



**The Center for Labor  
and Employment Law**

**David L. Gregory**  
The Dorothy Day  
Professor of Law  
Executive Director  
The Center for Labor &  
Employment Law

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**The St. John's University School of Law  
Center for Labor and Employment Law**

**Sponsors and Presents the Symposium Conference:**

# **THE THEOLOGY OF WORK AND THE DIGNITY OF WORKERS**

**Friday and Saturday, March 18-19 2011  
At the St. John's University campus  
8000 Utopia Parkway, Jamaica, Queens, New York 11439**

**Conference Chairperson:  
David L. Gregory  
The Dorothy Day Professor of Law  
Executive Director of the Center for Labor and Employment Law  
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**Center and Conference Web Site, with registration fee payment instructions:  
[CLEL@stjohns.edu](mailto:CLEL@stjohns.edu)**

**A Message from Dave Gregory**  
**Executive Director of the Center for Labor and Employment Law**  
**The Dorothy Day Professor of Law**

On All Souls' Day, November 2, 1987 Cesar Chavez, founder of the Farm Workers Union, talked about the evils of pesticides to a standing-room-only audience at St. John's University. Teamsters Union officials were present, yet, despite the sharp disagreements between those unions at the time, the Teamsters joined in the applause and congratulated Chavez for his inspirational remarks. Cesar told me immediately thereafter that his brief time at St. John's was one of the most gratifying and engaging days he had enjoyed in some years. On behalf of the entire St. John's community, I hope that *The Theology of Work and the Dignity of Workers* Conference will be gratifying and engaging for you. A half century ago, my father, an illiterate Appalachian coal miner and moonshiner working in Detroit as a butcher, took me to a parade. It was not nearly as grand as New York City's annual St. Patrick's Day parade, but it was a parade that he knew I should see. I caught a fleeting but indelible glimpse of the Rev. Dr. Martin Luther King, Jr. and Walter Reuther, President of the United Auto Workers, arms linked, walking up Woodward Avenue in front of, what seemed to a small boy, the entire world. Little did I know it at the time, but that fleeting glimpse inspired my life's work, of which this Conference, a half century later, is a part. And, among our distinguished speakers is the current President of the UAW, Bob King, a worthy successor to the great visionary Reuther.

The Scriptures are replete with stories and parables about work. The Catholic Theology of Work is fulfilled in Jesus Christ, as Priest, Prophet, and King; in contemporary terms, these are instances of knowledge-based analytical and intellectual work. Carpentry, a valuable skilled trade, gave Jesus immediate credibility with the workers who followed Him. The Genesis story of creation grounds the Theology of Work of the world's great monotheistic religions. The Benedictine foundation of monasticism, the Catholic Worker, and Opus Dei are but three of the manifestations demonstrating how work can be an instrument of sanctification. The Dignity of Workers seems self-evident; that is, does anyone seriously argue against the Dignity of Workers? Yet, President Obama says that unions are "under assault." Wage and hour claims proliferate. Millions of workers are not paid their just wages. Structural underfunded public sector pensions threaten to bankrupt state governments, and to leave public sector workers and retirees bereft. The minimum wage is insufficient, and the living wage initiative has had a fitful contemporary history. The social contract is badly shredded in many quarters. And, what of the unemployed; and, the millions more underemployed? Immigration intersects powerfully with the Conference themes; the Catholic Bishops, including Bishop Nicholas DiMarzio, are in the forefront of the immigration debates. For those fortunate enough to work, many report that they are working beyond exhaustion, holding down two or three jobs in chronic sleep deprivation. Leisure, and time for family and friends, is more elusive than ever.

The challenges and opportunities are many. How does the Theology of Work inform the Dignity of Workers? How can we make timely the timeless Truth? In the spirit of Cesar Chavez, how can we go in peace to make peace? May your heart's desire—and the vocation that brings you to this Conference—be renewed for the important work ahead.

