

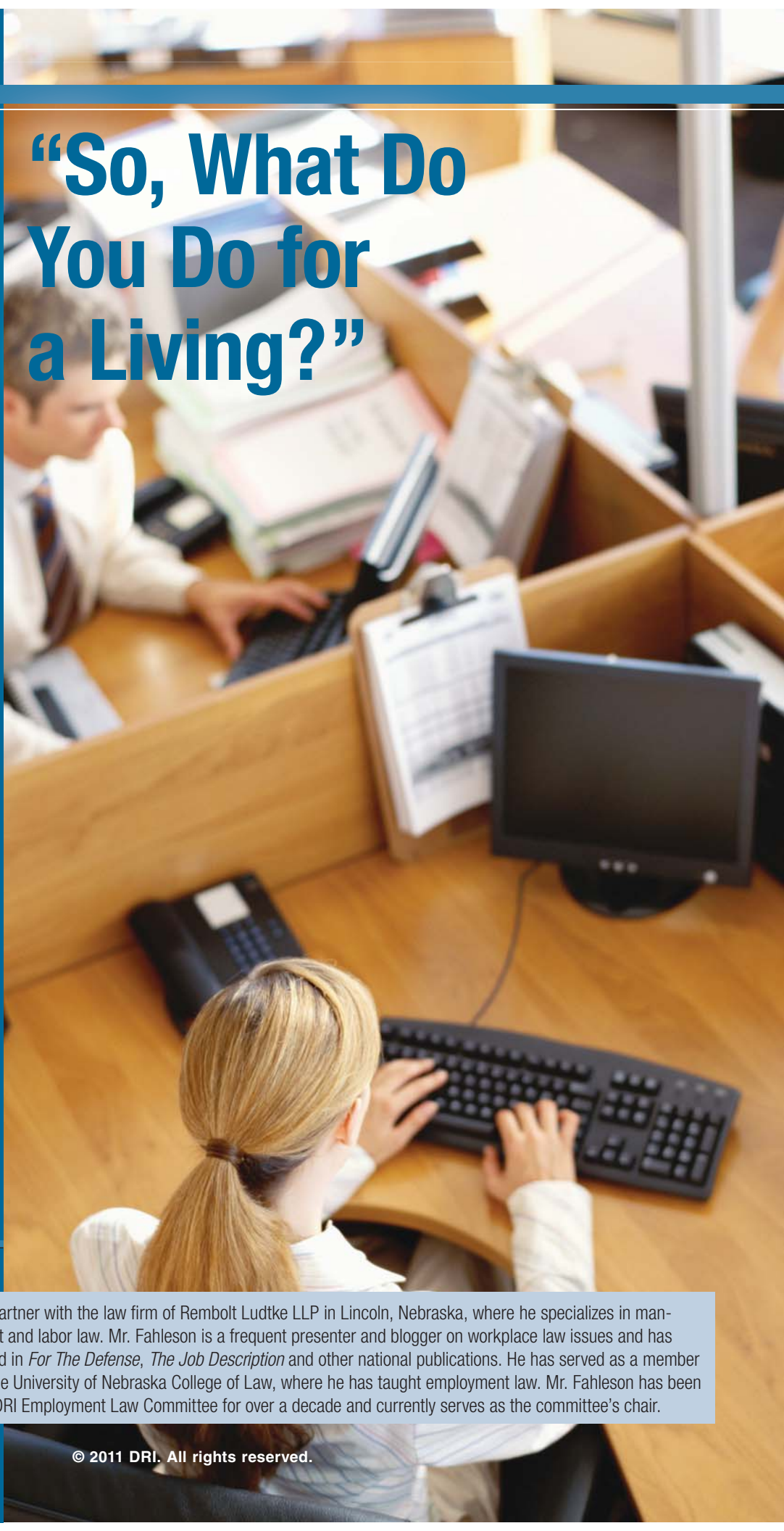


From the Chair


By Mark A. Fahleson

If this is the area you practice in and you're not already involved, you owe it to yourself to understand everything that committee membership can mean for your practice.

# “So, What Do You Do for a Living?”



■ Mark A. Fahleson is a partner with the law firm of Rembolt Ludtke LLP in Lincoln, Nebraska, where he specializes in management-side employment and labor law. Mr. Fahleson is a frequent presenter and blogger on workplace law issues and has authored articles published in *For The Defense*, *The Job Description* and other national publications. He has served as a member of the adjunct faculty at the University of Nebraska College of Law, where he has taught employment law. Mr. Fahleson has been an active member of the DRI Employment Law Committee for over a decade and currently serves as the committee's chair.



