

Message From the Chair

By Patti Perez

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ENGAGING THE MECHANISM . . .

My son made the All-Star team in baseball this season. Ever the proud (and loud) mamma, I cheered for him every time he came up to bat and when he made a good play behind the plate. After his first game, I asked him whether he could hear me going wild in the stands. He told me “no mommy . . . when I’m playing baseball, I ‘engage the mechanism’ . . . I can’t hear anything . . .” His funny line was from a Kevin Costner movie (I still maintain that just like John Travolta movies are better if Travolta dances, Kevin Costner movies are better when they are about baseball), but it made me think of what it meant from a big-picture perspective.

I’ve spent the last year writing about topics from the perspective of a neutral. My columns have included information about fairness and the perception of fairness, about ways to creatively resolve problems in the workplace, and about the concept of truth. My son’s statement made me think that the all-encompassing theme of my messages has to do with “engaging the mechanism.” Too many employers and employees get caught up in the minutiae of the law. Employers are so concerned about complying with the law, that they forget that the law almost always requires that they simply do the right thing. At times, employees get so caught up with wanting to make someone responsible for unfairness, that they forget that sometimes life is just unfair.


So what is “engaging the mechanism” then? It is the ability to see the big picture (am I doing the “next right thing?”), while simultaneously focusing exclusively on the task at hand. It is finding the solution, no matter how many tries it takes, to the problem before you. It is being able to shut out all of the background noise that distracts you from focusing on the real issues (if you are an employer, to do everything in your power to make the workplace a fair, productive and profitable one . . . if you are an employee, to perform your job well and contribute to an appropriate work environment). Engaging the mechanism involves using all of your talents, assets, and advantages to focus on pitching the perfect game (or at least that’s what it meant to Kevin Costner’s character . . .).

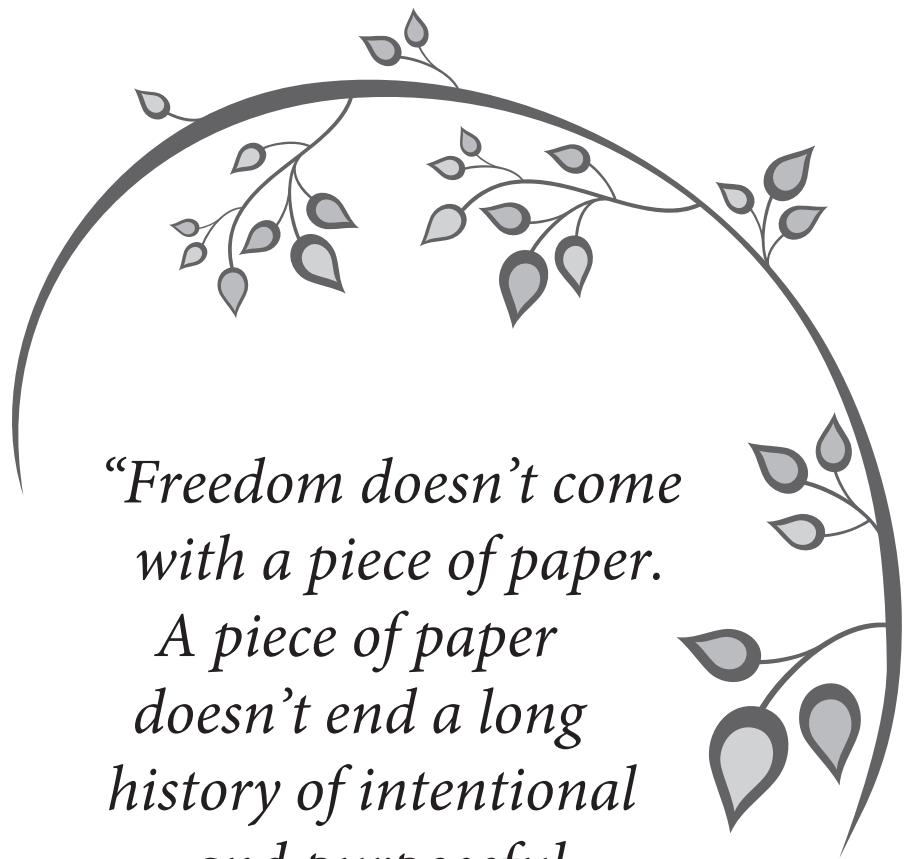
As an employment attorney, you are probably a lot like me when it comes to some inherent personality characteristics. I am not creative in the traditional sense. I couldn’t pick the right color for my dining room wall from a tiny swatch if you paid me to do it; I need to see a picture. I can, however, use my creativity to come up with innovative ways to solve problems. All of us in employment law, whether neutral or advocating for one side or another, need this skill in order to best serve our clients. I have been privileged to have met and worked with hundreds of employment attorneys from throughout the state who clearly exhibit this trait—attorneys who are

