

American Federation of Labor and Congress of Industrial Organizations



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Via First Class Mail and Email

August 2, 2012

Stephen S. Lazarus, Esq.
Hardin, Lazarus & Lewis, LLC
915 Cincinnati Club Building
30 Garfield Place
Cincinnati, OH 45202-4322

Dear Mr. Lazarus:

Enclosed please find the decision of the AFL-CIO Executive Council's Ethical Practices Committee concerning AFSCME's complaint of law firm dual unionism against the Hardin, Lazarus firm. As you will see, the Committee has determined that the law firm should be placed on the AFL-CIO's Do Not Patronize list.

If you have any questions, please contact AFL-CIO General Counsel Lynn Rhinehart at 202-637-5155.

Sincerely,


Richard L. Trumka
President

Enclosure

cc: Veda Shook, Chair, Ethical Practices Committee
Liz Shuler, Vice Chair, Ethical Practices Committee
Mike Goodwin, Member, Ethical Practices Committee
Roy Flores, Member, Ethical Practices Committee
Arlene Holt Baker, Executive Vice President, AFL-CIO
Lee Saunders, President, AFSCME
Tim Burga, President, Ohio State AFL-CIO
Doug Sizemore, President, Cincinnati AFL-CIO
Jack Dempsey, General Counsel, AFSCME

BEFORE THE ETHICAL PRACTICES COMMITTEE OF THE AFL-CIO

_____)
In the Matter of)
)
the American Federation of State,)
)
County, and Municipal Employees)
)
Complaint against the Law Firm of)
)
Hardin, Lazarus & Lewis, LLC)
_____)

DECISION

The American Federation of State, County and Municipal Employees (AFSCME) has asked the Ethical Practices Committee to reconsider its decision of June 22, 2012. In that decision, the Committee found that attorney Steve Lazarus violated the AFL-CIO’s May 2001 policy against Law Firm Dual Unionism, but deferred placing Lazarus on the AFL-CIO’s Do Not Patronize list due to the firm’s professed lack of awareness of the policy. Lazarus has responded to AFSCME’s request and has urged the Committee to reaffirm its initial decision.

A brief review of the chronology of events is useful in providing the context for this decision. AFSCME first brought this case to the AFL-CIO on April 18, 2012. At that time, AFSCME was facing a decertification election among a unit of 600 employees in Hamilton County, Ohio due to a petition filed by attorney Lazarus on behalf of the newly-formed Hamilton County JFS Association.

In late April, the Ohio AFL-CIO and several unions met with Lazarus to express their unhappiness with his activities and to try to find a resolution to this case. Those efforts were unsuccessful.

On May 10, 2012, the AFL-CIO formally contacted Lazarus about AFSCME’s complaint and requested a response. Lazarus provided a response on May 18 in which he asserted a lack of knowledge of the Law Firm Dual Unionism policy and argued that the policy should be reconsidered by the AFL-CIO, or at least not be applied against him in this case.

The Ohio state employment relations board conducted an election from May 18 – June 4. AFSCME prevailed.


On June 22, the Ethical Practices Committee issued its decision in this case. Earlier that very same day, Lazarus filed election objections with the state PERB. The

election objections raise the same issues presented in unfair labor practice charges Lazarus filed prior to the election. AFSCME points out that Lazarus could have asked to delay the election when he initially filed his ULP charges, but he did not – he entered into an agreement for the election to take place. Then, once the election results were in, Lazarus filed objections after the fact, seeking to have the election results set aside and the election rerun.


Thus, the record shows that in the two months that Lazarus was on explicit notice about the law firm dual unionism policy and AFSCME's complaint against him and his law firm under the policy, Lazarus did not alter his actions in any way to reflect acknowledgment or respect for the policy or an appreciation of its importance to the labor movement. He did not find different counsel for the decertification group and step aside, as other lawyers made aware of the policy have done in other cases. Instead, he took an antagonistic course of action, retained his representation of the group, and actively worked to overturn the election and prolong the election process – activities which continue to this day.

Under these circumstances, the Committee believes that placement of the Hardin, Lazarus firm on the AFL-CIO's Do Not Patronize list is warranted.


Dated: August 1, 2012



Veda Shook, Chair



Elizabeth H. Shuler, Vice Chair



Michael Goodwin*

* Vice President Rogelio Flores was not able to participate in the Committee's initial meeting on this case so did not participate in this decision. Vice President Lee Saunders, also member of the Committee, was recused from participating in this case because the complaint was brought by his union.