

From: **Barron, Paul L** pbarron@tulane.edu
Subject: Neutrality Policy
Date: May 6, 2016 at 10:48 AM
To: **Barron, Paul L** pbarron@tulane.edu, **Wisdom, Rachel W.** RWisdom@stonepigman.com,
lusher-board-and-administrators@googlegroups.com
Cc: **Richard Cortizas** [REDACTED], **Alysia Loshbaugh** [REDACTED]

Dear Board Members,

I have tried to refrain from the email discussion regarding the impending NLRB union election so as to not further exacerbate the situation. While I know that some of you are less than happy with me, I hope that you will find my email only as a way to make my view known and I hope that it is not viewed as hyperbole.

We are obviously strongly divided on the method of resolving the issue of union representation of the Lusher teachers and other related employees. Five of us favored representation of the union without an election. As they indicated, they felt that the cost of the election route was hurtful for Lusher. In taking that position, these board members were not indicating whether or not they favor unions. Six of us felt that the assertion that a majority of the teachers preferred representation was unclear. As a result, they preferred the NLRB run election. As with the other five, the six board members were not indicating by their vote, there position as to whether or not they favor union representation of the Lusher teachers. There was a full discussion of the reasons for one route or the other. The vote resolved the election route Lusher should take. This issue has been resolved.

In my experience such as it is, the decision to go the election route indicated that the owner or the board of a private company was opposed to unionization. While some of us may have a view regarding opposition to the union that is not what is happening in this case. Because of that division noted above, the board, at a special meeting, adopted a resolution that it would not take a position, referred to as the neutrality policy.

The neutrality policy states:

WHEREAS the consensus opinion of the Board is to allow all of the Lusher teachers an opportunity to be heard, consider all relevant information reasonably available, and to vote in a fair election;

I assume that all of the members of the board understood that the administrative team are opposed to unionization of Lusher's teachers because they felt it would be destructive for Lusher. The above provision raises the question as to whether

the administration may voice their view in a public way.

I believe that the neutrality policy has two provisions that bear on that question. They are the following:

WHEREAS the Board desires to ensure that all of the teachers at Lusher can and should have an open, polite, rational discourse on the matter, free from any hostility, intimidation or undue pressure from anyone;

WHEREAS the Board therefore recognizes that school administrators may share all information and views, as permitted by law, that they deem necessary or appropriate for all Lusher teachers to make a sound and fully informed decision;

One could read the first provision as limiting views of only the teachers which does not include the administration. However, the second provision expressly states that the administration may not only share information but also their views, whatever they may be.

I note that the second provision was added to the initial draft of the neutrality policy. Rachel suggested the addition of the second provision which included the reference to “views”. This inclusion was agreed to by the drafter of the policy.

For those of us who are lawyers, there is generally agreement that there are rules for resolving seemingly contrary provisions of the statute. One of those rules is that if the provision is general and one that is specific, the specific provision should be adhered to.

Obviously, I believe that the specific provision controls and allows administration to state its views so long as they are not in violation of the NLRB limitations. The letter that administration sent to the teachers was approved by Mag. I had not read the letter before it was sent but it does not seem to be in violation of the NLRB rules or the neutrality policy.

Again, I hope that this email is not viewed by anyone on the board as either impolite or strident.

Regards,

Paul

Paul Barron

The Class of 1937 Professor of Law (Emeritus)

