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Columbia Business Law Review Spring Symposium 2000 Issue (Introduction)

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INTRODUCTION: THE CHANGING WORKPLACE IN THE NEW MILLENNIUM

COLUMBIA BUSINESS LAW REVIEW SPRING SYMPOSIUM 2000 ISSUE

The turn of the millennium provided us with a great opportunity for reflection. Old, well-entrenched concepts were reexamined and questioned. Fresh, different and exciting doctrines emerged, aiming to replace "Old World" concepts with better ones. One of the issues that caught the attention of scholars from a wide spectrum of disciplines was that of the workplace's changing nature. Central to our daily lives, the workplace is no longer perceived as merely "the place in which we work." Rather, recent commentators have recognized that the site in which we spend most of our lives is multidimensional, responding to a wide array of social functions and needs.

On March 28, 2000, the *Columbia Business Law Review* hosted its Spring Symposium entitled "The Changing Workplace in the New Millennium." The symposium, which brought together legal scholars and thinkers from around the country, sought to address many current labor and employment law issues, as well as some which are likely to arise in the years to come. This issue of the *Business Law Review* is dedicated to that symposium.

Five panels, each hosting two speakers with a Columbia Law School faculty member serving as moderator, presented their ideas. The first panel, entitled "Mobility in Global and Local Labor Markets" hosted Professor David Charny, the David Berg Professor of Law at Harvard Law School, and Justine Nolan, Director of the Business and Human Rights Program for the Lawyers Committee for Human Rights. The discussion was moderated by Professor Lance Liebman, the William S. Beinecke Professor of Law at Columbia Law School and Director of the American Law Institute. Ms. Nolan's presentation, "International Standards To Promote Labor Rights: The Role of the US Government" is included in this issue.

The second panel debated "What Role for Trade Unions in the 21st Century?" The panel included Professor Samuel Estreicher of NYU School of Law and Professor Michael Gottesman of Georgetown University Law Center. Moderating the panel was Professor Mark Tushnet, the Carmack Waterhouse Professor of Constitutional Law at Georgetown University Law Center and a Visiting Professor at Columbia Law School last spring. Professor Estreicher's presentation, "Deregulating Union Democracy" is included in this issue.

"Screening the Workforce of the Future," the third panel of the day, included talks by Professor Mark Rothstein, the Hugh Roy and Lillie Cranz Cullen Distinguished Professor of Law at the University of Houston Law Center and Director of the Health Law and Policy Institute, and by Professor Matthew Finkin, the Albert J. Harno Professor of Law at the University of Illinois College of Law. Professor Eben Moglen of Columbia Law School moderated the discussion which focused on individual rights in a future of DNA testing and other scientific and technological developments. Both Professor Finkin's and Rothstein's papers are published here.

The fourth panel of the symposium, "ADR in the Workplace," focused on the future of alternative dispute resolution as a means of resolving labor disputes. Professor Carol Liebman, Clinical Professor of Law at Columbia Law School, moderated the group-participation panel which included Professor Homer La Rue of Howard University School of Law and Margaret Shaw, Adjunct Professor at NYU School of Law and Principal of ADR Associates, LLC. Both Professors La Rue and Shaw are regularly involved in labor dispute resolution. Rather than lecturing on ADR in the workplace, the panel involved all participants in a model mediation session, highlighting some of the difficulties and suggesting solutions to common problems. Professor La Rue's article, "The Changing Workplace Environment in the New Millennium: ADR Is a Dominant Trend in the Workplace" discusses many of these issues.

The last panel of the day, "Discrimination in the Workplace of Today and Tomorrow" addressed the issue of Title VII and employment discrimination. The panel involved three of our own Columbia Law School professors: Professor Cynthia Estlund, who teaches property, labor, and employment law, spoke first; Professor Susan Sturm, who was then a Visiting Professor from the University of Pennsylvania Law School and is now a Professor of Law here at Columbia, spoke second; and Professor Mark Barenberg, who teaches labor law at Columbia, served as moderator. Professor Estlund's paper, "The Changing Workplace as a Locus of Integration in a Diverse Society" is included in this issue.

By all accounts, the CBLR Spring Symposium 2000 was a tremendous achievement. It could not have succeeded without the help and efforts of many people. We would first like to thank all of the Symposium speakers and moderators for their instruction and insight. We would also like to acknowledge the work of the staff of the *Columbia Business Law Review*. In particular, we would like to recognize Jeff Korn, last year's Editor-in-Chief and Jill Sperber, last year's Senior Articles Editor. Jeff and Jill were responsible for initially developing the topic and framework for the symposium. We would also like to thank the members of the Symposium Committee who brought the symposium to fruition: Julie Anderson, Liz Braha, David Liu, Jane Pollack, Lena Shulga and Shana Steinfeld.

Finally, we would like to extend a special thanks to Professor Lance Liebman. Accompanying the project from inception, Professor Liebman supported us with his advice, good will, vast experience and, most of all, endless patience: All were invaluable to the creation of this symposium.

Cara L. Freedman
Editor-in-Chief

New York, NY
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Doron Kalir
Symposium Editor, 2000



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