



**November 11, 2020**  
**Monthly Meeting Minutes**

**Attendees:**

Tina Aiken  
Bradley Medlin  
Kelli Schmidt  
Jillian Cutler  
Leslie Hagin  
Cassandra Lenning  
Sarah Morehead  
Angela Hayes

**Not Present:**

Chiedza Nziramasanga  
Jacob Metzger  
Amy Menzik – incoming October  
Mariya Khilyuk  
Elyse Maffeo

**WSBA Rep Not Present**

Eleen Trang – WSBA

**1. Approval of October 14, 2020 Monthly Meeting Minutes**

- a. See attached
- b. After removing the “effective October” for new Executive Committee members who were present, the minutes were approved after a motion, second, and vote.

**2. 20th Annual Labor & Employment CLE**

Date: November 12, 2020

Time: 8:00 am to 5:30 pm

Location: Virtual

Panels (see attached flyer)

Tina will introduce moderators and panels before they start, except for some transitions and breaks that Miriam Gorton will announce.

**a. 2020 Hindsight: State and Federal Law in Review**

Time: 8:30 am – 9:45 am

Moderator: Leslie Hagin

Presenters:

Kelby Fletcher, Stokes Lawrence – CONFIRMED

Tiffany Cartwright – MacDonald Hoague & Bayless – CONFIRMED

**b. “Whose Speech? Our Speech!” Addressing Employees’ Statements about Politics and Race**

Time: 9:45 am – 10:45 am

Moderator: Kelli Schmidt

Presenters:

Erin McCool, Ogden Murphy Wallace – CONFIRMED

Jessie Harris, Williams Kastner – CONFIRMED

**c. Summer 2020 Grantee Presentation**

Time: 11:00 am – 11:10 am

Scholarship Committee Presenter: Mariya Khilyuk

**d. Workplace Safety During a Pandemic**

Time: 11:10 am – 12:10 pm

Moderator: Amy Mensik

Presenters:

Karin Jones, Stoel Rives – CONFIRMED

Jeff Killip, Div. of Occupational Safety & Health, LNI –  
CONFIRMED

**e. Workplace Accommodations in the Era of COVID-19**

Time: 1:00 pm – 2:00 pm

Moderator: Jillian Cutler

Presenters:

Alex Higgins, Law Offices of Alex J. Higgins – CONFIRMED

Julie Lucht, Perkins Coie – CONFIRMED

**f. Benefits in the Era of COVID-19**

Time: 2:00 pm – 3:15 pm

Moderator: Angie Hayes

Presenters:

Brady Cass, Asuris Northwest Health – CONFIRMED

Lauren Parris Watts, Helsell Fetterman – CONFIRMED

Jason Barrett, ESD – CONFIRMED

Anne Paxton, Unemployment Law Project – CONFIRMED

**g. Strikes, Pickets, Lock-Outs and Walk-Outs: Legal Framework and Practical Considerations from Both Sides of the Line**

Time: 3:30 pm – 4:30 pm

Moderator: Jacob Metzger

Presenters:

Liz Dedrick, SEIU 1199NW – CONFIRMED

Matt Lynch, Sebris Busto James – CONFIRMED

**h. The “Zoomed” Lawyer: Ethical Issues in Remote Lawyering and Advocacy**

Time: 4:30 pm – 5:30 pm

Introduction: Brad Medlin

Presenter: Hon. John Erlick, King County Superior Court – CONFIRMED

**3. October 2020 Section Outreach Event**

- a. Attended by Elyse and Amy Mensik

**4. L&E Executive Committee Officer Terms and Election**

- a. Hold for next EC meeting; waiting for input from Eleen

- b. Our bylaws provide that officer terms run October 1 to September 30, which coincides with the Bar and other sections. Our Exec Comm has been electing officers to serve calendar year terms (Jan 1 to Dec 31). Exec Comm needs to decide whether to amend bylaws or change timing of Exec Comm officer elections. A copy of current bylaws is attached.
  - c. Any EC members who are interested in serving as an officer for the upcoming year please reach out to Tina, Brad, or current officers for information
5. **Leslie Hagin** – **This is Leslie’s last meeting as an Executive Committee Member.** She was the chair when Brad came on and has provided excellent leadership to him and all of us. Several people spoke up to thank her personally for welcoming people to the section and executive team.
6. **Recruitment of an At-Large Public Sector member for Exec Comm**  
Please give some thought to candidates who may be interested in filling this vacant position. Leslie Hagin will look into finding someone.
7. **Communications and Website** – Sarah Morehead
8. **Other Items/Reminders**
  - Continue promoting the Annual CLE to individual networks (see attached flyer) – as of Monday morning (11/9), there are 62 people registered
  - We will not have a meeting in December.
  - Next monthly meeting is Wednesday, January 14, 2020, at 9:00 a.m. Tina will provide a Zoom link for a virtual meeting.