Tulane Law School

6329 Freret Street

New Orleans, LA 70118

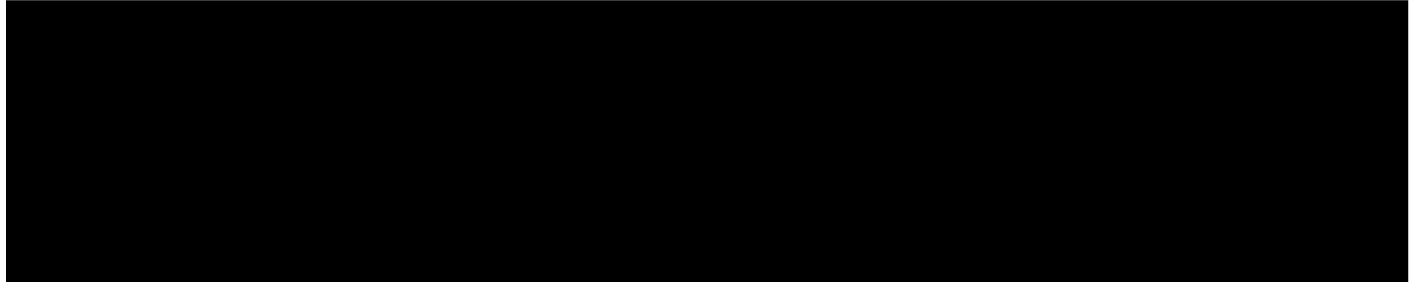
Voice 504-865-5986

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: UTL/Advocates for Arts-Based Education (Client Communication Subject to Privilege)
Date: May 4, 2016 at 11:04 AM
To: Bryant, Camille cbryant@mcglinchey.com, blecesne@loyno.edu, Wisdom, Rachel W. rwisdom@stonepigman.com,
Chunlin Leonhard leonhard@loyno.edu, Whelan, Carol S cwhelan@tulane.edu, reuben.teague@prudential.com,
Alysia Loshbaugh aloshbaugh@gmail.com, Salzer, Ann K asalzer@tulane.edu, rco [REDACTED], kiki huston
[REDACTED], Andrea Armstrong [REDACTED]
Cc: Bickford, Mag mbickford@mcglinchey.com, Kathy Riedlinger (kathy_riedlinger@lusherschool.org)
kathy_riedlinger@lusherschool.org

Camille:



Regards,

Paul

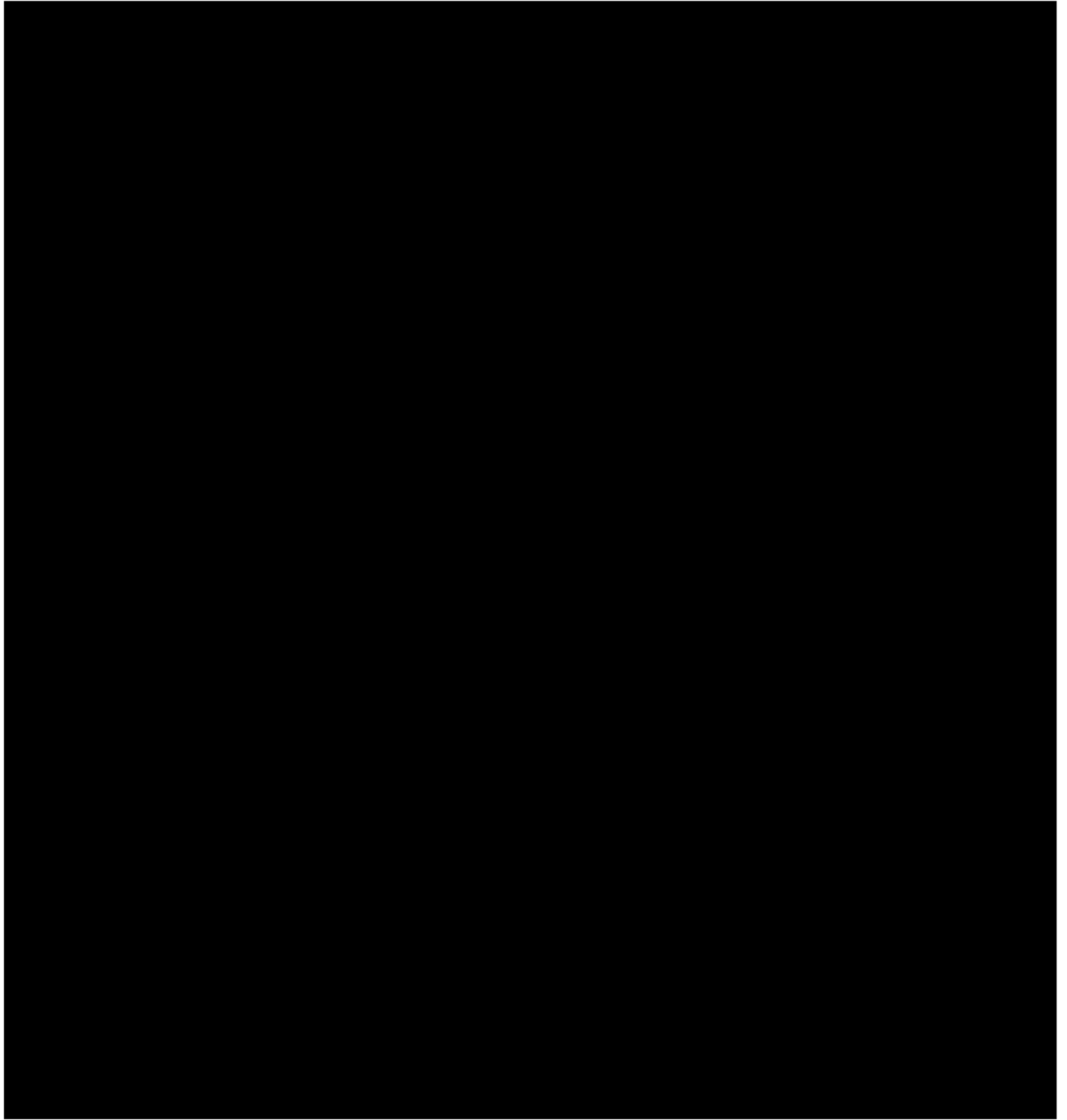
Paul Barron

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From: Bryant, Camille [<mailto:cbryant@mcglinchey.com>]
Sent: Wednesday, May 04, 2016 10:40 AM
To: blecesne@loyno.edu; Wisdom, Rachel W. <rwisdom@stonepigman.com>; Barron, Paul L <pbarron@tulane.edu>; Chunlin Leonhard <leonhard@loyno.edu>; Whelan, Carol S <cwhelan@tulane.edu>; reuben.teague@prudential.com; Alysia Loshbaugh <[REDACTED]>; Salzer, Ann K <asalzer@tulane.edu>; rco [REDACTED]; kiki huston [REDACTED]; Andrea Armstrong [REDACTED]
Cc: Bickford, Mag <mbickford@mcglinchey.com>; Kathy Riedlinger (kathy_riedlinger@lusherschool.org) <kathy_riedlinger@lusherschool.org>
Subject: UTL/Advocates for Arts-Based Education (Client Communication Subject to Privilege)

All:



Best regards,
Camille

Camille K. Bryant

direct: (504) 596-2763
fax: (504) 596-2800
email: cbryant@mcglinchey.com
office: 601 Poydras St, Ste 1200 | New Orleans, LA 70130



[bio](#) | [vcard](#) | www.mcglinchey.com | www.cafalawblog.com

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: [Lusher] May 14 meeting -- poll
Date: May 4, 2016 at 8:55 AM
To: Wisdom, Rachel W. RWisdom@stonepigman.com, lusher-board-and-administrators@googlegroups.com

We have friends in town over the weekend because of graduation and I am not able to attend the meeting on the 14th. However, at this time, I am able to attend a meeting on the 21st. I have placed that on my calendar in the event that there is no meeting on the 14th.

Paul Barron

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New Orleans, LA 70118
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From: lusher-board-and-administrators@googlegroups.com [mailto:lusher-board-and-administrators@googlegroups.com] **On Behalf Of** Wisdom, Rachel W.
Sent: Tuesday, May 03, 2016 8:22 PM
To: lusher-board-and-administrators@googlegroups.com
Subject: [Lusher] May 14 meeting -- poll

I have heard from board members who, like me, have conflicts on 5/14.

So, I am polling to try to ascertain if we will have a quorum.

Please let me know whether you can attend.

Thank you.

Rachel W. Wisdom
Stone Pigman Walther Wittmann L.L.C.
546 Carondelet Street
New Orleans, Louisiana 70130
Direct Dial: (504)593-0911
Direct Fax: (504)596-0911

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For more options, visit <https://groups.google.com/d/optout>.

--

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To post to this group, send email to lusher-board-and-administrators@googlegroups.com.

For more options, visit <https://groups.google.com/d/optout>.