## Some Conference Themes

Come to Me all you who labor and are burdened, and I will give you rest. Take up My yoke, and learn from Me, for I am meek and humble of heart, and you shall have your rest, for My yoke is easy and My burden light. *Matthew 11:28-30*

That the spirit of revolutionary change, which has long been disturbing the nations of the world, should have passed beyond the sphere of politics and made its influence felt in the cognate sphere of practical economics is not surprising. The elements of the conflict now raging are unmistakable, in the vast expansion of industrial pursuits and the marvellous discoveries of science; in the changed relations between masters and workmen; in the enormous fortunes of some few individuals, and the utter poverty of the masses; the increased self reliance and closer mutual combination of the working classes; as also, finally, in the prevailing moral degeneracy. The momentous gravity of the state of things now obtaining fills every mind with painful apprehension; wise men are discussing it; practical men are proposing schemes; popular meetings, legislatures, and rulers of nations are all busied with it--actually there is no question which has taken deeper hold on the public mind. *Pope Leo XIII, Rerum Novarum 1 Encyclical on Capital and Labor (1891)*

While reflecting on the theme of work, it is appropriate to recall how important it is that labour unions—which have always been encouraged and supported by the Church—should be open to the new perspectives that are emerging in the world of work.

*Pope Benedict XVI, Caritas in Veritate 64 Encyclical on Integral Human Development in Charity and Truth (2009)*

Jesus stumbling through the streets--On the road to Calvary-- Nailed high to testify Between two local thieves--And as they hung there dying--One asked "what lay beyond"--

"That all depends," the Master said, "Which side are you on?"

*"Which Side Are You On?" Traditional anthem of the Mine Workers*

*As revised by Arlo Guthrie*

Let's drink to the hard working people--Let's drink to the salt of the earth--Let's drink to the two thousand million--Let's think of the humble of birth—

*"The Salt of the Earth," Mick Jagger and Keith Richard, The Rolling Stones, 1968*

Money speaks for money, the Devil for his own--Who comes to speak for the skin and the bone?--What a comfort to the widow, a light to the child--There is power in a Union

*"There Is Power In A Union," Billy Bragg, 1986*

"You can figure out the entire political and economic picture by looking at one single employment relationship. Go ahead...take a look...Dreiser said the favorite drama of the American people is the story of a murder trial. Nineteen twenty-five he said it. During that big money boomtime. Notice he said the favorite drama, not the real drama. The real drama? No one want to talk about it. Work. Wages. Hours. Conditions of employment. Employment! Listen closely to what people talk about---it's what people talk about almost all the time. .

*Lawrence Joseph, "Cerriere's Answer," Lawyerland (1997).*

**Featured Speakers Include (in alpha order):**

**Jack Ahern, President, New York Central Labor Council**

**Edward Cardinal Egan, Archbishop Emeritus of the Archdiocese of New York**

**Samuel Estreicher, Dwight Opperman Professor of Law, New York University**

**Joseph Fahey, Founder, Catholic Scholars for Worker Justice**

**Michael Fischl, Visiting Professor, Yale Law School**

**Denis Hughes, President, New York State AFL-CIO**

**Lawrence Joseph, Tinnelly Professor of Law, St. John's School of Law**

**Bob King, President, The United Auto Workers Union (UAW)**

**Jerry Laricchiuta, President, CSEA Local 830, Nassau County, New York**

**Wilma Liebman, Chair, National Labor Relations Board**

**Serphin R. Maltese, New York State Senator (1988-2006)**

**Gary Minda, Professor, Brooklyn Law School; Adjunct, St. John's School of Law**

**Cynthia Nance, Dean, the University of Arkansas School of Law**

**Gene Orza, Major League Baseball Players Association, Chief Operating Officer**

**Wayne Outten, Founding Partner, Outten & Golden, New York City**

**Bernie Ricke, President, Local 600 UAW**

**Jane Sammon, Maryhouse Catholic Worker**

**Judy Scott, General Counsel, SEIU**

**Theodore J. St. Antoine, Dean Emeritus, University of Michigan Law School and President (1999-2000), National Academy of Arbitrators**

