

# In - sti - tute

(noun/verb)

**Etymology: Integral component NELA 2008-2013**

**Strategic Plan, from vision + action**

**Date: 2008**

The Employee Rights Advocacy  
**INSTITUTE**  
**For Law & Policy**  
**2008 Annual Report**

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The Employee Rights Advocacy  
**INSTITUTE**  
**For Law & Policy**

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The Employee Rights Advocacy  
**INSTITUTE**  
**For Law & Policy**

It is with great pride that we share with you the first Annual Report of The Employee Rights Advocacy Institute For Law & Policy (The Institute). It is hard to believe that The Institute was created just over a year ago by the National Employment Lawyers Association (NELA), to paraphrase Mahatma Gandhi, to be the change NELA wishes to see in the American workplace. With a shared mission of advancing equality and justice in the American workplace, The Institute and NELA are developing a broad range of initiatives to ensure that our nation's promise of equal justice under law is a reality for all workers.

The Institute is extremely grateful to have received several *cy pres* awards that have provided the necessary foundation not only to establish The Institute but to build its infrastructure and programs. As you will read in the following pages, with these *cy pres* awards and the generous support of foundations, law firms and individual donors, The Institute has accomplished a great deal in its first year. We look forward to an exciting future and the change that we can collectively create in the American workplace.

The Board of Directors & Staff Of  
The Employee Rights Advocacy Institute For Law & Policy

The Employee Rights Advocacy  
**INSTITUTE**  
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## **About The Employee Rights Advocacy Institute For Law & Policy**

In February 2008, the National Employment Lawyers Association (NELA) created a related nonprofit public interest organization, The Employee Rights Advocacy Institute For Law & Policy (“The Institute”), as part of its “Working for Change” agenda. NELA and The Institute share a common mission of advocating for employee rights by advancing equality and justice in the American workplace. Working hand in hand, NELA and The Institute seek to create a future in which workers will be paid at least a living wage in an environment free of discrimination, harassment, retaliation, and capricious employment decisions; employers will fulfill their promises to provide retirement, health, and other benefits; workers’ safety and livelihood will not be compromised for the sake of corporate profit and interests; and individuals will have effective legal representation to enforce their rights to a fair and just workplace, adequate remedies, and a right to trial by jury.

In accomplishing its mission, The Institute utilizes a multi-disciplinary approach in combination with innovative legal strategies, policy development, grassroots advocacy, and public education. The Institute’s programmatic activities include:

- ▶ A National Litigation Strategy Project devoted to combating inequality and injustice in the workplace;
- ▶ The Paul H. Tobias Attorney Fellowship Program—named in honor of NELA’s Founder—which offers a new lawyer who embodies Paul’s tireless spirit in championing the rights of individual employees the opportunity to work on cutting-edge projects at The Institute;
- ▶ The Employee Rights Advocacy Fellowship Program, which provides law students and new lawyers the opportunity to work in private plaintiff’s employment law firms across the country, thereby cultivating the next generation of employee rights advocates;
- ▶ The Employee Rights Advocacy Scholarship Program, which enables public interest, legal services and private lawyers who otherwise could not afford to attend NELA’s renowned continuing legal education programs the opportunity to do so;
- ▶ Development of direct service educational programs and publications for underserved constituencies;
- ▶ Public education relating to eliminating forced arbitration of employment claims, abolishing the employment at-will doctrine, ensuring a fair and independent judiciary, and other workers’ rights issues; and
- ▶ Non-partisan research and development of important issues affecting the American workplace.

The Institute is a tax-exempt charitable and educational organization under Section 501(c)(3) of the Internal Revenue Code. It is incorporated in California as a nonprofit public benefit organization.