From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: Advocates for Arts-Based Education (Lusher) and United Teachers of New Orleans Attorney Client Communication subject to privilege
Date: April 29, 2016 at 10:40 AM
To: blecesne@loyno.edu
Cc: Wisdom, Rachel W. rwisdom@stonepigman.com, Richard Cortizas [REDACTED], Chunlin Leonhard leonhard@loyno.edu, Bickford, Mag mbickford@mcglinchey.com, Whelan, Carol S cwhelan@tulane.edu, reuben teague@prudential.com, Alysia Loshbaugh [REDACTED], Andrea Armstrong [REDACTED], Salzer, Ann K asalzer@tulane.edu, kiki huston [REDACTED], Kathy Riedlinger kathy_riedlinger@luserschool.org, Bryant, Camille cbryant@mcglinchey.com, Fullmer, Susan sfullmer@mcglinchey.com

I'm tired of this back-and-forth because it achieves nothing. Nevertheless, I resent the suggestion that I do not act in good faith.

Paul Barron
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-----Original Message-----

From: blecesne@loyno.edu [mailto:blecesne@loyno.edu]
Sent: Friday, April 29, 2016 10:14 AM
To: Barron, Paul L <pbarron@tulane.edu>
Cc: Wisdom, Rachel W. <rwisdom@stonepigman.com>; 'blecesne@loyno.edu' <blecesne@loyno.edu>; Richard Cortizas [REDACTED]; Chunlin Leonhard <leonhard@loyno.edu>; Bickford, Mag <mbickford@mcglinchey.com>; Whelan, Carol S <cwhelan@tulane.edu>; reuben.teague@prudential.com; Alysia Loshbaugh [REDACTED]; Andrea Armstrong [REDACTED]; Salzer, Ann K <asalzer@tulane.edu>; kiki huston [REDACTED]; Kathy Riedlinger <kathy_riedlinger@luserschool.org>; Bryant, Camille <cbryant@mcglinchey.com>; Fullmer, Susan <sfullmer@mcglinchey.com>
Subject: RE: Advocates for Arts-Based Education (Lusher) and United Teachers of New Orleans Attorney Client Communication subject to privilege

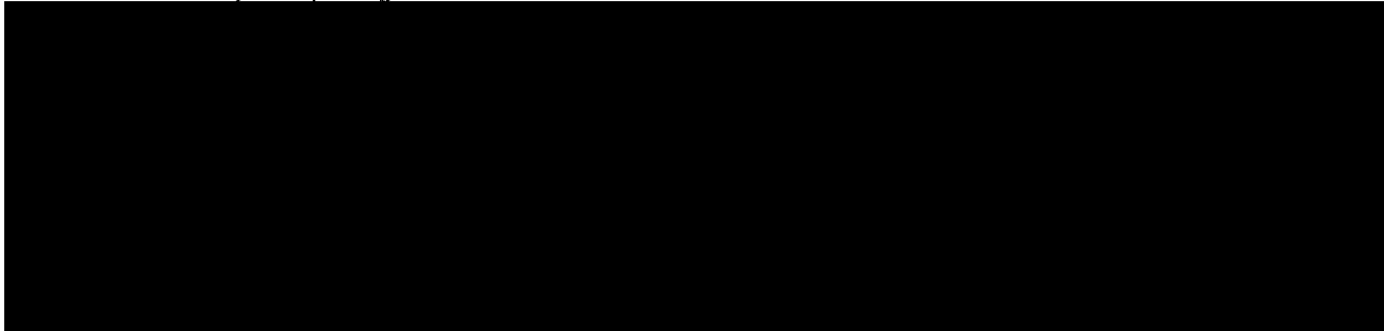
As we debate this issue in a public meeting, I, and I'm sure the public, would be most interested in hearing your reasons for pivoting so quickly from your publicly stated, and widely reported, position of neutrality to one of obstruction, i.e, having a "plan B" to negate an election just in case the union wins. You used your purported concern over the uncertainty of the petition signatures to persuade the Board to have a clarifying election, the results of which you repeatedly promised to honor. Moving the goal post now offends the most basic notions of fair play. Yes, you can change your mind, but good faith matters too.