**Robert Sugarman, Esq., National Chairman, The Anti-Defamation League**

**Richard Trumka, President, AFL-CIO**

**Jeff Zaino, Vice President, American Arbitration Association**

**(Program in Progress of March 1, 2011)**

## **Friday, March 18, 2011**

**Friday, Noon: Check in; Conference materials  
Solarium (Ground floor of the Law School)**

**Friday, 1 p.m.  
Moot Court Room, 2<sup>nd</sup> Floor, Law School**

### **Welcoming Remarks**

Dean Michael A. Simons

Conference Chair Dave Gregory, The Dorothy Day Professor of Law and the Executive Director of the Center for Labor and Employment Law

**Friday, 1:30-3 p.m.**

**Panel: “Some of what I’ve heard coming out of Wisconsin...seems like more of an assault on unions ...” President Obama, February 17, 2011---  
Employers, Employees, Unions---Restoring the Common Good**

Bob King, President, United Auto Workers (UAW)

Jerry Laricchiuta, President, CSEA Local 830 (confirmed)

Gary Minda, Professor of Law, Brooklyn Law School

Bernie Ricke, President, Local 600, United Auto Workers (UAW)

Judy Scott, General Counsel, SEIU

Joseph Slater, Eugene N. Balk Professor of Law and Values, University of Toledo College of Law

Louis D. Stober, Jr., and Anthony Giustino, Esqs., Law Offices of Louis D. Stober, Garden City, New York

Moderator: Mitchell H. Rubinstein, Senior Counsel, Office of General Counsel, New York State United Teachers and Adjunct Professor, St. John's University School of Law and New York Law School

**Friday 1:30-3 p.m.**

**Panel: Recent Supreme Court Decisions and Their Likely Adverse Impact on Employment Arbitration**

Nicholas R. Weiskopf, Professor of Law, St. John's University School of Law  
(Author, Commercial Arbitration: Theory and Practice (Vandeplas, 2011))

Jacob Singer, Esq., St. John's Law Class of 2010, and LL.M. candidate, 2013, Head of Insolvency and Restructuring, RC Group, Queens, New York

Theodore J. St. Antoine, Dean Emeritus, University of Michigan Law School; and ,President (1999-2000), National Academy of Arbitrators

(N.B., After President Trumka's keynote address at 7 p.m., Professor Weiskopf will be signing (and selling) books at the Reception; all net proceeds will go to support scholarships for students and the work of the Center for Labor and Employment Law.).

**Friday, 1:30-3 p.m.**

**Panel: Religion in a Pluralistic Workplace---Striking the Appropriate Balance**

Robert Sugarman, Esq., retired partner, Weil Gotshal & Manges, National Chairman, The Anti-Defamation League

Steve Scheinberg, ADL Workplace Attorney

Panel Moderator: Andrew Simons, Vice Dean Emeritus, St. John's School of Law

**Friday, 3:15-5 p.m.**

**Moot Court Room, 2<sup>nd</sup> Floor, Law School**

**Conference Showcase Panel, in conjunction with St. John's University Programs and Events Commemorating the `100<sup>th</sup> Anniversary of the Triangle Shirtwaist Factory Fire, March 25, 1911**

Introductory remarks by Dr. Julia A. Upton, R.S.M., Provost, St. John's University

Jack Ahern, President, New York Central Labor Council

The Honorable Serphin R. Maltese, Esq., New York State Senator (1988-2006);

Mr. Vincent Maltese

Lee A. Ielpi, President, September 11 Families' Association and WTC Tribute Center

Christina Papadopoulos '12, Anthony Pedretti Scholar and Junior Fellow of the Center for Labor and Employment Law

Karen Fernbach '77, Acting Regional Director of the National Labor Relations Board;

This panel will center on remarks by Senator Maltese and his brother Vincent, supplemented by documentary film excerpts.

Moderator: Mark O'Rourke, Esq. '02';

**Friday, 5:30 p.m., Reception**  
**4<sup>th</sup> floor D'Angelo Hall**  
**St. John's University Queens Campus**

**6 p.m., Remarks**

Provost Julia A. Upton, R.S.M.