## **The Institute's 2008 Accomplishments**

The Employee Rights Advocacy Institute For Law & Policy's accomplishments in 2008 include:

- ▶ Convening the first of many brainstorming meetings for the development of its National Litigation Strategy Project to combat inequality and injustice in the American workplace.
- ▶ Establishing The Paul H. Tobias Attorney Fellowship Program, a two-year placement for a new attorney committed to employee rights who will work on cutting-edge projects with The Institute.
- ▶ Awarding \$15,500 in scholarships to legal services and public interest lawyers to attend the National Employment Lawyers Association's (NELA) renowned continuing legal education programs: "2008 Annual Convention: Rising Together — Advancing Equality & Justice In The Workplace," and "Representing Workers In Harassment & Retaliation Claims."
- ▶ Increasing the number of employee rights lawyers providing high quality legal representation through its Employee Rights Advocacy Scholarship Program.

## The Employee Rights Advocacy Scholarship Program

In training one advocate, we reach dozens of workers each year. Multiplied throughout the community of employee rights advocates, we touch the lives of thousands of workers nationwide. The Institute is proud to join the fight for employee rights by equipping advocates with the tools they need to effectively represent their clients. The Employee Rights Advocacy Scholarship Program provides access to educational and networking opportunities unique to NELA, and adds new voices to our community. The goal of the Scholarship Program is to ensure that more employees and workers receive high quality legal representation by sharing the collective knowledge and resources of the NELA family with their advocates.

Scholarship recipients themselves best express the impact that NELA's continuing legal education events and the Scholarship Program have on their advocacy on behalf of workers:

"...I work daily with workers who are harassed and retaliated against in their place of employment. The Working Hands Legal Clinic provides employment-related direct legal services, as well as community outreach to low-income workers, particularly immigrant workers, in and around the Chicago area. These workers are especially vulnerable to employer abuse.... As we secure funding for 2008-2009, our resources are greatly limited to the extent that without this scholarship I would not be able to attend."

"My clients...are people who have lost their jobs through no fault of their own, people who have jobs they continue to work at great personal cost due to ongoing harassment or retaliation, people who are underpaid due to denial of overtime benefits, and people suffering from physical or mental illness who are denied necessary and mandatory leave benefits. And like most plaintiff employment practitioners, my clients are people who can rarely afford to pay an hourly fee for my services. My cases are almost exclusively handled on a contingency fee basis."

"I cannot express enough the value this conference has added to our organization's representation of indigent persons in the employment law arena. Before the conference, I was struggling. After the conference, I feel armed and better prepared to take on the dark side. It makes me proud to be a member of such a great organization as NELA. Thank you very much."

"I had always heard the NELA Conference was a "must" for employment lawyers. This is absolutely true. Thank you so much for the scholarship."

"I want to thank you for giving me the opportunity to attend this year's 19th Annual NELA conference. It was truly an inspiring, uplifting, and educational experience. Without the assistance of the NELA scholarship, I would not have been able to attend and meet such wonderful, smart, committed attorneys. Thanks for doing such good work and being instruments of justice, change, and truth."

### **The Employee Rights Advocacy Scholarships for NELA's 2008 Nineteenth Annual Convention would not have been possible without the generous contributions of the following:**

Denise Abrams & David Harrington Fund

BNA Books, Inc.

Butler & Harris

Kazan McClain Abrams Fernandez Lyons Greenwood & Harley Foundation, Inc.

*The Institute and NELA are grateful to these donors for their support of the Employee Rights Advocacy Scholarship Program.*

## **The Employee Rights Advocacy Institute For Law & Policy 2008 - 2009 Donors**

*The donors listed below have enabled The Employee Rights Advocacy Institute For Law & Policy to advance equality and justice in the American workplace. We gratefully acknowledge their generous support of The Institute's work.*

### **Cy Pres Awards**

#### ***Martin v. Grange Mutual Insurance Co. (\$222,684.04)***

The insurance policyholders of this 1994 class action suit alleged that they were incorrectly charged for uninsured motorist insurance. Using the doctrine of *cy pres*, NELA member Patrick J. Perotti of Dworken & Bernstein and Grange Insurance Charitable Fund designated over \$10 million of unclaimed settlement funds to 33 local, state, and national nonprofit organizations, the largest *cy pres* donation in U.S. history.

