

Educating Law Students on the Rights and Needs of Workers

2018 Fellows at Federal Employee Unions

Share An Unpredictable Experience, Motivated By Attacks on Workers

This year was a unique and exciting Summer Fellowship experience for students working in Washington, DC at federal employee unions. From the Janus decision to executive orders, Peggy Browning Fellows were in the thick of it.



Patrick Foote, a 2L, at Chicago-Kent College of Law, worked at the National Federation of Federal Employees (NFFE). "On my first day, I was assigned to write an unfair labor practice

charge and an appeal to an unfair labor practice (ULP) charge that was denied. **By Friday, I had completed the appeal and was in the middle of drafting the fresh ULP, but the President had other plans.**

"On May 25, the President signed three executive orders that constitute the biggest upheaval in the federal service since the passage of the Federal Service Labor-Management Relations (FSLMR) statute in 1978. He unilaterally sought to drastically cut federal employee's access to official time - the ability of federal employees to negotiate and attend arbitrations on the clock; to prevent union stewards from using official time to aid other employees in preparing or pursuing grievances; force unions to pay for their already negotiated-for office space and encourage agencies to tailor different penalties for the same or similar offenses, ignoring established law.



NFFE attorneys on the steps of the courthouse for the suit against the President (L to R) PBF's Patrick Foote; Suzanne Summerlin, Assoc. General Counsel, PBF '12; Jeff Friday, General Counsel; Randy Erwin, Nat'l President; Steve Lenkart, Executive Director and Renee Mantone Catalano, Asst. General Counsel.

"By the next week the American Federation of Government Employees and the National Treasury Employees Union filed suit. My union led in organizing a coalition of 13 unions with federal employees in filing our own suit. Our unique argument attacked the authority of the President to issue these executive orders when FSLMR provides the President with the ability to issue executive orders in only two very narrow instances.

"I took part in our coalition meetings, wrote research memos, and proofread the complaint over and over again. It was a whirlwind."



Stefan Babich

Meanwhile, Stefan Babich, a 3L at Georgetown University Law Center, accepted a position at the American Federal, State, County and Municipal Employees. "What most struck me about my work this summer was the broad

range of projects, areas of research and issues I was exposed to.

"I researched labor law issues to advise local unions; organized workers in Syracuse, New York; researched a dozen potential Supreme Court nominees; and, most exciting of all, helped to prepare motions and an outline for a brief that were used to sue the President in federal court. **Sitting and watching my boss argue the unconstitutionality of the executive orders while a crowd of passionate federal employees protested right outside the courtroom was an experience I will never forget.**

"Another welcome surprise was related to my home state of Missouri, where right-to-work advocates were attempting to pass Prop A, making Missouri a right-to-work state. Reading the words of the constitution's drafters, felt as though I was stepping back in time to witness the debate that would shape Missouri labor law for decades to come," remarked Stefan. Fortunately, the right-to-work amendment was defeated.

"The organization I was working for was suing the President and they trusted me with actual, substantive work,"

- Patrick Foote, 2L, Chicago-Kent College of Law.



Margaret A. (Peggy) Browning

A Beacon for Workers' Rights

Our namesake was, by all accounts, an exceptional person whose life and qualities left their mark upon the legal community and on the national scene. Born in Tennessee and educated at Swarthmore and the University of Pennsylvania Law School, Peggy was a creative and dynamic attorney.

While her name could have graced the masthead of any mega law firm, she chose to devote her energies to workers' rights. In her defense of workers' interests, she never lost a case in the Third Circuit Court of Appeals. Peggy was tirelessly focused on issues such as union representation, fair and equal pay and decent working conditions.

Her achievements strongly justified President Clinton's nomination of her as the first union-side lawyer in history to be appointed to the National Labor Relations Board.

The Peggy Browning Award is presented annually to social justice champions who have distinguished themselves with passion and dedication to the rights and needs of workers and their families.