Dean Michael A. Simons

Conference Chair Dave Gregory

**6:15 p.m. Labor Relations and Employment Law Society**

President Nila Merola' 11 and 2010-2011 Officers (Vice President Lauren Stulmaker and Secretary Andrea Andrade) Introduce the Officers for 2011-2012: President Melissa Schnee; Vice President Shelly Sarfaty; Secretary Vanessa Delaney; Treasurer Jack Newhouse

**6:30 p.m., Presentation of Labor and Employment Law Scholarship Winners for 2011**

**6:45 p.m. Labor Song Medley by Dr. Hugh Blumenfeld, Ph.D., M.D.**

**7 p.m. Conference Keynote Address  
AFL-CIO President Richard Trumka**

**Introduction of President Trumka by Denis Hughes, President, New York State AFL-CIO  
\* \* \* \* \***

## **Saturday, March 19**

**St. John's University Law School  
Solarium, Ground Floor  
Queens Campus**

8 a.m. Light Breakfast

**Saturday, 8:30 – 10 a.m.**

**Featured Panel: A Conversation with Catholic Bishops and Scholars regarding The  
Theology of Work and the Dignity of Workers**

Most Rev. Stephen E. Blaire, Bishop of the Diocese of Stockton, California

Most Rev. Daniel Conlin, Bishop of the Diocese of Steubenville, Ohio

Most Rev. Nicholas DiMarzio, Bishop of the Diocese of Brooklyn and Queens

Most Rev. Ronald Paul Herzog, Bishop of the Diocese of Alexandria, Louisiana

Most Rev. Joseph A. Pepe, Bishop of the Diocese of Las Vegas, Nevada

Rev. Dr. John A. Perricone, Ph.D., Professor, St. Francis College, Brooklyn, New York; and, author: "*Catholic Theology of Work and Worship*," *73 St. John's Law Review* 821 (1999)

Moderator: Most Rev. John Michael Botean, Bishop, Romanian Catholic Eparchy of St. George's, Canton, Ohio

**Saturday, 8:30-10 a.m.**

**Panel: Interfaith Initiatives re the Dignity of Work and Workers**

Dr. Joseph Fahey, Founder and Chair of the Catholic Scholars for Worker Justice, Professor of Religious Studies at Manhattan College, The Initiatives of the Catholic Scholars for Worker Justice (and, Launching undergraduate labor studies programs---the Manhattan College experience)

Rabbi Michael Feinberg, Greater New York State Religion Coalition, The Initiatives of the Labor Religion Coalition

Susan Hascall, Assistant Professor of Law, Duquesne University, Living Up to the Law? Shari'ah and Workers' Rights in Three Islamic Societies

Cynthia Nance, Dean, University of Arkansas School of Law, A Social Statement on Sufficient, Sustainable Livelihood for All, The Evangelical Lutheran Church in America

Michael Oswald, Esq., Law Fellow, Office of the General Counsel, Service Employees International Union (SEIU) , The Theological Foundations of Mainline Church Involvement in Comprehensive Union Organizing Campaigns, with particular focus on the writing of Rauschenbusch and Niebuhr,

**Saturday, 8:30-10 a.m.**

**Panel  
Catholic Social Teaching, Applied**

Jane Adolphe, Professor of Law, Ave Maria Law School, The Holy See at the United Nations:  
Promoting the Dignity of Women, Her Role in the Family, and Her Humanizing Influence in the  
Work Force

Jane Sammon, Maryhouse Catholic Worker, New York City, The Initiatives of the Catholic  
Worker

Adam Sasiadek, Esq., The Variety of Catholic Social Justice Initiatives Since Rerum Novarum

Rory Schnurr, Esq., At the River, There is a Shortage of Waterfront Priests

**Saturday, 8:30-10 a.m.**

**Panel: The Intersections of Labor/Civil/Human Rights**

Michael Bryce, Director of the Clinical Program and Professor of Law, University of Detroit  
School of Law, The Color of Law: Ernie Goodman, From the Detroit Ghetto to the Fight for  
Justice, Labor, and Civil Rights in Troubled Times (Book Discussion Led by