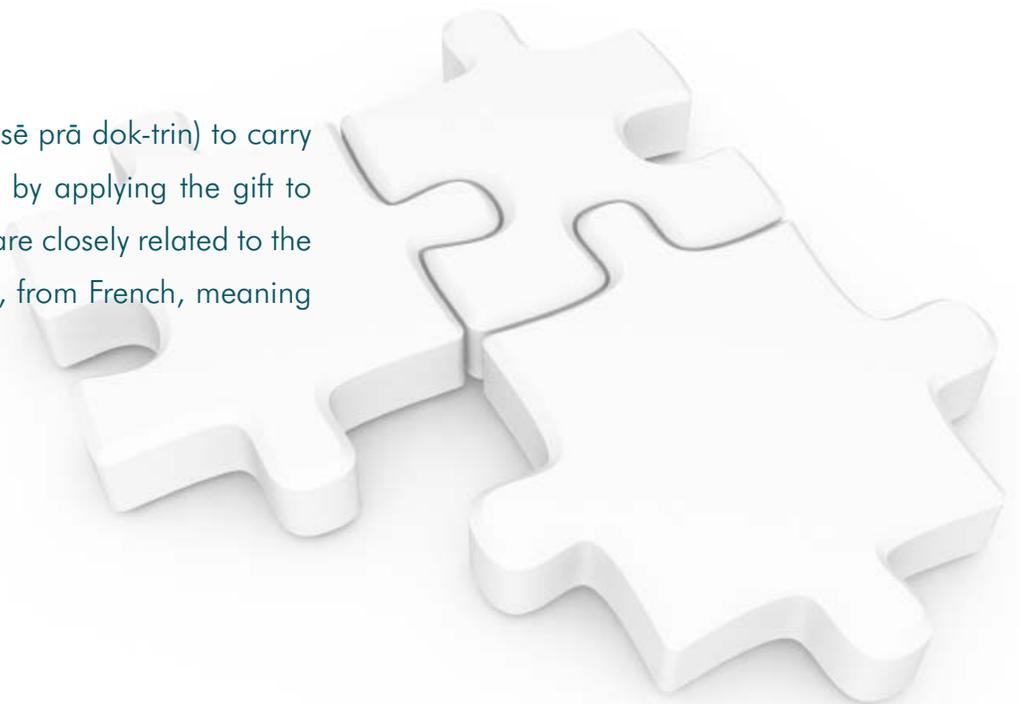
#### ***Stanfield, et al. v. First NLC Financial Services (\$75,000)***

The contribution was made possible from a *cy pres* fund established in a class and collective action case that NELA members Paul J. Lukas (MN) and Donald H. Nichols (MN) of Nichols Kaster, PLLP settled in late 2007 involving violations under the Fair Labor Standards Act and California law. The firm represented loan officers who were employed by First NLC Financial Services. The defendant failed (1) to pay the plaintiffs' overtime compensation, (2) to provide them with accurate itemized wage statements and (3) to give them rest breaks and meal periods.

#### ***Fraiser v. Citigroup (\$812.68)***

This *cy pres* award was made possible by former NELA Executive Board member Cliff Palefsky (McGuinn, Hillsman & Palefsky) and NELA member Michael Rubin (Altshuler Berzon, LLP), who brought a wage and hour class action on behalf of brokers who were improperly assessed fines by Citigroup for various work-related issues.

*cy pres* doctrine - noun, (sē prā dok-trin) to carry out the general intention by applying the gift to charitable purposes that are closely related to the original purpose; *cy pres*, from French, meaning "as close as possible."