MISSION STATEMENT:

The Peggy Browning Fund educates and inspires the next generation of advocates for workplace justice. Through fellowships, workers' rights conferences, networking and other programs, the PBF provides unique opportunities for law students to work for economic and social justice.

How to Make a Tax Free Donation

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As the founder of the Peggy Browning Fund, I am committed to its survival for the future generations of bright, progressive law students who are inspired to fight for social and economic justice. Since 1997, I have worked as the volunteer president of the PBF. I am also a contributing member of the Leadership Circle. I participate in our planned giving programs by making a bequest to PBF as a beneficiary in my will. I also designate the PBF for a donation from my annual withdrawal from my Individual Retirement Account.

The IRS requires an annual minimum withdrawal from your IRA account after the age of 70 ½. If you are in the fortunate position of not needing all or part of your annual withdrawal for living expenses and want to support the PBF, you can avoid income tax on some of your required withdrawal by donating your money directly. Your qualified charitable distribution will

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President and Founder

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20th National Law Students Workers' Rights Conference

Inspiring Students and Facilitators With Hope for the Future

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Peter Mitchell, retired, IUE-CWA; PBF's Joe Lurie; Ruben Garcia, Peter Mitchell Lecture speaker; and PBF's Mary Anne Moffa and Richard Brean.

For the 20th time, PBF's annual conference brought together law students to network with and learn from top labor lawyers, professors, and practitioners. On October 12 & 13, 161 talented law students from a rich diversity of backgrounds and experiences gathered at the Maritime Conference Center near Baltimore to participate in a schedule packed with workshops, panel discussions, and guest speakers.

With the generous sponsorship of the IUE-CWA, in honor of that union's long-time general counsel, we offered our first Peter Mitchell Labor Law Lecture on Friday evening. The lecturer was Professor Ruben Garcia, Associate Dean of the University of Nevada, Las Vegas, William S. Boyd School of Law and Co-Director of UNLV's Workplace Law Program.

He raised a number of questions: the future of labor law; the protection of workers; ensuring growth in the minimum wage and enforcement of minimum wage laws; how to operate in a post-Janus future; lessons to learn from Nevada unions and how to transfer their successes to other parts of the country; how to increase bargaining power, in light of the NLRB's regressive regulations. When the session ended, half the participants stayed behind to continue their discussions, while many

others simply moved elsewhere on the premises to do the same.

Saturday morning began with an address by keynote speaker Ken Rigmaiden, IUPAT's General President. Speaking movingly about his days as a journeyman and the times his union has needed lawyers, he stressed the importance of solidarity in the labor movement. He noted that, in a time of many disheartening events, **"You give me hope ... This room sorta looks like America, and that's a good thing. That's what we need to succeed."** Many students were inspired by his perspective on the rights of immigrant workers and his comments on some surprising successes made by labor in the South.

Several new workshops were offered this year, including Fighting Back: The World After Janus; Teachers' Uprising; and Disempowering Workers through Voter Suppression. The conference culminated in a thought-provoking plenary session, #MeToo Forum: Union Efforts to Prevent and Respond to Sexual Harassment in the Workplace. Moderator Melissa Woods and panelists Karen Kent and Kim Weber discussed the successful Hands Off Pants On Campaign in Chicago. Students found it very informative and forward-thinking.

Sample comments from students during and after the conference: "Inspiring!"

"The panelists were so knowledgeable and shared real-life practice stories." "I enjoyed learning so much about how, as soon-to-be lawyers, we can use our skills to protect our community." "Thanks so much for giving me the opportunity to participate in this conference."

Thanks are also due to the dozens of labor lawyers, PBF Board members, PBF alumni and staff who worked so hard to make this one of our best conferences ever and to the generous donors who made it possible.



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Karen Kent, President, UNITE HERE! Local 1 in Chicago speaking about the impact on unions of the #MeToo Movement.