Reaz H. Jafri, Partner, Abrams Fensterman, Immigrant Rights are Human Rights

John Wirenius, Not Charity But Justice, Charles Gore, Workers, and the Way

Cheah Wui Ling, Assistant Professor, Faculty of Law, National University of Singapore, Migrant  
Workers from ASEAN Countries in Singapore---Regulatory Frameworks

Anne LoFaso, Associate Professor of Law, West Virginia University College of Law, Just Cause  
and a Living Wage for All: The Case for Dignity

Ezra Rosser, Associate Professor of Law, American University Washington College of Law  
Expanding Consumer Voice: Worker Exploitation and the Possibility of Poverty Offsetting,

Moderator: Frederick Braid '71, Partner, Holland & Knight, NY City

**Saturday, 8:30-10 a.m.**

**Panel: Ameliorating the Broken Employment Relationship, and Restoring the Dignity of Workers: From the Utility of Alternative Dispute Resolution to the Solidarity of Labor Songs**

Julie Burkey, Director of the Center for Workplace Spirituality and Adjunct Professor, Immaculate Conception Seminary School of Theology, Seton Hall University, *A Crisis of Virtue: Lessons for Leadership from the Salesian Tradition*

Michael Fischl, Visiting Professor of Law, The Yale Law School; and, Professor of Law, University of Connecticut Law School, *Dignity and Dismissal (Social Injuries attending Loss of Employment)*,

Raymond Franklin, Dean's Fellow St. John's University School of Law Class of 2011, and, David L. Gregory, The Dorothy Day Professor of Law, Executive Director of the Center for Labor and Employment Law. And Conference Chair, St. John's University School of Law, *Labor Songs*

Joan Ilivicky, Arbitrator and Mediator, New York *The Role of the Alternative Dispute Resolution Professional in Restoring the Dignity of Work and Workers*

Jeffrey T. Zaino, Vice President, American Arbitration Association, *The Role of the AAA*

Moderator: Wayne Outten, Founding Partner, Outten & Golden

**Saturday, 10:30 a.m.**

**Marillac Auditorium, Marillac Hall**

**Distinguished Lecturer**

**His Eminence Edward Cardinal Egan,**

**Archbishop Emeritus of the Archdiocese of New York**

**Introduction of Cardinal Egan by Monsignor Gregory Mustaciuolo '83, Chancellor of the Archdiocese of New York**

**Saturday, 12:30- 2 p.m. Lunch**  
**Marillac Hall Dining Hall**

**Cardinal Egan will offer the Blessing of the Luncheon;**

**The Honorable Wilma Liebman, Chairman of the National Labor Relations Board, will introduce the Luncheon Speaker: Samuel Estreicher, The Dwight Opperman Professor of Law and the Executive Director of the Center for Labor and Employment Law, New York University School of Law ----“Michael Harrington”**

**Saturday, 2:15-4:15 p.m. Plenary Panel**  
**Marillac Auditorium ’**

**Conferral of Distinguished Lifetime Achievement Award to**  
**St. John’s Law School Alumnus To Be Named**

**“A Conversation on the Future of Labor”**

**Jack Ahern, President, New York Central Labor Council**

**Edward Cardinal Egan, Archbishop Emeritus of the Archdiocese of New York;**

**Samuel Estreicher, the Dwight Opperman Professor of Law, co-Director of the Institute for Judicial Administration, and Director of the Center for Labor and Employment Law, New York University School of Law**

**Michael Fischl, Visiting Professor, Yale Law School**

**Lawrence Joseph, Rev. Joseph Tinnelly, C.M., Professor of Law, St. John’s University School of Law**

**Bob King, President, The United Auto Workers Union (UAW)**

**Cynthia Nance, Dean, The University of Arkansas School of Law**

**Gene Orza, Major League Baseball Players Association, Chief Operating Officer)**

**Wayne Outten, Founding Partner, Outten & Golden, New York City**

**Bernie Ricke, President, Local 600,UAW**

**Judy Scott, General Counsel, SEIU**

**Theodore J. St. Antoine, Dean Emeritus, University of Michigan Law School and President (1999-2000), National Academy of Arbitrators**