Blaine

Blaine:
I have changed my mind. I think this is my to do so.
Paul Barron
The Class of 1937 Professor of Law (Emeritus) Tulane Law School
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From: Wisdom, Rachel W. [mailto:RWisdom@stonepigman.com]
Sent: Friday, April 29, 2016 8:18 AM
To: 'blecesne@loyno.edu' <blecesne@loyno.edu>; Barron, Paul L <pbarron@tulane.edu>
Cc: Richard Cortizas [REDACTED]; Chunlin Leonhard <leonhard@loyno.edu>; Bickford, Mag <mbickford@mcglinchey.com>; Whelan, Carol S <cwhelan@tulane.edu>; reuben.teague@prudential.com; Alysia Loshbaugh [REDACTED] Andrea Armstrong [REDACTED]; Salzer, Ann K <asalzer@tulane.edu>; kiki huston <kikihuston@yahoo.com>; Kathy Riedlinger <kathy_riedlinger@lusherschool.org>; Bryant, Camille <cbryant@mcglinchey.com>; Fullmer, Susan <sfullmer@mcglinchey.com>
Subject: RE: Advocates for Arts-Based Education (Lusher) and United Teachers of New Orleans Attorney Client Communication subject to privilege



From: blecesne@loyno.edu <mailto:blecesne@loyno.edu> [mailto:blecesne@loyno.edu]
Sent: Thursday, April 28, 2016 11:05 PM
To: Barron, Paul L
Cc: blecesne@loyno.edu <mailto:blecesne@loyno.edu>; Richard Cortizas; Chunlin Leonhard; Wisdom, Rachel W.; Bickford, Mag; Whelan, Carol S; reuben.teague@prudential.com <mailto:reuben.teague@prudential.com>; Alysia Loshbaugh; Andrea Armstrong; Salzer, Ann K; kiki huston; Kathy Riedlinger; Bryant, Camille; Fullmer, Susan
Subject: RE: Advocates for Arts-Based Education (Lusher) and United Teachers of New Orleans Attorney Client Communication subject to privilege

Paul,
If the union wins, contesting jurisdiction directly contradicts what you and others who wanted an election have used to justify an election--that you wanted a clear indication by way of secret election as to the teachers' desire to unionize. You have said repeatedly that if more than 50% wanted a union, you would definitely honor that choice. Rachel, you have said the same. Now you are saying that if UTL wins, you would try to overturn the election with a jurisdictional challenge. How do you reconcile or justify such a contradiction?

Blaine
Folks:
indicating that we will contest jurisdiction is different from actually doing it. The a decision can be made after the vote given the fact that the matter of jurisdiction will be litigated. If the union does not win then placing this in the brief will be moot. If the union wins, a decision

as to whether going forward with the contesting jurisdiction can be made.
As a result, I would urge us to add it in our brief.

Paul
Paul Barron
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-----Original Message-----

From: bleecesne@loyno.edu<mailto:bleecesne@loyno.edu>
[mailto:bleecesne@loyno.edu]
Sent: Thursday, April 28, 2016 10:19 PM
To: Richard Cortizas

Cc: Chunlin Leonhard <leonhard@loyno.edu<mailto:leonhard@loyno.edu>>;
Wisdom, Rachel W.

<rwisdom@stonepigman.com<mailto:rwisdom@stonepigman.com>>; Bickford,

Mag

<mbickford@mcglinchey.com<mailto:mbickford@mcglinchey.com>>;
bleecesne@loyno.edu<mailto:bleecesne@loyno.edu>; Barron, Paul L
<pbarron@tulane.edu<mailto:pbarron@tulane.edu>>; Whelan, Carol S
<cwhelan@tulane.edu<mailto:cwhelan@tulane.edu>>;

reuben.teague@prudential.com<mailto:reuben.teague@prudential.com>;

Alysia Loshbaugh

<[REDACTED]>; Andrea Armstrong

Salzer, Ann K <asalzer@tulane.edu<mailto:asalzer@tulane.edu>>;

kiki huston <[REDACTED]>
Kathy

Riedlinger

<kathy_riedlinger@lusherschool.org<mailto:kathy_riedlinger@lusherscho
ol.org>>;