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IUPAT General President, Ken Rigmaiden

2018 Fellow



*Dominique
DiNallo*

**UAW, Solidarity
House
Detroit, MI**

My summer began with the UAW's Constitutional Convention, which occurs every four years. My first project involved researching an internal union election issue that was relevant to the upcoming convention. **Being able to attend two days of this historic convention in downtown Detroit, seeing the UAW's election process, hearing incredible speakers, and seeing the real-world impact of our work among thousands of UAW members and workers was amazing.**

Then I continued to work on a variety of labor law and union issues including legal research and writing internal emails and memos about: the duty of fair representation and union liability; representation of employees of a union; and the outsourcing of bargaining unit work. This taught me about labor law, working with the NLRB, and the intricacies of the collective-bargaining process.

I also learned immeasurable lessons in professional communication and time management. My mentors took time to speak with me about these challenges and how to handle a healthy work-life balance. I am very grateful for this opportunity, and I will carry the lessons learned with me throughout my life.



Willie Burden, Jr.

**International
Brotherhood of
Teamsters
Washington, DC**

This summer I was very fortunate to work under the supervision of the Teamsters' Legal Department's attorneys where I received several exciting projects, each of which presented an opportunity for me to expand my current knowledge of Labor Law. **The practical experience I gained was better than any other internship/externship I have had up to this point in my legal career.**

Some of the projects I worked on included the treatment of Cannabis

Enterprise Workers under the NLRA; Federal Immigration Policy and ICE Workplace Raid Policy; legal implications of the #MeToo Movement; and the standard for determining the adequacy of consideration for an arbitration agreement contained in an employment application.

I really enjoyed my experience and feel that my legal career has benefited tremendously from the opportunity. Everyone in the office was extremely helpful and friendly. The Peggy Browning Fellowship experience has helped me affirm my legal career path and helped reaffirm the importance of Labor Law.



PBF Summer Fellows Rachel Sandalow-Ash (2nd from left) and Carley Russell (last on right) at SEIU.

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Highlights



David Zhai
**O'Donoghue &
O'Donoghue**
Washington, DC

This summer was very productive and informative. My initial interest in working at the firm stemmed from my desire to work in ERISA and Employee Benefits law. O'Donoghue is a great place to gain exposure to ERISA. I had the opportunity to work on a number of transactional and litigation issues governed by ERISA, and the firm's weekly training lunches provided extensive legal education on related matters.

I was also fortunate enough to work on many labor issues, such as researching international labor law and writing articles about labor issues, and this enriched my legal experience. The more impactful issues directly affected union workers and their rights, and working on these matters was rewarding. This summer provided my first actual pre-trial experience, including working with discovery documents and assisting with drafting motions.

This experience was overwhelmingly positive, the work was substantive and at times difficult, but never oppressive. There was even time for meeting and networking with lawyers and other fellows at the PBF orientation held at the Teamsters' building, the PBF Awards Reception at the AFL-CIO and the NLRB headquarters tour.



Christina Alvernaz
**National Domestic
Workers' Alliance**
Oakland, CA

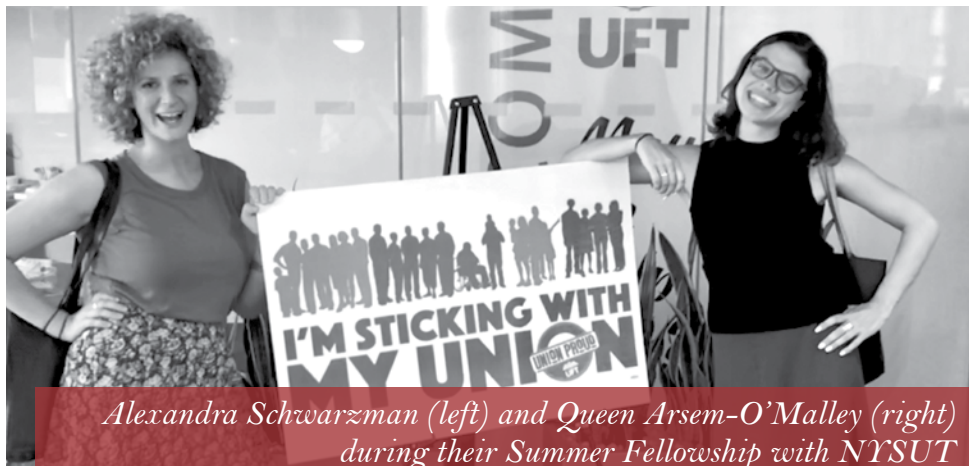
This summer I worked alongside the national policy director at the nation's leading organization addressing the rights of domestic workers who work in and around the home. Domestic workers do vastly different work, from childcare to housecleaning to 24-hour companion care, in a necessarily disaggregated fashion. Domestic workers are also explicitly excluded from many of the country's most basic employment laws. In many places workers are utterly unprotected from sexual or racial harassment or discrimination.