**Moderator of the Plenary Panel:**

**The Honorable Wilma Liebman, Chairman of the National Labor Relations Board**

**4:15 p.m.**

**Closing Remarks**

**Conference Chair Dave Gregory**

**Saturday, 5 p.m.**

**Concelebrated Mass, St. Joseph the Worker  
St. Thomas More Church, Campus Mall**

**Principal Celebrant: His Eminence Edward Cardinal Egan, Archbishop Emeritus of the  
Archdiocese of New York**

**Concelebrants:**

**Most Rev. Stephen E. Blaire, Bishop of the Diocese of Stockton, California**

**Most Rev. John Michael Botean, Bishop, Romanian Catholic Eparchy of St. George's,  
Canton, Ohio**

**Most Rev. Nicholas DiMarzio, Bishop of the Diocese of Brooklyn and Queens**

**Most Rev. Ronald Paul Herzog, Bishop of the Diocese of Alexandria, Louisiana**

**Most Rev. Joseph A. Pepe, Bishop of the Diocese of Las Vegas, Nevada**

**Rev. Donald J. Harrington, C.M., President, St. John's University**

**Rev. Kevin G. Creagh, C.M.**

**Rev. Brendan Fitzgerald**

**Rev. James Maher, C. M.**

**Rev. John A. Perricone**

**Rev. Joseph Sands, S.J.**

**Rev. Patrick J. Sullivan, C.S.C.**

**Homilist: Rev. Patrick J. Sullivan, C.S.C., Executive Secretary And Chaplain, The Labor Guild of the Archdiocese of Boston**

**Rev. Kevin G Creagh, C.M., Chaplain of the St. John's University School of Law and Associate Vice President for International Sites, is the liaison for all clergy re the Holy Sacrifice of the Mass. He can be reached at 718 990 7650, Room 2-24 at the Law School, creaghk@stjohns.edu.,**

**Music Director: Joseph Gagliano '85**

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**The Conference fee is \$300** per person (or \$150 for those able to attend only one of the two day conference) and covers all registration and conference materials, the reception, and breakfast and lunch on Saturday. It does not cover any travel or hotel or other expenses. Fee waivers or reductions are available in special circumstances.

Everyone in town on Thursday, March 17, is most welcome to march with the St. John's University contingent in the **St. Patrick's Day Parade!** Contact Maureen Mulligan, listed below, for more information.

**Hotel and Travel Information:**

For information on reduced hotel rates at the Sheraton Hotel at LaGuardia airport, travel directions to St. John's, and related information, please contact:

**Associate Director of Special Events Maureen Mulligan**  
(718 990 1950; mulligam@stjohns.edu)

**The Conference sessions will be videotaped. Selected papers will be published in a symposium issue of The Journal of Catholic Legal Studies.**

**Thank you!** The Center for Labor and Employment Law thanks our generous benefactors, especially our Patron Sponsors, each of whom provided gifts in excess of \$10,000 to underwrite the costs of our conferences:

**Patron Sponsors:**

**Patrick Boyd, Esq.'00**, Founding Partner, Boyd Law Group, New York City

**Robert J. Nobile, Esq., '84**, Partner, Seyfarth Shaw, New York City

\* \* \* \* \*

**We also appreciate the institutional co-sponsorship in affinity with:**

The Hugh L. Carey Center for Dispute Resolution, St. John's Law School  
(Special thanks to Paul Kirgis and Elayne Greenberg)

New York University School of Law Center for Labor and Employment Law  
(Special thanks to Samuel Estreicher)

American Arbitration Association  
(Special thanks to Jeffrey T. Zaino)

The Labor and Employment Law Program, Cornell ILR School  
(Special thanks to Esta Bigler)

Catholic Scholars for Worker Justice  
(Special thanks to Joe Fahey)

Greater New York Labor Religion Coalition  
(Special thanks to Rabbi Michael Feinberg)

**See [CLEL@stjohns.edu](mailto:CLEL@stjohns.edu) for more information  
about the Conferences and the Center for Labor and Employment  
Law.**

Program in Formation

Ttow March 1