## The Institute's 2008 Donors

### Unrestricted Contributions

#### Donors

##### **\$10,000 and above**

The Law Office of Donelon, PC

##### **\$1,000-\$2,499**

Colorado Plaintiff Employment Lawyers Association

Patricia M. Ito In Honor of Terisa E. Chaw

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Cynthia Y. Chaw

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### Restricted Contributions

#### The Public Welfare Foundation

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#### The Employee Rights Advocacy Scholarship Fund

##### **\$5,000 and above**

Kazan McClain Abrams Fernandez Lyons Greenwood & Harley Foundation, Inc.

National Employment Lawyers Association

##### **\$2,500-\$4,999**

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Albert L. Brown, Jr.

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Every effort was made to ensure the accuracy of the individuals, firms, businesses, and organizations that are acknowledged in the Annual Report. We apologize for any errors or omissions.

## Vision + Action: The Power Of *Cy Pres* To Change The Workplace

Sharing a common mission, the National Employment Lawyers Association (NELA) and its nonprofit, charitable and public interest organization, The Employee Rights Advocacy Institute For Law & Policy (The Institute), advocate for employee rights by advancing equality and justice in the American workplace. As *cy pres* award recipients, NELA and The Institute are using the power of the *cy pres* doctrine to change the American workplace.



"My firm is a 'private legal aid' firm committed to the public interest and to providing legal representation to indigent clients. We recognize that cutbacks and continued restrictions in federal legal services funding, and less money available

as charitable donations to organizations that engage in public interest law, is a true barrier to the access to justice. It is for this reason that there need to be creative new funding sources for legal services and public interest law. *Cy pres* is one such funding source.

...A charitable donation of those residual funds to NELA certainly puts the unclaimed money to its 'next best use.' A portion of our *cy pres* award to NELA was used to fund scholarships for legal services, public interest and other employee rights lawyers of limited means to attend NELA's invaluable FLSA program in New Orleans. Another portion of our *cy pres* award was put toward seed money for The Employee Rights Advocacy Institute For Law & Policy with the goal of advancing equality and justice in the American workplace. We are confident that given the great work of NELA any *cy pres* awards made to NELA and/or The Institute are certain to be put to excellent uses such as these."

– Suzanne Garrow, Heisler, Feldman, McCormick & Garrow, PC



"The reason that we picked The Institute is because we have been supporters of NELA and its good work for many years. We were sitting around having a conversation about organizations that as near as possible support the rights of workers to

be treated fairly in the workplace and, of course, immediately thought of NELA."

– James H. Kaster, Nichols Kaster, PLLP



"NELA is the only comprehensive, national organization providing free referral service and the highest quality legal assistance to victims of employment discrimination, harassment, wrongful discharge, wage and hour violations, and

all other variants of employee rights and protection. When we at Dworken & Bernstein identified the areas of need for *cy pres* help, victims of job discrimination and wrongdoing were near the top of the list. In so many instances, the "clients" of other charity organizations fighting hunger, homelessness, addiction, domestic violence, and the like would not be clients except they recently lost their job.

NELA aggressively responds to events of employment wrongdoing. But it also is unique in operating programs that actively work to prevent the wrongdoing before it occurs. Legislative lobbying, employer training, employee education, and *amicus* briefing are a major focus of NELA's efforts to change the law and social conscience to eliminate job discrimination and unfairness."

– Patrick J. Perotti, Dworken & Bernstein, Co., LPA



"The parties chose the National Employment Lawyers Association as the appropriate *cy pres* recipient. Importantly, a *cy pres* award recipient must be more than a charity; the recipient must also further the goals of

the suit. The parties believe the National Employment Lawyers Association would be able to further the interests of workers similar to those who did not return releases."

– Rob Wiley, Rob Wiley, PC

## Why Designate The Institute For A *Cy Pres* Award?

*Cy pres* awards enable The Employee Rights Advocacy Institute For Law & Policy to make the dream of equality and justice in the American workplace a reality for everyone. The Institute's initiatives are designed to ensure that individuals who are subjected to unjust treatment in the workplace have effective legal representation and access to the civil justice system. To this end, The Institute's scholarship and fellowship programs provide training opportunities to lawyers, law students and other employee rights advocates from around the country. Through the development of a national litigation strategy, The Institute works to protect and expand legal rights and relief for America's employees.

