



Cornell University  
ILR School  
Labor and Employment Law Program

## Bios

### THE NLRA AT 80: IS THE STATUTE ADAPTING TO THE NEW WORKPLACE?

Friday, May 8, 2015

#### **Bryan T. Arnault**

**Bryan T. Arnault** is an Associate at Blitman & King LLP. His practice is primarily focused in labor and employment law. His representation of private and public sector labor unions involves providing the legal services necessary to successfully navigate the challenges that labor organizations encounter in the modern workplace. Bryan advises clients in all facets of the labor relationship, including union organizing and representation elections, collective bargaining, counseling during the grievance process, and advocating on their behalf in arbitration, National Labor Relations Board proceedings, or other litigation. Through his counsel, Bryan seeks to develop and maintain a positive and productive working relationship between the employer and the union.

Bryan's representation of individual employees involves addressing a variety of employment-related issues, including employment discrimination claims, negotiating severance agreements, and defending and enforcing restrictive covenants. Whether negotiating the terms of separation or representing the client in court, Bryan zealously represents the interests of the client.

Bryan also represents employee benefit funds on a variety of benefits issues, including the collection of delinquent fringe benefit contributions under ERISA, the breach of apprenticeship loan agreements, and any associated litigation.

A Central New York native, Bryan enjoys spending his time outside the office with his family and friends. Bryan's hobbies include marathon training, attempting to relive his glory days on the soccer pitch, and relentlessly supporting Syracuse University athletics. Bryan graduated from Boston University School of Law, cum laude, where he was a staff editor on the Public Interest Law Journal and a participant in the Boston University Civil Litigation Program, Employment Rights Clinic. Bryan obtained his undergraduate degree from Binghamton University, magna cum laude, where he was a member of Phi Beta Kappa, the Men's Varsity Soccer team, and Chi Alpha Sigma National College Athlete Honor Society.

#### **Esta R. Bigler**

**Esta R. Bigler** is the Director of Cornell University ILR's Labor and Employment Law Program. She develops forums and conferences on critical and evolving labor and employment law issues and teaches in Ithaca and NYC. A graduate of the Cornell ILR School and Georgetown University Law Center, Ms. Bigler began her career as a field

attorney with the NLRB. She then moved to Vladeck, Waldman, Elias & Engelhard, where she represented unions in all phases of labor law and represented plaintiffs in Title VII litigation. Returning to public service, she was the deputy director/general counsel of NYC's Bureau of Labor Services, which enforced the equal employment opportunity requirement in city contracting. Ms. Bigler is a member of the NYC Bar Association, Labor and Employment Committee; the American Bar Association, Section of Labor and Employment Law; and the NYS Bar Association, Labor and Employment Law Section. She was the 2006 Recipient of the Alice H. Cook and Constance F. Cook Award, for commitment to women's issues and for improving the climate for women at Cornell.

### **Joseph L. Braccio**

**Joseph L. Braccio** is Partner and practice area leader for Hodgson Russ LLP's Employee Benefits, Immigration, and Labor & Employment Practice Groups. Since 1986, Joe has counseled private sector employers on the full range of labor and employee relations issues, with particular concentration in contract negotiations, contract administration, arbitration, representation of employers before the National Labor Relations Board (NLRB), strike management, and employee discipline and discharge cases. Joe's extensive experience includes representing private employers in the industrial manufacturing, food, acute and long-term health care, construction, high-technology, chemical, and service sectors of the economy. He also regularly counsels employers on wage and hour issues, prevailing rate problems, and employment discrimination.

His many years of experience and deep understanding of the law enable him to analyze client labor and employment problems, and develop and pursue with determination creative solutions to those problems to achieve clients' goals. Solving problems without extended and expensive litigation is Joe's first priority, but if necessary, Joe is always prepared to defend clients in adversarial proceedings before arbitrators, the NLRB, and other agencies. He has a 30-year track record of success in his field and that could not have been achieved without strong and well-honed advocacy skills.