Bryant, Camille

<cbryant@mcglinchey.com<mailto:cbryant@mcglinchey.com>>; Fullmer,
Susan

<sfullmer@mcglinchey.com<mailto:sfullmer@mcglinchey.com>>

Subject: Re: Advocates for Arts-Based Education (Lusher) and United
Teachers of New Orleans Attorney Client Communication subject to privilege

Please think about what we would be doing. We are already going to
spend
\$30,000-50,000 on a bitter, divisive election. The union will likely
win that election and we will then spend another \$50,000-75,000 on
the

collective bargaining process. Now some of us, solely at the CEO's urging,

want to spend another who knows what on a frivolous "hail mary"

jurisdiction contest. We are digging a financial hole that is a waste of

corporate assets, breach of fiduciary duty, and unsound business practice.

On top of all that, this reckless course of action contravenes our
clear policy of neutrality which is only hours old.

Blaine

<[REDACTED]> and with all due respect to Paul's opinion..how

are

we different from the other Charters that have been successful on this challenge? What authorities have successfully
decided jurisdiction over Charters? Just curious? Thank you

Sent from my iPhone

On Apr 28, 2016, at 9:42 PM, Chunlin Leonhard
<leonhard@loyno.edu<mailto:leonhard@loyno.edu>>
wrote:

[REDACTED] I then researched this issue myself and read many of the NLRB cases on its jurisdiction over charter schools and talked to another labor law expert. The weight of the authority favors jurisdiction over charter schools. We will most likely lose the jurisdictional battle and waste hundreds of thousands of dollars in legal fees in the process.

This position also contradicts the Board resolution that we just adopted today. The Board's official position is neutral. It is anything but neutral for us now to take a position against the NLRB jurisdiction and trying to avoid an election (which, by the way, will not be successful because as Mag pointed out in her email that the Board will not decide the issue until after the election).

From: Wisdom, Rachel W. [mailto:RWisdom@stonepigman.com]
Sent: Thursday, April 28, 2016 9:16 PM
To: 'Bickford, Mag'
<mbickford@mcglinchey.com<mailto:mbickford@mcglinchey.com>>;
Richard

Cortizas

[REDACTED]
Cc: biecesne@loyno.edu<mailto:biecesne@loyno.edu>; Barron, Paul L
<pbarron@tulane.edu<mailto:pbarron@tulane.edu>>; Chunlin
Leonhard <leonhard@loyno.edu<mailto:leonhard@loyno.edu>>; Whelan,
Carol S <cwhelan@tulane.edu<mailto:cwhelan@tulane.edu>>;
reuben.teague@prudential.com<mailto:reuben.teague@prudential.com>;

Alysia Loshbaugh

[REDACTED]; Andrea
Armstrong

Salzer, Ann K

<asalzer@tulane.edu<mailto:asalzer@tulane.edu>>; kiki huston
[REDACTED]; Kathy
Riedlinger
<kathy_riedlinger@luserschool.org<mailto:kathy_riedlinger@lusersc
hool.org>>;

Bryant, Camille

<cbryant@mcglinchey.com<mailto:cbryant@mcglinchey.com>>; Fullmer,
Susan <sfullmer@mcglinchey.com<mailto:sfullmer@mcglinchey.com>>
Subject: RE: Advocates for Arts-Based Education (Lusher) and United Teachers of New Orleans Attorney Client
Communication subject to privilege

Do I have your agreement Richard? And You Blaine, Alysia and Paul?

From: Bickford, Mag [mailto:mbickford@mcglinchey.com]

Sent: Thursday, April 28, 2016 9:05 PM
To: Richard Cortizas
Cc: biecesne@loyno.edu<mailto:biecesne@loyno.edu>; Wisdom, Rachel
W;

Barron, Paul L; Chunlin

Leonhard; Whelan, Carol S;
reuben.teague@prudential.com<mailto:reuben.teague@prudential.com>;

Alysia

Loshbaugh; Andrea Armstrong; Salzer, Ann K; kiki huston; Kathy

Riedlinger; Bryant, Camille; Fullmer, Susan

Subject: Re: Advocates for Arts-Based Education (Lusher) and United
Teachers of New Orleans Attorney Client Communication subject to privilege

Sent from my iPhone

On Apr 28, 2016, at 8:57 PM, Richard Cortizas

wrote:
Mag,

[REDACTED]

Again, thank you.