In 2008, The Institute received almost \$300,000 in *cy pres* awards. A portion of the *cy pres* funds were used to create The Institute. *Cy pres* funds also supported The Institute's Employee Rights Advocacy Scholarship Program, which provided scholarships to legal services, public interest, government and private lawyers, law students, and other employee rights advocates. The scholarships enabled the recipients to obtain invaluable training on a myriad of employment issues.

In 2009, *cy pres* funds will be used to expand The Institute's Scholarship Program and to launch The Paul H. Tobias Attorney Fellowship Program in honor of NELA's Founder. The Attorney Fellowship Program will offer a new lawyer who embodies the tireless spirit of NELA's Founder Paul Tobias in championing the rights of individual employees the opportunity to work on cutting-edge projects at The Institute. In addition, *cy pres* funds will be used to develop the contours of The Institute's National Litigation Strategy Project, which will be devoted to the progressive and methodical advancement of employee rights.

## What Is The *Cy Pres* Doctrine?

*Cy pres* is a doctrine used in class actions to handle settlement monies which are unclaimed by class members after distribution is finished. Class actions are very complicated lawsuits. They are usually filed when a large company (or a large organization such as the

government) has committed an alleged wrong of a small amount, but against a large group of people. For example, a national bank deducts a \$4.50 "check processing fee" from the accounts of all its customers (over 2 million persons)—even though the bank's contract with the customers states checks will be processed without fee. One customer alone cannot afford to sue over \$4.50, but the bank has wrongfully taken over \$9 million from this group. Or, a national car rental company adds a \$15 charge to the bill of all its customers (over 2 million persons) for "refueling," even when the customer brings the car back full and the company does not refuel the car. No one customer can afford to sue over \$15, but the car rental company has wrongfully taken over \$30 million from these people. The U.S. Supreme Court permitted the use of a "class action" in cases of these types—a suit by one member of the group—to allow the court to give relief to all members of the group.

Because class actions take years to resolve, when it is time to give back the wrongfully taken monies, many class members can not be found. Some have passed away, while others have moved or remarried. It would not be fair to allow the defendant to keep the class member's monies, but with no other place for it, that is where it goes in nearly all class actions—back to the defendant.

To address this situation, courts are using an ancient legal doctrine from the third century called *cy pres*. *Cy pres* means "as nearly as possible." It allows the court—or the parties by agreement—to put a beneficial use to monies where the payment as intended has not been made.

*Cy pres* has been around for centuries, but its use in class actions has not been widespread. That may be because *cy pres* does not increase the attorney fees which the class counsel receives if they use it and instead requires much more time to resolve the case. It may also be because judges or parties are not familiar with the doctrine.

Regardless, even limited use of the doctrine has recently provided millions of dollars to charities. *Cy pres* awards have saved key charities or their main

programs from closing, and have been used for new programs that make a difference every day in our communities and society as a whole.

### **Using The Cy Pres Doctrine**

Over \$500 million in class action settlement monies are unclaimed each year. Over \$12 billion are presently unclaimed from securities suits.

By using the powers under Rule 23, and equivalent state law rules, final approval orders can include provisions requiring the payment to charity of all or a designated part of the unclaimed funds. This approach is especially just when the case involves a defendant who has wrongfully collected monies from the class. Disgorgement rather than revert to the company advances the public policy of the class action device. Dworken & Bernstein will work for no charge with any attorney or firm to provide methods which have been successful in reaching settlements which include a *cy pres* provision.

If you are interested in designating The Institute as a *cy pres* recipient, please contact Terisa E. Chaw, Executive Director, at (415) 296-7629 or [info@employeeightsadvocacy.org](mailto:info@employeeightsadvocacy.org).