Joe is listed in *Best Lawyers in America* (Employment Law - Management, Labor Law - Management, Litigation - Labor and Employment) and *Upstate New York Super Lawyers*, 2014. He received his B.A. from Hobart College and his J.D., cum laude, from Pace University.

### **Mairead E. Connor**

**Mairead E. Connor's** practice is dedicated to the representation of labor unions and employees in all aspects of labor and employment and discrimination matters. She has represented unions and individual clients in numerous matters before various state and

federal agencies, federal and state courts, and labor and employment arbitrations. Admitted to NY Bar in 1989: Northern District of New York, Western District of New York, and Second Circuit U.S. Court of Appeals.

Ms. Connor received her J.D. *summa cum laude* from Syracuse University College of Law (1988) and was the Editor-in-Chief of *The Labor Lawyer* (1987-88). She attended graduate school at the New York State School of Industrial and Labor Relations at Cornell University (1983-1985) majoring in Collective Bargaining, Labor Law and Labor History and minoring in African-American History. She has a B.A. *cum laude* from Syracuse University in Women, Public Policy and Communications.

Ms. Connor served as the Chair of the NYSBA Labor and Employment Section, Co-Chair of the Diversity & Leadership Committee of the Section, Secretary of the Section, and a member of the Executive Committee (2000-present). She currently is a member of the NYSBA House of Delegates. She is a member of the American Bar Association, Labor and Employment Section; and the Lawyers Coordinating Committee of the AFL-CIO.

Ms. Connor taught as an Adjunct Faculty member at Syracuse University College of Law (1991-1995, 1997) teaching Employment Discrimination Law. Before attending law school, Ms. Connor taught in the SUNY system and was a member of NYSUT/UUP for 10 years.

Ms. Connor has been a frequent speaker on labor and employment law topics at bar association conferences and has spoken at this conference in the past on collective bargaining, labor law developments, and ethical issues. She has conducted numerous training sessions with stewards and union officers.

Ms. Connor lives in Syracuse and Cazenovia with her husband and three daughters. She served on the Board of Families with Children from China of Central New York and as Co-Chair of the Charitable Initiatives Committee.

### **Peter D. Conrad**

**Peter D. Conrad** is a Partner at Proskauer. He began his legal career as a trial attorney and hearing officer at the National Labor Relations Board. He joined Proskauer's Labor & Employment Law Department in 1980 and became a partner in 1986. He has represented employers in numerous industries (including health care, higher education, financial services, trucking, pharmaceutical, petrochemical, telecommunications, legal services, publishing, retail, broadcasting, entertainment, hotel and professional sports) in the full range of unfair labor practice and election proceedings before the NLRB. In the nearly 30 years that Peter has handled matters at the NLRB, he has confronted virtually every issue that a labor lawyer practicing in this area could expect to see, from the straightforward discharge for union activity, to the most complex secondary boycott, successorship and refusal-to-bargain situations, representing some of the firm's most prestigious clients.

The remainder of Peter's time is devoted to the related areas of union avoidance and corporate campaigns (defending employers against organizational activity in its many

forms), as well as arbitration, negotiation, and litigation under collective bargaining agreements. Although primarily engaged in a more traditional labor relations practice, Peter also represents companies in employment discrimination cases (before state and federal administrative agencies and in the courts), workers' compensation and unemployment insurance proceedings, and general client counseling in all areas of labor relations and employment law.

The clients that Peter represents on a regular basis include T-Mobile USA, United Parcel Service, Consolidated Edison Company of New York, Barneys New York, Delaware North Companies, Castle Oil Corporation, and Otis Elevator Company, to name a few.

As a member of the interdepartmental Sports Law Group, Peter also has done work over the years for the National Basketball Association, the National Hockey League, Major League Baseball and the Major Indoor Soccer League, primarily in matters pending at the NLRB, including the 1995 attempted decertification of the National Basketball Players' Association and the much more recent season-long lockout by the NHL in 2004/2005.

Peter has been a member of the faculty of the Practising Law Institute since 1987, speaking on the labor and employment law aspects of "Acquiring or Selling the Privately Held Company."

Peter received both his J.D. and B.A. from State University of New York at Buffalo.

