



**Labor & Employment Law Section Retreat  
Hybrid In-Person at Willows Lodge Conference Room/Zoomed  
May 20, 2021, 1:00 to 5:00 PM**

**Attendees**

Tina Aiken – Chair\*  
Brad Medlin – Immediate Past Chair  
Kelli Schmidt - Secretary  
Mariyah Khilyuk – Treasurer  
Sarah Burke – Young Lawyer Liaison  
Cassandra Lenning – employee rep  
Angela (Angie) Hayes - plaintiff side

Elyse Maffeo – union rep\*  
Chiedza Nziramasanga – plaintiff\*  
Amy Menzik – plaintiff\*  
Jacob Metzger – union rep\*  
Sarah Morehead

**Not Present:**

Jillian Cutler

**Introductions**

- One thing you're looking forward to post-pandemic
- One thing the pandemic made you appreciate

**21st Annual Labor & Employment Law Conference–Scheduled for November 18, 2021**

**Will determine soon if in-person, but we have the WA State Conv Center booked.**

**Typically, we have: Judicial Panel, Ethics, and Case Updates, let's discuss ideas:**

- Sarah Morehead – Judicial Panel – can we get the new Western District of WA Biden Nominees
- Amy Menzik - Where are we now with COVID-19 law?
- Jacob – virtual tips for hearings, arbitrations, etc.
- Chiedza – Return to work issues
- Elyse – finding workers and challenge with employees on LOAs, Janus issues
- Tina – DEI topic
- Angie – Long-Term Care Program, DEI update and hair discrimination, remote work force issues and intra-state obligations.
- Cassandra – best practices for the administrative processes (EEOC has been changing its process), drug testing, and small use marijuana issues
- Sarah B – caste discrimination in employment, political activity
- Mariyah – moms return to workplace, unemployment – demographics on who was most impacted and how to transition back to work (quit or lost jobs)
- Kelli – shifting legal standards: microaggressions, disability issues when COVID standards change, sex discrimination regarding retention, recruitment, etc

- Brad – Long term care, NLRB changes (hard topic given timing), WA paid family leave in 2021 (what's changed and where are we at given FMLA, etc), ethics (we've asked Ehrlick twice: remote hearings and organizations as client –

**What do people think about ethics? Yes, there is consensus that we need ethics on the agenda.**

**Decision-Making – Agreed Upon Panels:**

1. **Ethics – Brad** will see if Judge John Erlick – Judicial Dispute Resolution LLC, Seattle is available on November 18, 2021.  
Topic ideas:
  - Contacting former speaking agents *ex parte*? Newman High School case.
  - Witnesses represented by a union
  - Atty-client work product
  - Remote work ethics issues
  - What about the investigations – attorney work product and ethics of disclosing the investigation
2. **WA Paid Family Leave: 2021 Update & FMLA Interaction** – Angela Hayes. Potential speakers: Daris Freeman from Unum, Katy Chamberlain from MacDonald Hoague and Bayless, and Davis Wright Tremain (Plaintiff/Employee Perspective)
3. **Remote work, L&I issues and multistate employee issues** – **Cassandra Lenning** - 1 ½ hours. Kara Heikkila at Witherspoon & Kelley (defense), maybe someone from L&I.
4. **Judicial Panel – Judge Jones is good – Sarah Morehead will reach out with Amy Mensik as a Moderator**  
**Topic idea:** using/consenting to magistrate judges in employment and labor cases and judicial insights. Possibly include a magistrate judge and have this be a panel.
5. **“Zoom on Trial: tips for effective use of videoconferences for trial, arbitration, mediation, and administrative hearings”** – **Moderator: Mariyah Khilyuk** with plaintiff, defense, and mediation/arbitrator. Ideas: Beth Bloom/plaintiff (employee reps received a \$7 million dollar verdict), Defense Counsel ([Alejandra Torres](#) or Paul Smith) one of two attorneys who was successful in the first Zoom jury in WA and she has spoken on this in Oregon?), Mediation/Arbitrator (Alan Kirtley, Cliff Freed, Nancy Maisano, and Liz Ford) Arbitration, Mediation, and Settlement panel with an arbitrator, mediator, and ALJ.
6. **EEO Topic - Moderator: Kelli Schmidt. Possible Speakers:** Lauren Parris Watts – Hellsell Fetterman LLP, Seattle. Denise Diskin who runs the QLaw Clinic. Jessie Wing did work on the legislative part. Jillian Weiss (NY, *pro hac vice* opposing counsel on a recent case with one of the members). WA's Crown Act (adding to WALD), post-Bostock

issues, religious discrimination, domestic violence protections (reasonable safety measures and protected status of perceived DV survivor), and disability discrimination updates.

7. **Case Update – Moderator:** TBD Focus on more interesting cases. Possible Speakers: Prior presenters, Mike Subit

8. **Summer Grant Presentation** – this will be included in the conference agenda

**2021-2022 Section Budget – preliminary budget is due in July 1** – recommend keeping the same.

**Recap and Numbers for Vaccine Mini-CLE**

- 170 people preregistered.
- 45 people (nonmembers) paid to attend.
- 9 individuals signed up for section memberships from April 1-April 28.

WSBA CLE submitted attendance for 127 people to obtain credit.

**Bylaws Amendments** – Reviewed the proposed changes. Looked at areas of change:

- Office selection
- Election timeline and terms

Proposed changes were discussed. The process is it will go to Julianne Unite, then the General Counsel, and then, if they get cleared, they will come back to the Ex Comm for approval.

Once the proposed language is approved by the L&E Ex Comm, they will go to the WSBA Board to approve.

**Section Annual Report** – This happens later in the year, Tina will take care of this, but would appreciate assistance. Please consider offering to help.

**Annual “East of the Mountains” CLE** - Committee update – in thinking mode, possibly WA Long Term Care Act Update

**To be picked up at next meeting on June 9, 2021**

- Mini-CLEs for 2021-2022
- Young Lawyer Liaison – in progress
- September 2021 Meeting – Location/plan? Typically it is held at a restaurant and a farewell/thanks to members rotating off.