### **Frequently Asked Questions About Cy Pres**

#### **1. What is *cy pres*?**

*Cy pres* (pronounced "sigh-pray") is a very old legal doctrine dating from the third century allowing the courts to carry out the terms of an agreement as closely as possible. In class actions, it refers to the distribution of unclaimed settlement funds to purposes benefiting society.

#### **2. Why is there a need for *cy pres*?**

Class actions usually last for many years before they are concluded. Because of this, some class members have moved, passed away, or are hard to locate. The settlement fund is then not fully distributed. *Cy pres* allows distribution of some or all of those unclaimed monies.

#### **3. Why not just give the monies back to the defendant?**

The typical settlement of a class action calls for the defendant to make payment of a certain amount to

the class members. Giving large amounts of those funds back to the defendant is not consistent with the settlement. As part of the settlement process, plaintiffs' counsel and defense counsel agree on a reasonable portion of the unclaimed funds to be given to charities.

#### **4. Some commentators criticize *cy pres* as leading to misconduct such as charities lobbying courts or lawyers.**

There are very serious ethical rules prohibiting such conduct and they are strictly enforced. The *cy pres* process does not only involve the plaintiff or their attorneys to reach the agreement. The defendant and its attorneys must also agree. Then, the court must carefully review and approve all of the terms. This process is highly and carefully supervised.

#### **5. Is it proper for a lawyer to include a charity as a proposed *cy pres* recipient if they serve on that board?**

The question isn't really about the affiliation of a lawyer, judge or party but whether the money is going for an actual beneficial charitable purpose in the community. Also, it is about whether a range of causes and programs are being used. It is common and synergistic that large corporations regularly give major donations to charities for which the corporation's directors volunteer or serve on the charity's board.

#### **6. How are the charities selected?**

As explained above, the parties propose a group of diverse and wide-ranging organizations covering many aspects of the community. Broad coverage is important for another reason: The class members who cannot be found are spread through broad sections of the community. Those class members include men and women, young and old, workers, retirees, students, homemakers, professionals, and the list goes on. Selecting just one charity would only touch the lives of a small number of those class members. Selecting a wide range of causes in a broad area likely touches the lives of most of the class members, their friends, or their families. This is very efficient. Each side reviews the proposals of the other and makes suggestions. The proposals are then given to the court. The key is broad distribution to organizations respected in the community for their services.

## 7. Should *cy pres* be required in every class action?

Every case is unique. The parties propose *cy pres* most often when it is apparent that a significant portion of the settlement funds will not reach class members for a variety of reasons—people having moved, address changes, very small individual recoveries, etc.

## 8. How can I help?

If you are an individual, suggest a charity you know is doing a great job in the community that could use some help and support. Mention *cy pres* to lawyers, judges, and others you know. Encourage them to use it.

If you are an attorney doing class actions, contact Dworken & Bernstein for helpful suggestions on including *cy pres* in the settlement of your next class action where significant unclaimed funds are expected:

Dworken & Bernstein Co., LPA  
60 S. Park Place  
Painesville, OH 44077  
phone – (440) 352-3391  
fax – (440) 352-3469  
[www.ohiolawyersgiveback.org](http://www.ohiolawyersgiveback.org)

Information about the *cy pres* doctrine was borrowed with permission from Dworken & Bernstein Co., LPA of Cleveland, Ohio, the leading firm in the United States promoting the use of *cy pres* in class actions. Visit [www.ohiolawyersgiveback.org](http://www.ohiolawyersgiveback.org), the web site of Ohio Lawyers Give Back, the organization founded by Dworken & Bernstein to promote the use of *cy pres* in class action settlements.

## Ways To Support The Institute



We welcome your involvement in advancing equality and justice in the American workplace. There are many ways to support the work of The Institute:

- ▶ Volunteer your special skills and talents.
- ▶ Provide in-kind donations.
- ▶ Make a financial contribution by check or credit card.
- ▶ Designate The Institute as a *cy pres* recipient.
- ▶ Contribute a gift of appreciated stock or mutual fund.