### **Catherine Creighton**

**Catherine Creighton** is a graduate of Cornell University's School of Industrial & Labor Relations and Boston University School of Law. Before the formation of Creighton, Pearce, Johnsen & Giroux in 2002, Ms. Creighton was a partner at *Lipsitz Green* and prior to coming to Buffalo she was a Field Attorney for the NLRB in Brooklyn, New York.

Ms. Creighton has almost 25 years of experience representing private and public sector unions in NLRB and PERB matters, arbitration, contract negotiations, and individual clients in discrimination matters, Federal and State litigation, employment contracts, and severance agreements.

Ms. Creighton is involved in community service and social justice issues. She was appointed by New York State Governor David Patterson and reappointed by Governor Coumo to serve as a Director of the Erie County Fiscal Stability Authority, and by Cornell ILR Dean Harry Katz to serve as Chair of the Buffalo Living Wage Commission. She serves on the Coalition for Economic Justice's Workers' Rights Board, is a past member of the Board of Directors of the Lawyers Coordinating Committee of the AFL-CIO, the Advisory Board of the Labor and Employment Relations Association of Western New York, has served on the Board of Neglia Ballet, and as an adjunct instructor in the Labor Studies program for the Cornell University ILR Extension. She has lectured for Continuing Legal Education programs for the AFL-CIO, Cornell

University and the National Labor Relations Board and has written for legal publications.

Ms. Creighton was awarded the Coalition for Economic Justice Rev. Robert Beck Award and the Communications Workers of America, Western New York Council Eugene J. Mays Citizenship Award.

### **Richard F. Griffin, Jr.**

**Richard F. Griffin, Jr.** was sworn in as General Counsel of the National Labor Relations Board on November 4, 2013 for a four year term. Prior to becoming General Counsel, Mr. Griffin served as a Board Member from January 9, 2012 through August 2, 2013.

Mr. Griffin previously served as General Counsel for International Union of Operating Engineers (IUOE). He also served on the board of directors for the AFL-CIO Lawyers Coordinating Committee, a position he held since 1994. Since 1983, he has held a number of leadership positions with IUOE from Assistant House Counsel to Associate General Counsel. From 1985 to 1994, Mr. Griffin served as a member of the board of trustees of the IUOE's central pension fund. From 1981 to 1983, he served as a Counsel to NLRB Board Members. Mr. Griffin holds a B.A. from Yale University and a J.D. from Northeastern University School of Law.

### **Michael A. Hausknecht**

**Michael A. Hausknecht** is Partner and one of the most senior management lawyers in Nixon Peabody's Labor and Employment group; he has focused for over thirty years on labor and employment counseling and litigation. He fully understands what concerns employers in a wide array of industries, including health care, manufacturing, construction, transportation and distribution, food service and retail. This understanding allows Michael to provide advice and representation tailored to meet the clients' long term goals.

"I have focused most recently on labor relations counseling and representation, and occupational safety and health matters. I provide strategic advice and representation to employers seeking to maintain their union-free status, which has included R-case and ULP litigation before the NLRB and federal Circuit Courts. I have also developed bargaining strategies and negotiated labor agreements recently that achieved significant reductions in labor costs, including benefit reductions, pay freezes, shutdown of single employer pension plans and withdrawal from multi-employer plans."

"On the occupational safety and health side, I provide strategic advice and representation to employers faced with serious workplace accidents and resultant OSHA inspections and citations. I have been particularly effective limiting the scope of OSHA

inspections and with persuading OSHA to drop, or substantially compromise, citations and penalties without costly litigation. Beyond my areas of heaviest focus, I continue to counsel and represent employers effectively and efficiently in EEOC, state and federal DOL and state FEP agency investigations and in litigation in New York state and federal courts alleging unlawful discrimination, harassment and retaliation.”

Michael received his J.D. from Columbia University School of Law (Stone Scholar) and his B.A. from the University of Rochester.