One of my tasks was to prepare a sexual harassment training for domestic workers in Maryland, Virginia, and Washington, D.C. This training was meant to educate workers on their rights, but also to recruit some new

leaders in the effort to change the D.C. Human Rights Law to strike the exclusion of domestic workers.

My main task was to prepare a memo analyzing three recent cases and their potential effect on the domestic service industry: *Dynamex Operations West v. Superior Court of Los Angeles*, *Chamber of Commerce v. City of Seattle*, and *NLRB v. Murphy Oil USA, Inc.* These cases focused on the misclassification of workers as independent contractors, the rights of independent contractor drivers to unionize, and the enforceability of forced individualized arbitration contracts, respectively. **This task was enjoyable to work on because of its challenging nature – it pushed me to read brand new cases and put them together in a way that quite literally had yet to be done.**

This was easily one of my most positive internship experiences during law school, in terms of what I learned and the opportunities I was afforded.



Alexandra Schwarzman (left) and Queen Arsem-O'Malley (right) during their Summer Fellowship with NYSUT (New York State United Teachers).

2018 Fall Regional Workshops

Southern University
New York University
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For more event information visit
www.peggybrowningfund.org/events
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2018 San Francisco Awards Reception

Inspirational and Motivational

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Introducer Tony Withington, PBF's Mary Anne Moffa, Introducer Rachael Schreiber Davidoff, Awardees Frances Schreiber, Barry Broad, Doug Bloch and Yvonne Williams with Introducer Rita Johnese and Josie Camacho.

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2008 PBF Summer Fellow Lindsay Nicholas, now a partner with Leonard Carder LLP.

Our alumna speaker, Lindsey Nicholas, set the inspiring and motivational tone for our fourth awards reception in San Francisco in May of this year. Her sentiment was echoed by our Union Leader Awardee, Yvonne Williams,

President & Business Agent of Amalgamated Transit Union Local 192.

While accepting her award, Yvonne shared an email with our guests that she had received in 2016 from a previous ATU member. Kathleen Foley had reached out in appreciation for Yvonne's inspiration when Kathleen worked as a public bus operator. She expressed that being a bus operator was challenging and she persevered because of the kindness and help of the union. Kathleen's experience made such an impact on her that she decided to attend law school and pursue studies in labor law. **The email was sent to Yvonne in the same year that Kathleen became a Peggy Browning**

DC Awardees Emphasize Labor Community Impact

Stressing Positive Effect on Society

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2018 DC Awardees Kevin Carriere, accepting for GAGE, Jennifer A. Abruzzo and Kenneth E. Rigmaiden

In June, awardees at the DC Awards Reception brought to light how the labor community makes a positive impact on our society. Channing Cooper, Assistant Director, AFT Legal Department, shared how not long ago Graduate Assistants at Georgetown University were not

permitted to form a union. The labor community worked with them to help organize the Georgetown Alliance for Graduate Employees. GAGE rallied, demanded answers, and educated the Georgetown community on the importance of all workers having a voice. Finally, Georgetown agreed to negotiate an agreement that would provide a pathway to have a union election.