“engaging the mechanism” every day. I am honored and proud to have served the Section as Chair and appreciate all of you whom I’ve encountered along the way.

Since this is my last column, I must be more specific about my thank-yous. Of course, I thank my amazing Executive Committee for standing behind me all year. I began the year by telling them that I expected each of them to contribute 150 percent . . . and they did not disappoint. My team of officers (aka my secret service team, made up of Wil Harris, Tim Yeung, and Michael Whitaker) was phenomenal: always ready to pinch-hit, available for counsel at a moment’s notice, providing wise advice throughout the year and making me laugh along the way. I am also immensely grateful to my two immediate past Chairs: Karen Clopton and Phil Horowitz. I appreciate their tireless efforts on behalf of the Section and their words of wisdom along the way. Though the entire Executive Committee has contributed to this banner year (putting on dozens of live, telephonic and web-based MCLE programs of the highest caliber, continuing to publish a Law Review that is one of the most respected publications in our field, providing opportunities for young lawyers and law students, among many other accomplishments), there are a few individuals who have truly gone above and beyond. At the top of that list is Amy Oppenheimer. In addition to starting her own successful professional group, Amy

has organized numerous programs on behalf of the Section *and* coordinated our upcoming mini-Annual Meeting (the meeting will be held in San Francisco on Friday, October 15th and will focus exclusively on disability discrimination—you'll notice that many of the articles in this issue have to do with this very topic). Kudos also go to the entire team that put together the always-successful Public Sector Conference (headed up by Michael Whitaker and Arnie Braafladt). A special thank you also goes out to our advisor extraordinaire, Andrew Friedman. Andrew has agreed to once again present our Annual Update (along with Tony Oncidi) and has continued to organize numerous programs for our Section (as he has for almost ten years!). Thanks too to Julia Lapis Blakeslee, Annmarie Billotti, and David Peyerwold for continuing to churn out one amazing issue of the Law Review after another. Phyllis Cheng, busy with dozens of other projects, continues to enhance our Section by putting out her helpful e-alerts and writing a column for the Law Review . . . thanks, Phyllis! And, of course, I owe a huge "thanks" to the wonderful State Bar staff. Susan Orloff, Cheryl Morgan, Theresa Raglen, and Pam Wilson have worked diligently behind the scenes all year to make our Section look good. Finally, thanks to all of you—our Section members—for attending our events, contributing to the Law Review, speaking at our conferences and seminars, applying for our grants, entering our law school writing competition, and sponsoring our programs.

I hope to see all of you in San Francisco on October 15th or at one of our other events. In addition to sharing thoughts about the practice of law, perhaps we can also exchange favorite movie lines 



*“Freedom doesn’t come
with a piece of paper.
A piece of paper
doesn’t end a long
history of intentional
and purposeful
discrimination. Ignorance
is our greatest enemy . . .
excluding someone from society
simply because of disability is
WRONG.”*

**~ William Jefferson “Bill” Clinton,
42nd President of the United States
National Teleconference Address
sponsored by Justice For All**