### **Kent Y. Hirozawa**

**Kent Y. Hirozawa** was nominated as a Member of the National Labor Relations Board by President Obama on July 16, 2013, and confirmed by the Senate on July 30, 2013, for a term that expires on August 27, 2016. He served as chief counsel to National Labor Relations Board Chairman Mark Gaston Pearce from April 2010 until he was sworn in as a Board member on August 5, 2013. Mr. Hirozawa began his career as a field attorney in Region 2 of the Board after clerking in the U.S. Court of Appeals for the Second Circuit. Prior to returning to the Board, he represented unions, workers and employee benefit funds for more than twenty years as a member of the New York City law firm of Gladstein, Reif & Meginniss LLP. He received his B.A. from Yale University and his J.D. from New York University School of Law.

### **Rhonda P. Ley**

**Rhonda P. Ley** was appointed Regional Director of the Buffalo Regional Office (Region 3) of the NLRB in 2009. Ms. Ley began her career as a Field Attorney in the Cincinnati Regional Office in 1980. She transferred to the Brooklyn Office in 1985 and in 1995 was appointed Supervisory Attorney in the Brooklyn Office. In 1997, Ms. Ley was appointed Regional Attorney in the Buffalo Regional Office. Ms. Ley served as the Acting Regional Director in Buffalo prior to her appointment as Regional Director.

Ms. Ley earned her B.A. degree, summa cum laude, from The State University of New York at Buffalo in 1977 and her J.D. degree from The Ohio State University, Moritz School of Law in 1980.

### **Lauren McFerran**

**Lauren McFerran** was sworn in as Member of the National Labor Relations Board on December 17, 2014 for a five year term ending on December 16, 2019. Ms. McFerran was confirmed by the Senate on December 8, 2014.

Previous to her appointment to the NLRB, Ms. McFerran served as Chief Labor Counsel for the Senate Committee on Health, Education, Labor, and Pensions (HELP Committee) and had also served the Committee as Deputy Staff Director. She began on

the HELP Committee as Senior Labor Counsel for Senator Ted Kennedy and Senator Tom Harkin in 2005 and served in that capacity until 2010. Before her work in the United States Senate, Ms. McFerran was an associate at Bredhoff & Kaiser, P.L.L.C. from 2002 to 2005. She served as a law clerk for Chief Judge Carolyn Dineen King on the United States Court of Appeals for the Fifth Circuit from 2001 to 2002. Ms. McFerran received a B.A. from Rice University and a J.D. from Yale Law School.

### **Philip A. Miscimarra**

**Philip A. Miscimarra** was sworn in as a Member of the National Labor Relations Board on August 7, 2013 for a term that expires on December 16, 2017. Mr. Miscimarra was nominated by President Obama on April 9, 2013 and was approved unanimously by the Senate Committee on Health, Education, Labor and Pensions on May 22, 2013. He was confirmed by the Senate on July 30, 2013.

Mr. Miscimarra previously was a labor and employment law partner with Morgan Lewis & Bockius LLP in Chicago, and he was a Senior Fellow in the Center for Human Resources at the University of Pennsylvania's Wharton Business School. He is the author or co-author of several books involving labor law issues, including *The NLRB and Managerial Discretion: Subcontracting, Relocations, Closings, Sales, Layoffs, and Technological Change* (2d ed. 2010) (by Miscimarra, Turner, Friedman, Callahan, Conrad, Lignowski and Scroggins); *The NLRB and Secondary Boycotts* (3d ed. 2002) (by Miscimarra, Berkowitz, Wiener and Ditelberg); and *Government Protection of Employees Involved in Mergers and Acquisitions* (1989 and 1997 supp.) (by Northrup and Miscimarra); among other publications. Before joining Morgan Lewis in 2005, Mr. Miscimarra was a labor and employment attorney with Seyfarth Shaw LLP in Chicago (1987-2005); Murphy Smith & Polk PC in Chicago (now the Chicago office of Ogletree, Deakins, Nash, Smoak & Stewart, PC) (1986-87); and Reed Smith Shaw & McClay (now Reed Smith LLP) (1982-1986).

Mr. Miscimarra received his Juris Doctor from the University of Pennsylvania Law School; a Masters in Business Administration from the University of Pennsylvania's Wharton Business School; and a Bachelor of Arts degree, *summa cum laude*, from Duquesne University.

