plan to write a law journal article on the topic. Moreover, I had never been exposed to the study

team/interest-based bargaining model of labor relations as an alternative to traditional adversarial bargaining.

I drafted contract language on statutory leaves of absence, cleaning up old contract language. Hopefully, this will be included in the next citywide hotel contract.

I also wrote a memo to the union staff explaining California's new Paid Family Leave law and how it would affect our members under the CBA. I helped prepare cases for mediation and arbitration, many of which resulted in workers returning to their jobs. Some of the topics of these grievances included termination for horseplay, employer refusing to utilize the hiring hall, spotters report termination, termination for a bill error. I also researched two cases against one employer, one involving the employer withholding dues from the union and the other involving an assault on a picketer by a nonunion subcontractor. Lastly, I helped a retired union member find affordable health insurance after the trust fund raised her premiums threefold.

I also addressed the following legal issues: contract negotiations and collective action, motion to compel arbitration, SSA No Match letters (working on a committee to organize a No Match training day), health and welfare pension trust fund issues, statutory leaves of absence, and benefits comparisons for State Disability Insurance, Paid Family Leave, Workers Compensation, and Unemployment Insurance and statutory protections to be included in our CBA. I also did labor legislation research in the following areas: wage and hour law regarding breaks and 10-hour shifts under a CBA, SB 179 – wage and benefits for subcontractors and its implications for subcontractors in the multi-employer group, HR 4343 – Secret Ballot Protection Act, Dana Corp. and UAW – NLRB decision regarding card-check neutrality, SB 1661 – Paid Family Leave Act and how it affects our members, and Election Leave law.

Through researching legislation, I learned new ways to do legal research. *In law school I had learned how to do research in the library or online. This summer I learned it can be more effective to call the attorney who drafted the language of the statute or call the lobbyist who knows the legislation inside and out.*

Preparing for mediations and arbitrations taught me to organize and think through each step of a case systematically, matching substantive law with evidence. Attending mediations inspired me to pursue labor and employment ADR as a career. By attending contract negotiations, committee meetings, and rallies, *I witnessed the power behind the union and why the work we do is important.*

Kim Wirshing, my supervising attorney, was extremely generous with his time. He took care to provide a rich experience, exposing me to different areas of the law and of

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Local 2. He provided the right balance of supervision and independence. While teaching me from his vast knowledge and experience, he also treated me like a partner or associate, listening to my opinions about cases and legal issues.

Kim has an exciting, fascinating job. His ability to manage all of his responsibilities and his dedication to the

labor movement were inspiring. Moreover, the entire staff of Local 2 was extremely welcoming and treated me like part of the family immediately.

*I would recommend working with Kim Wirshing, UNITE HERE Local 2, or The Peggy Browning Fund to anyone. I had an excellent summer and gained knowledge that will last throughout my legal career. Thank you!*

## Where Are They Now?

**Paul Burke** – 2002 PBF Fellow at the NLRB Region One. After graduating from Northeastern University School of Law, Paul worked as an Attorney-Advisor for the U.S. Department of Labor, Office of Administrative Law Judges in Boston, MA until fall, 2004. He is currently working for a nonprofit agency, the AIDS Action Committee, in Boston. Paul reports, “While my new position is not specifically labor law oriented, the training I received through my previous labor law experience, and more specifically through my participation in the Peggy Browning Fund Fellowship, has been invaluable in making me a much more effective advocate for individuals in need. Programs like the PBF offer a great opportunity for law students to turn their passion for helping others into the skills necessary to become successful public interest lawyers. I am grateful that I had the chance to participate in the PBF. Thank you and keep up the great work!”

**Timothy Fadgen** – 2003 PBF Fellow. After his summer fellowship at the United Mine Workers, he was hired to work with the UMWA Organizing Department. He is currently working in Indiana on an organizing drive and recently passed the Maine bar.

**George Faraday** – 2003 PBF Fellow at the AFL-CIO. George started working in September on the staff of NLRB Member Dennis Walsh. He reports, “I’m sure my PBF experience was a major selling point, so thanks for making it all possible.”

**Linelle Mogado** – 2003 PBF Fellow at Greater Boston Legal Services. Linelle re-located to San Francisco this past summer and is currently working for UNITE HERE Local 2 as Headquarters Coordinator, dealing with the logistical problems of supporting picketers at 14 hotels where workers have been locked out since late September.

**Melanie Orhant** – 2001 PBF Fellow at the DC Employment Justice Center. Melanie reported this past spring that she received an Equal Justice Works and Frederick B. Abramson Fellowship to establish PATIRN (Program to Assist Trafficked Individuals’ Rights and Needs) at Ayuda, Inc. in Washington, DC.

**Illia Milasich Schwarz** – 2002 PBF Fellow at the AFL-CIO. Illia is now Assistant General Counsel at the United Steelworkers of America in Pittsburgh, PA where, in addition to her other duties, she served as a Mentor for another PBF Fellow this past summer.

**Gobind Singh Sethi** – 2001 PBF Fellow at the AFL-CIO. In June Gobind reported that he is working as Assistant Corporation Counsel for the City of New York.

**Amaryllis Seabrooks** – One of the first PBF Fellows, in 1998 Amaryllis worked at the NLRB, Office of Appeals. She is now in-house counsel at the Screen Actors Guild in Los Angeles, CA.

**Gloria Yu** – 2000 PBF Fellow who interned at HERE Local 2. Gloria is now a staff attorney with the Pennsylvania Health Law Project in Philadelphia, PA.

## Upcoming Events – Mark Your Calendars

*Watch our website for details.*

**January 26, 2005** – Reception in New York City honoring **Randi Weingarten**, President of the United Federation of Teachers and a Vice-President of the American Federation of Teachers, and **Gene Eisner**, President of Eisner & Associates, attorney, teacher, speaker and author in the field of labor law.

**March 5, 2005** – **Seventh Annual PBF Dinner Dance** in Philadelphia, PA, honoring **James A. Williams**, General President of the International Union of Painters and Allied Trades.

Each of our honorees has inspired countless others to advocate for workers’ rights. Join us in honoring their work and raising funds to support the next generation of activist lawyers. To attend or support these events, contact Mary Anne Moffa at 215-665-6815 or at [mmoffa@peggybrowningfund.org](mailto:mmoffa@peggybrowningfund.org).

# The Peggy Browning Fund

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## Fellowship Wrap-Up Workshop A Success



Photo by MAM

Eighteen of our twenty-six 2004 Summer Fellows, along with some of their Mentors, attended a Wrap-Up Workshop with us on October 15, just prior to the start of our annual conference. Those attending reported with great enthusiasm that they found their fellowship assignments fulfilling both intellectually and personally.

A common theme was that the fellowships far exceeded their expectations and that they couldn't have asked for more from the experience. The Mentors agreed that they remain amazed at the talent that The Peggy Browning Fund is able to attract.

Also attending was Angie Cowan, who was awarded our first School-Year Fellowship. Angie, a third-year student at Chicago-Kent School of Law, is working at the Chicago Newspaper Guild for 10 to 15 hours/week during this school year. It's an exciting time for her to be working there, since the Guild has been in the midst of contract negotiations and narrowly avoided a strike. It was also helpful for her to meet Katy Hosty, the PBF Fellow who worked at the Guild during the summer – just one of the many networking opportunities that PBF offers our students.