The Employee Rights Advocacy Institute For Law & Policy is a nonprofit tax-exempt charitable and educational organization under Section 501 (c)(3) of the Internal Revenue Code (federal tax ID number 26-2270705). Contributions are tax deductible to the extent provided by law.

The Employee Rights Advocacy  
**INSTITUTE**  
**For Law & Policy**

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[www.employeeightsadvocacy.org](http://www.employeeightsadvocacy.org)

Do whatever you can to get the right people on the bus, the wrong people off the bus, and the right people into the right seats... greatness flows first and foremost from having the right people in the key seats.

– Jim Collins,  
*Good To Great and the Social Sectors*

## Meet The Institute's Board

The Employee Rights Advocacy Institute For Law & Policy is extremely fortunate to have the right people on the bus, and the right people in the key seats for its initial Board of Directors. We are delighted to introduce these devoted, committed, and talented individuals to you.



*"The Institute is uniquely positioned to advance the cause of workers' rights throughout the country, joining hand in hand with the National Employment Lawyers Association. How? The opportunities are limited only by our imaginations, but how about providing scholarship assistance to public interest attorneys who represent low wage earners but who are not able to take advantage of NELA's state of the art educational programs? What if we develop a national litigation strategy to overcome the most difficult obstacles to justice in the workplace that every NELA lawyer faces every single day? And why not undertake some cutting-edge research to tackle the thorniest issues confronting the American worker today and tomorrow?"*

**Bruce A. Fredrickson** is The Institute's President—and yes, the President of NELA as well. Bruce is a partner in the Washington DC based law firm, Webster, Fredrickson, Correia & Puth. The firm is perhaps most noted for its twenty-five year old sex discrimination class action, *Hartman v. Powell*, which settled for a record-breaking \$590 million divided among 1,100 women. A 1973 *Summa Cum Laude* graduate of Dartmouth College, Bruce obtained his law degree from the National Law Center, George Washington University, in 1976 with high honors. He is also a member of the Metropolitan Washington Employment Lawyers Association's Board of Directors, the American Association for Justice and the Trial Lawyers Association of Metropolitan Washington DC. Since 1986, Bruce has taught trial practice as an adjunct professor of law at the Washington College of Law of the American University.



*"The Institute is a powerful tool for changing the American workplace! Through its scholarships, The Institute allows public interest and government attorneys access to NELA's excellent CLEs, thus increasing the quality of representation to workers across the country. By developing and pursuing a national litigation strategy, The Institute will have a hand in proactively shaping the law and correcting anti-worker bias eroding basic rights. By educating the public about key issues that need to be addressed through legislation, The Institute will ensure that individuals understand why it's important to bring these issues to the attention of Congress. I volunteered to serve on The Institute's Board because I want to be on the front lines of this new, proactive movement for change."*

**Diane S. King** serves as The Institute's Treasurer, the same position she holds on the NELA Board. Throughout her career, Diane has been committed to community service and has performed substantial *pro bono* work as well as serving on numerous non-profit boards. She began her legal career at David, Graham & Stubbs, working in the areas of employment, antitrust and securities litigation. Diane is currently a partner in the firm of King & Greisen, LLP. Her practice is focused in the areas of civil rights, employment, and anti-discrimination litigation, primarily in the federal courts. She lectures frequently on civil rights issues. Diane received her undergraduate degree from Colorado State University in 1983, and received her law degree from the University of California at Berkeley in 1987.