### **Paul J. Murphy**

**Paul J. Murphy** is Assistant to the Regional Director for Region 3 of the NLRB. Paul graduated from SUNY Geneseo in 1978 with a B.A. in economics and from Cornell University's School of Industrial and Labor Relations in 1980 with a Masters of Industrial and Labor Relations.

He has been employed by the National Labor Relations Board since graduating from Cornell. He initially worked in the Cleveland, OH office, but has worked in the Region 3

office in Buffalo since 1982 and has been the Assistant to the Regional Director for Region 3 for since 2007.

### **Raymond J. Pascucci**

**Raymond J. Pascucci** is a Member of Bond, Schoeneck & King. Raymond's practice encompasses the full range of labor and employment law, including employment litigation in federal and state courts, representation and unfair labor practice proceedings before the National Labor Relations Board, collective bargaining, arbitrations, appearances before various state and federal agencies and advising employers on all labor and employment related issues. He has particular experience in union organizing proceedings, collective bargaining, tenure denial cases and employment litigation. Raymond represents several Fortune 500 companies, health care employers, institutions of higher education, public sector employers, and various other businesses.

For four years in row, Raymond was named as one of the Top One Hundred Labor Lawyers in America by the Labor Relations Institute, a national organization that provides comprehensive support to employers facing union organizing drives. He has also served as a member of the faculty at Syracuse University's top-ranked graduate school, the Maxwell School of Citizenship and Public Affairs, where he taught public personnel and collective bargaining for several years. Raymond has contributed to several labor and employment law publications and business periodicals, and is a regular speaker before various statewide and regional professional associations and industry groups on labor and employment law subjects, as well as the National Labor Relations Board Region 3 / Cornell University Industrial and Labor Relations Conference, and peer groups such as the New York State Bar Association's Labor and Employment Law Section and New York Management Attorneys conference. Raymond is listed in New York Super Lawyers 2012, Labor Relations Institute Top One Hundred Labor Lawyers in America 2006-2009, and was Editor of the Cornell Law Review. He earned his B.A., with distinction, from Cornell University and his J.D. from Cornell Law School.

### **Mark Gaston Pearce**

**Mark Gaston Pearce** was appointed a Board Member of the National Labor Relations Board by President Barack Obama in March of 2010. The appointment was confirmed by the Senate on June 21<sup>st</sup> of that year, and in August, 2011 President Obama designated Mark Chairman of the Board.

Born in Brooklyn, New York, Mark is a graduate of Cornell University and State University of New York at Buffalo Law School. He is a former partner and co-founder of the Buffalo, NY labor and plaintiff side law firm of Creighton, Pearce, Johnsen & Giroux,

and served as a certified mediator for the Federal District Court, Western District of New York. His legal experience prior to private practice includes fifteen years with the National Labor Relations Board Buffalo Regional Office representing the Agency as a field attorney and district trial specialist. By appointment of the Governor of NYS, Mark also served as a Board Member of the New York State Industrial Board of Appeals, as well as the NYS Commission to Increase Diversity in State Government, and the Amistad Commission. He is a Fellow of the College of Labor and Employment Lawyers, and a member of both the New York State and American Bar Associations. His past work for other lawyers and the community includes Board membership of the Erie County Bar Foundation; President of the Volunteer Lawyers Project of Erie County; Board directorship of the AFL-CIO Lawyers Coordinating Committee; Member of the Eighth Judicial District of the State of New York Committee on Character and Fitness and District Representative on the Executive Committee of the Labor and Employment Law Section of the New York State Bar Association.

Mark taught for many years as adjunct faculty for Cornell University School of Industrial Labor Relations extension program. He has lectured and given Continuing Legal Education presentations for the American Bar Association, the New York State Bar Association, the AFL-CIO, Cornell University, and numerous labor and management groups. Mark has received recognition and awards from the Minority Bar Association of Western NY; Buffalo and Rochester New York Chapters of the Coalition of Black Trade Unionists; the Coalition for Economic Justice; the Employment Justice Center of Washington, DC; and several other community and labor organizations. In his spare time Mark, who is an accomplished artist, enjoys oil painting and listening to bebop jazz.