# 20th Annual Labor and Employment Law Conference

WSBA CLE  
21416 WBR



Thursday, November 12, 2020

## Tuition:

\$245 – Labor and Employment  
Section Members

\$275 – Standard/Non-Section Members

7.5 CLE credits

L&LP – 6.5

Ethics – 1.0

Washington State Bar Association

Webinar Only

Presented in partnership with WSBA  
Labor and Employment Law Section

## DESCRIPTION:

Practitioners will not want to miss our lively and informative panels, including the annual Employment Law Year in Review and an ethics presentation geared toward labor and employment practitioners in the Zoom era. This year, we are also excited to host a panel on race, politics, and free speech in the workplace. Attorneys will also not want to miss updates on accommodations and workplace safety issues,

as well as a panel that weaves together the various employee benefits that may be accessed or impacted during COVID-19. We round out our program with a discussion on strikes, pickets, walk-outs, work refusals, and lock-outs.

## CHAIR:

Tina Aiken – Sebris Busto James, Bellevue

## Schedule

8:00 a.m. Webinar Lobby Opens

8:25 a.m. Welcome and Introductions by Program Chair

Tina Aiken – Sebris Busto James, Bellevue

8:30 a.m. 2020 Hindsight: State and Federal Law in Review

This session will cover the year in review of both federal and state cases that affect labor and employment law practitioners.

Kelby Fletcher – Stokes Lawrence, Seattle

Tiffany Cartwright – MacDonald Hogue & Bayless, Seattle

**Moderator:** Leslie Hagin – MacDonald Hogue & Bayless, Seattle

9:45 a.m. “Whose Speech? Our Speech!” Addressing Employees’ Statements about Politics and Race

In 2020, we’ve seen a global pandemic, ongoing racial justice protests, a landmark Title VII ruling recognizing transgender employee protections, an impeachment process, and an election. To help public and private employers navigate these turbulent times and employees’ comments and actions about them in and out of work, this panel will discuss “free speech” and its limits, recent National Labor Relations Board opinions, harassment and retaliation claims, and other considerations.

Erin McCool – Ogden Murphy Wallace, Wenatchee

Jessie Harris – Williams Kastner, Seattle

**Moderator:** Kelli Schmidt – Advance Law Office PLLC, Seattle

10:45 a.m. BREAK

11:00 a.m. Summer 2020 Grantee Presentation

11:10 a.m. Workplace Safety During a Pandemic

Maintaining a safe work environment for employees is more challenging than ever in 2020. This session will cover the risks and liabilities associated with employers’ obligations to protect workers from COVID-19 and best practices to prevent an outbreak and appropriately respond to one if it occurs.

Karin Jones – Stoel Rives, Seattle

Jeffrey Killip – Div. of Occupational Safety & Health, LNI, State of Washington, Olympia

**Moderator:** Amy Mensik – Witherspoon Kelley, Spokane

12:10 p.m. LUNCH

1:00 p.m. Workplace Accommodations in the Era of COVID-19

This panel will discuss key disability accommodation issues that are emerging as employers and employees adapt to work in the COVID Era. The panel will explore common workplace scenarios such as employees requesting exemptions from health screening or mask requirements, requests for additional COVID protections in the workplace, and the future of work-from-home requests.

Alex Higgins – Law Offices of Alex J. Higgins, Seattle

Julie Lucht – Perkins Coie LLP, Seattle

**Moderator:** Jillian Cutler – Frank Freed Subit & Thomas LLP, Seattle

2:00 p.m. Benefits in the Era of COVID-19

This segment will cover the various employee benefits that may be accessed or impacted during COVID-19, including FFCRA emergency paid leave programs, Washington State Paid Family and Medical Leave, Washington State Paid Sick and Safe Leave, state and federal unemployment benefits. We will also discuss how COVID-19 may impact an employee’s coverage under a group health plan.