Awardee Jennifer Abruzzo, Special Counsel for Strategic Initiatives at CWA, referenced a case litigated years ago involving a union organizing drive where the employer fired the main union activists. After arguing for their rehiring, Jennifer was moved by the number of people who were crying and thanking her for giving

San Francisco 2018 Reception Sponsors

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Northern California Carpenters Regional Council

Teamsters Joint Council 7

Teamsters Local 665

Teamsters Local 853

Fellow, bringing her experience full circle.

Awardees Barry Broad, Frances Schreiber, and Doug Bloch, accepting for Silicon Valley Rising, also shared their experiences working for workers' rights in today's labor climate.

Washington, DC 2018 Reception Sponsors

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IUPAT District Council 9

Jennings Sigmond, PC

North America's Building Trades Unions

them a voice. The union leader awardee, Kenneth Rigmaiden, General President, IUPAT, thanked PBF for continuing to further their impact and making a world of difference in the labor community.

Alumni Spotlight



People often ask what happens to Peggy Browning Fellows after they graduate. Ady Barkan is a shining example. After a productive summer fellowship as a Peggy Browning Fellow at SEIU in

2008, Ady graduated *cum laude* from Yale Law School and went on to a judicial clerkship and then a fellowship at Make the Road New York. He later became the director of Local Progress and Fed Up, two projects of the Center for Popular Democracy.

Ady says, “At most law schools, there is an overpowering cultural pressure to go make big bucks at a fancy law firm doing the bidding of America’s ruling class. A minority of students work hard to resist that pressure and to pursue careers of purpose. *The Peggy Browning Fund*

has been a crucial resource for students like me who want to use our privilege and power to make the world a better place and also want to pay the rent while doing so.”

Not even the neurodegenerative disease amyotrophic lateral sclerosis has stopped this 34-year-old activist. He traveled around the country on the Summer of Heroes Tour, a voter mobilization campaign. His slogan: “*I may be dying but I’m not going quietly.*” See www.beaherofund.com for more information about his campaign.

Mentors Benefit From Summer Fellowship Program

Adding New Energy and Well-Qualified Candidates

PBF’s Fellowship Program has helped nearly one thousand law students gain experience into the world of labor and worker advocacy law. In addition to the benefits gained by the students, there are several benefits for mentor organizations that take on, teach, and support PBF Summer Fellows. Mentor Thomas Cochrane, IUE-CWA General Counsel, says, “**All of the fellows who have worked with us have been excellent. Their enthusiasm, intellectual curiosity, and commitment to the cause of organized labor is infectious, and pushes us to work harder for our clients.**”

A partner at Schwerin, Campbell, Barnard, Iglitzin & Lavitt, LLP, Danielle Franco-Malone agrees, “Participating in the Fellowship program couldn’t be easier. It makes our job of finding quality summer candidates incredibly easy. Fellows perform critical work as

a member of our team of lawyers and provide such a huge value add to the work we do for our union clients.”

Suzanne Summerlin, Associate General Counsel, National Federation of Federal Employees (NFFE), and *PBF’12* shared, “When I started at NFFE I heard there was a need for qualified summer law clerks so I immediately suggested PBF

and everyone was very enthusiastic to participate.” She added, “We got a lot of applicants, more applicants than we have in the past when we’ve posted on [other job sites]. Because everyone in our organization participates in membership recruitment and organizing in some capacity, it was nice to get so many applicants who had a background in union organizing.”



Madison Brown (third from left) and Gabe Frumkin (last on right) Summer Fellows at Schwerin, Campbell, Barnard, Iglitzin & Lavitt, LLP in Seattle, WA.

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2016 Peggy Browning Fellow Junou Odige shared her experience at SEIU at PBF’s DC reception.

The Fight for Workplace Justice Needs Lawyers!

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SAVE THE DATES IN 2019

Philadelphia Awards Reception

Thursday, March 7

at

Penn's Landing Caterers

New York Awards Reception

Tuesday, April 9

at the

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