### **Alicia E. Pender**

**Alicia E. Pender** joined Region 3 of the National Labor Relations Board as a field attorney in 2013. Ms. Pender received her undergraduate degree from Vassar College in 2009 and her J.D. from Washington University in St. Louis School of Law in 2013. While in law school, Ms. Pender was the 2011-2012 Secretary of the Black Law Students Association, and served on the Executive Board of the 2012-2013 Global Studies Law Review. She speaks French and Chinese.

### **Mimi C. Satter**

**Mimi C. Satter** is a founding member of The Satter Law Firm and has practiced union-side labor and plaintiff's employment law since 1977. Ms. Satter started the current practice in 1984. Previously, she worked in Washington DC in the Office of the General Counsel, International Brotherhood of Teamsters (1977-80); and at Blitman & King (1980-84). She has extensive experience representing unions and employees in the

public and private sectors, especially in the fields of healthcare, public safety, education and transportation. Ms. Satter has represented individuals in federal and state legislation involving discrimination, sexual harassment, non-compete agreements, First Amendment claims and other employment-related matters. Additionally, she has represented TV and radio personalities, among others, in a wide range of contract negotiations.

Ms. Satter has co-taught labor law as an adjunct professor at the Syracuse University College of Law and has been a guest lecturer at both Cornell University School of Industrial and Labor Relations and Cornell Law School. She has presented training programs for the International Association of Fire Fighters, NYS Federation, SEIU and the GMP International Union. Ms. Satter has presented papers before the New York State Bar Association, Labor and Employment Law Section; Lawyers Coordinating Committee of the AFL-CIO; Industrial Relations Research Association; and the National Employment Lawyers Association. In addition, Ms. Satter is a Senior Editor of Labor Union Law and Regulation, published by the ABA and BNA.

Ms. Satter is admitted to practice law in local and federal courts in New York (1981) and Washington DC (1978), as well as multiple federal courts in Connecticut, Pennsylvania, Indiana, Ohio and Texas. She is a graduate of Oberlin College ('72) and the Catholic University of America, Columbus School of Law ('77).

Ms. Satter is a member of the American Bar Association, Labor and Employment Law Section; New York State Bar Association, Labor and Employment Law Section; AFL-CIO Lawyers Coordinating Committee; National Lawyers Guild; Women's Bar Association, Central New York Chapter; and the Onondaga County Bar Association.

When not practicing law, Ms. Satter is an avid cyclist, swimmer and gardener.

### **Claire T. Sellers**

**Claire T. Sellers** has been a field attorney with the National Labor Relations Board since 2010. Ms. Sellers transferred from Sub-Region 34 in Hartford, Connecticut to Region 3 in January 2013. Ms. Sellers received her undergraduate degree from Boston University and her J.D., *cum laude*, from the State University of New York at Buffalo in 2010. Ms. Sellers is a 2008 recipient of the Volunteer Lawyers Project In-House Volunteer of the Year and a 2010 recipient of the Dale S. Margulis Commencement Award for Service. Before attending law school, Ms. Sellers was a teacher in Brooklyn, NY and Quito, Ecuador.

### **Shelly Skinner**

**Shelly Skinner** is Ethics Counsel at the National Labor Relations Board. She joined the Agency in 2007 as a Field Attorney in Region 11, Winston-Salem. She continued her

work as a Field Attorney in Region 15, New Orleans; Region 5, Washington Resident Office; and Region 10, Birmingham Resident Office. Since 2013, she has been working in the Agency's Ethics department, where she provides ethics guidance and conducts ethics training for Agency employees. Ms. Skinner was a Government Fellow with the ABA Section of Labor and Employment Law in 2011 and 2012. She received her undergraduate degree and law degree from The University of Texas.

### **David Turner**

**David Turner** is a Field Agent at the National Labor Relations Board's Albany, New York Resident Office since 2000. David is a graduate of Penn State University and Cornell University's ILR School, where he earned a Master of Industrial and Labor Relations degree.