Brady Cass – Asuris Northwest Health, Spokane

Lauren Parris Watts – Hellsell Fetterman LLP, Seattle

Jason Barrett – Employment Security Department, Seattle

Anne Paxton – Unemployment Law Project, Seattle

**Moderator:** Angela Hayes – Associated Industries, Spokane

3:15 p.m. BREAK

3:30 p.m. Strikes, Pickets, Lock-Outs and Walk-Outs: Legal Framework and Practical Considerations from Both Sides of the Line

This panel will provide an introduction to strikes and other collective action under the National Labor Relations Act as well as practical considerations for Union and Employer Attorneys preparing for potential strikes in the workplace.

Liz Dedrick – SEIU 1199NW, Renton

Matt Lynch – Sebris Busto James, Bellevue

**Moderator:** Jacob Metzger – Douglas Drachler McKee & Gilbrough, Seattle

(schedule continued next page)

# 20th Annual Labor and Employment Law Conference

## Thursday, November 12, 2020 • WSBA CLE 21416 WBR

(schedule continued from previous page)

### 4:30 p.m. The “Zoomed” Lawyer: Ethical Issues in Remote Lawyering and Advocacy

The pandemic has upended lawyering—no more live meeting. Learn about the pitfalls and ethical duties of remote lawyering, including confidentiality, attorney-client privilege, and your duties to third parties. What discussions do you now need to have with your clients about conferencing with or using Zoom or other teleconferencing platforms? Does the use of teleconferencing change the ethical considerations in taking depositions? How proficient do you need to be in the use of Zoom or other teleconferencing platforms to meet your ethical obligations? What considerations do you need to make working out of your home office while others are at home?

These and other questions and issues will be addressed in the context of the Washington Rules of Professional Conduct and ABA advisory opinions.

Judge John Erlick – Judicial Dispute Resolution LLC, Seattle  
**Moderator:** Bradley Medlin – Robblee Detwiler PLLP, Seattle

### 5:30 p.m. Complete online evaluations • Adjourn

## REGISTRATION

Please fill out the registration form and mail or fax to WSBA 7 business days prior to the program. To register online, go to [www.wsba.org/seminars](http://www.wsba.org/seminars) and enter **21416** in the search box.

First Name \_\_\_\_\_ M.I. \_\_\_\_\_ Last Name \_\_\_\_\_

WSBA No. \_\_\_\_\_ Firm/Company Name: \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

If special accommodations are needed, please email [cle@wsba.org](mailto:cle@wsba.org) or call toll-free at 1-800-945-9722.

Please omit my name from the networking list made available to exhibitors and/or attendees.

## PAYMENT INFORMATION

**Please note:** Our service provider will charge you a separate, non-refundable transaction fee of 2.5% on all bank card transactions. There is no transaction fee if you mail in your check.

- # 21416WBR, attend via webinar, 11/12/20**
- \$245 – Labor and Employment Section Members
  - \$275 – Standard/Non-Section Members

- Check enclosed payable to WSBA
- Visa       MasterCard       AmEx

Card No. \_\_\_\_\_

Cardholder Name (print) \_\_\_\_\_ Exp. Date \_\_\_\_\_

Authorized Signature \_\_\_\_\_

**Mail:** Washington State Bar Association, 1325 Fourth Ave, Suite 600, Seattle, WA 98101-2539

**Internet:** Register online at [www.wsba.org/seminars](http://www.wsba.org/seminars)  
Order products online at [www.mywsba.org](http://www.mywsba.org).

**Phone:** 800-945-9722 or 206-443-9722 with credit card and registration/order form in hand.

**Fax:** 206-727-8310 Include credit card information.

### PAYMENT POLICIES

**PAYMENT:** Individual registrants must use a separate form, however, payment may be made with a single check or credit card for multiple parties.

**NOTE:** Please keep a copy of this flier for your records.

**REFUNDS:** Registration fees may be refunded, less \$25 for handling, for written cancellations postmarked, emailed, or faxed by 5 p.m., up to 3 business days before the seminar. No refunds after that date, but you will receive the coursebook. Canceled registrations may not be transferred to other seminars. You may send a substitute (e.g., someone from your firm) in lieu of canceling.

**Registrations received less than 48 hours before a seminar are not guaranteed a coursebook or other presentation materials on-site.**

office use only      Date \_\_\_\_\_      Check # \_\_\_\_\_      Total \_\_\_\_\_