*"I became a lawyer so that I could advocate on behalf of employees and work to expand their rights in the workplace. To truly be effective, however, we need greater public awareness of both the rights and lack of rights that employees have; we need more skilled attorneys who can represent the interests of all employees—including those who are low wage earners; we need a focused strategy to attack the biggest road blocks we face in advocating on behalf of our clients—like summary judgment; and we need help in doing our jobs more effectively and efficiently. I believe that The Institute is a vehicle that can help in all of these areas. Therefore, I am honored to be able to be involved in forming this organization."*

**Rebecca L. Salawdeh** is The Institute's Secretary, and is serving her second term as NELA's Secretary. Rebecca has devoted her legal career to the representation of individuals in employment litigation. She is a Co-chair of NELA's National Origin Discrimination Committee, as well as a member of NELA's Membership Committee and ADA Amendments Act Task Force. Rebecca is a member of the Wisconsin Employment Lawyers Association (WELA) and is a former WELA Co-chair. In 2000, Rebecca, in conjunction with other WELA members, helped to form the Unemployment Compensation Appeals Redress Clinic. She serves as a volunteer attorney for Wisconsin's ACLU and the Milwaukee Branch of the NAACP Legal Redress Committee. Rebecca received her law degree and her masters degree in Industrial Relations from the University of Wisconsin–Madison in 1996.



*"I am enthusiastic about the launch of The Institute and the role it will play in strengthening advocacy for justice in the workplace. We need imaginative thinking and a way to bring disciplines together to develop policies to ensure equity and fairness amid changes in the way people work, to inform the public and build consensus. The same ingenuity is required to craft a national litigation strategy to restore and extend protections of workers and develop the means to apply it in daily practice. These and other efforts directly supporting communities and advocates are sorely needed and The Institute provides a unique opportunity to bring people together to make them happen."*

**Thomas J. Henderson** is the founder of the Washington DC firm, Henderson Law Firm. Prior to that, Tom was a partner at Sprenger & Lang, PLLC, a plaintiff's class action firm specializing in employment, civil rights, pensions, benefits, and other cases. Tom previously served as Chief Counsel for the Lawyers' Committee for Civil Rights Under Law, was in private practice, worked for the Neighborhood Legal Services Association, and taught constitutional civil rights litigation as Adjunct Professor at the University of Pittsburgh School of Law. Tom has litigated numerous employment, education, housing, voting, environmental justice and other civil rights class actions, authored *amicus curiae* briefs on class action issues in the United States Supreme Court, presented invited testimony on class actions to the Senate and House, and authored comments on proposed Rule 23 amendments to the Advisory Committee on Civil Rules. He has a great deal of experience in co-counseling cases with attorneys from communities across the country. Tom is chair of NELA's Fundraising Committee and was a member of NELA's 2007 and 2008 Annual Convention Committees.



*"It is my pleasure and privilege to be a part of The Institute as we grapple with the myriad issues facing workers in this country. As a civil rights lawyer committed to social change for all workers, especially the working poor and their families, I look forward to collaborating with NELA and other civil rights lawyers throughout the country to think creatively and proactively in devising effective and successful national litigation and policy strategies. It is an honor for me to work closely again with my dear friends and colleagues from NELA on this innovative board."*

**Patricia A. Shiu** is a former member of NELA's Executive Board and served as one of its Vice Presidents and Treasurer. Pat is Vice President of Programs at the Employment Law Center, a project of the Legal Aid Society of San Francisco. She joined the Employment Law Center in 1983 where she focuses primarily on employment discrimination, including sex and race-based discrimination. She also represents workers in family and medical leave cases. Pat is the Director of the Society's Work and Family Project and advocated for the passage of California's Family Rights Act and its regulations. In 1983, Pat was appointed to the Civil Rights Reviewing Authority for the Department of Education by Secretary Richard Riley. Pat is a graduate of the University of San Francisco School of Law.

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**Statement of Revenue & Expenses**

**Revenue**

Individual Contributions	\$ 17,875
Foundation Grants	\$ 7,500
Cy Pres Awards	\$297,684
Interest	\$ 1
	\$323,060

**Expenses**

Programs	\$ 21,115
General & Administrative	\$ 28,706
Fundraising	\$ 14,405
	\$ 64,226

Net Revenue (12/31/2008) \$258,834

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