It's a question we've all asked, or been asked. What we do for work—our vocation—is an integral part of who we are as a person. It tells people what our talents and interests are, how we spend our time, and what our income level may be. Consequently, when conflicts arise relating to one's employment, it's not

surprising that such conflicts can become very personal and adversarial. That's where employment law—once termed the “new labor law”—comes into play.

I've been practicing employment law for nearly two decades, and over that time I've seen significant changes and expansions. That's what I love about it, and it's the reason why I would never want to focus my practice in any other area. It also doesn't hurt that employment law involves human beings—as flawed and unique as we may be—which makes things quite interesting. Every employment attorney knows that Fridays invariably bring the strangest legal issues, usually involving sex, often drugs, and sometimes rock 'n roll.

The Employment Law Committee has long been at the forefront in DRI, and our current leadership is committed to building upon the successes of our past leaders and blazing new trails. During our committee's recent leadership strategic planning session, we established four overarching principles to guide our committee's work in 2011. They are:

Be *the* leading employment and labor law defense organization/committee in the nation;

1. Serve as a visible and useful resource to committee members for educational and networking purposes;
2. Have an active and robust committee membership; and
3. Make certain committee members have fun while accomplishing the first three principles.

### **The Leading Employment and Labor Law Defense Organization?**

Yes. This issue of *For The Defense* demonstrates our commitment to this principle. The eight employment law articles contained in this issue cover a panoply of employment law issues, from employment law basics to smart phones and overtime issues, from the new health care law to workplace privacy. It even includes an article on traditional labor law issues that have begun to creep into nonunionized workplaces and impact how employment attorneys advise their clients. The quality of each of these articles is such that they will be frequently cited and used by practitioners and jurists alike. Many thanks to committee leaders Spencer Silverglate of Clarke Silverglate & Campbell in Miami and Laurie Meyer of Borgelt, Powell, Peterson & Frauen in Milwaukee for all of their hard work on this issue.

### **Resource for Members for Educational and Networking Purposes?**

Absolutely. Our recent annual Employment and Labor Law Seminar featured what many regard as the strongest lineup

of presenters in committee history, including the Honorable Shira Sheindlin (author of the *Zubulake* e-discovery decision), the Honorable Mark Bennett (federal district court judge who has authored many insightful employment law decisions and challenged DRI members to new ethical heights), a sitting member of the National Labor Relations Board (who confirmed why our clients are understandably worried about the expanding reach of federal labor law), and some of the top employment law attorneys and in-house counsel in the nation. Our annual seminar represents not only an excellent educational resource, but perhaps more importantly *the best networking opportunity in all of employment law!* Anyone can get CLE from a stale tape-recorded seminar, but where else can you get such quality programming and the opportunity to grow your practice? Planning for our 2012 seminar—scheduled for May 2–4, 2012, in Chicago—is already underway. *Put it on your calendars now.*

### **Have an Active and Robust Committee Membership?**

You betcha. Our committee has the *best list serve in all of DRI*, and we invite you to join us and participate. The DRI Employment Law list serve has been a life saver to many of us. Once, while working late one night on a brief that was to be electronically filed before midnight (what did we do before electronic filing?), I sent out a desperate list serve request seeking authority on a particular issue. Not only did I get responses, one kind committee member sent me a brief directly on point. I finished the brief on time, called it a night and eventually won the motion. The best part is actually meeting your newfound list serve buddies in person when you attend our annual DRI Employment and Labor Law Seminar.

### **Have Fun While Doing Everything Else?**

That's a given. Our list serve occasionally gives rise to humorous legal debates (*e.g.*, is being “Southern” a protected ethnicity?), and our annual seminar and steering committee meeting at the DRI Annual Meeting give us ample opportunity to socialize and have a really good time while developing enduring professional relationships that will help our respective practices and clients.

On behalf of our entire committee, I sincerely hope you enjoy this issue of *For The Defense* and give serious consideration to becoming involved in our committee. If you have any interest, please contact me (mfahleson@remboltludtke.com) or committee Vice Chair Amy Miletich of Miletich Pearl in Denver (amiletich@mplawllc.com) and we'll put you to work!