Richard

Sent from my iPhone

On Apr 28, 2016, at 8:30 PM, Bickford, Mag

<mbickford@mcglinchey.com<<mailto:mbickford@mcglinchey.com>>>

wrote:

[REDACTED]

Mag

Magdalen Blessey Bickford

direct:

fax:

email:

office:

(504) 596-2726

(504) 910-6944

mbickford@mcglinchey.com<mailto:mbickford@mcglinchey.com>

601 Poydras St, Ste 1200 | New Orleans, LA 70130 <image001.gif> ®

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Mississippi, New York, Ohio, Texas, and Washington DC and

McGlinchey

Stafford, LLP in California.

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<4614_001.pdf>

From: **Barron, Paul L** pbarron@tulane.edu
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Blaine:


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Paul Barron

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Cc: Richard Cortizas <[REDACTED]>; Chunlin Leonhard <leonhard@loyno.edu>; Bickford, Mag <mbickford@mcglinchey.com>; Whelan, Carol S <cwhelan@tulane.edu>; reuben.teague@prudential.com; Alysia Loshbaugh <[REDACTED]>; Andrea Armstrong <[REDACTED]>; Salzer, Ann K <asalzer@tulane.edu>; kiki huston <[REDACTED]>; Kathy Riedlinger <kathy_riedlinger@lusherschool.org>; Bryant, Camille <cbryant@mcglinchey.com>; Fullmer, Susan <sfullmer@mcglinchey.com>
Subject: RE: Advocates for Arts-Based Education (Lusher) and United Teachers of New Orleans Attorney Client Communication subject to privilege



From: blecesne@loyno.edu [mailto:blecesne@loyno.edu]

Sent: Thursday, April 28, 2016 11:05 PM

To: Barron, Paul L

Cc: blecesne@loyno.edu; Richard Cortizas; Chunlin Leonhard; Wisdom, Rachel W.; Bickford, Mag; Whelan, Carol S; reuben.teague@prudential.com; Alysia Loshbaugh; Andrea Armstrong; Salzer, Ann K; kiki huston; Kathy Riedlinger; Bryant, Camille; Fullmer, Susan

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Paul,

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Blaine

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> then placing this in the brief will be moot. If the union wins, a decision
> as to whether going forward with the contesting jurisdiction can be made.

>

> As a result, I would urge us to add it in our brief.

>

> Paul

>

> Paul Barron

> The Class of 1937 Professor of Law (Emeritus)

> Tulane Law School

> 6329 Freret Street

> New Orleans, LA 70118

> Voice 504-865-5986

> Fax 504-862-8846

>

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>
>

> -----Original Message-----

> From: blecesne@loyno.edu [mailto:blecesne@loyno.edu]

> Sent: Thursday, April 28, 2016 10:19 PM

> To: Richard Cortizas [REDACTED]

> Cc: Chunlin Leonhard <leonhard@loyno.edu>; Wisdom, Rachel W.

> <rwisdom@stonepigman.com>; Bickford, Mag <mbickford@mcglinchey.com>;

> blecesne@loyno.edu; Barron, Paul L <pbarron@tulane.edu>; Whelan, Carol S

> <cwhelan@tulane.edu>; reuben.teague@prudential.com; Alysia Loshbaugh

> [REDACTED]; Andrea Armstrong

> [REDACTED]; Salzer, Ann K <asalzer@tulane.edu>;

> kiki huston [REDACTED]; Kathy Riedlinger

> <kathy_riedlinger@lusherschool.org>; Bryant, Camille

> <cbryant@mcglinchey.com>; Fullmer, Susan <sfullmer@mcglinchey.com>

> Subject: Re: Advocates for Arts-Based Education (Lusher) and United

> Teachers of New Orleans Attorney Client Communication subject to privilege

>

> Please think about what we would be doing. We are already going to spend

> \$30,000-50,000 on a bitter, divisive election. The union will likely win

> that election and we will then spend another \$50,000-75,000 on the

> collective bargaining process. Now some of us, solely at the CEO's urging,

> want to spend another who knows what on a frivolous "hail mary"

> jurisdiction contest. We are digging a financial hole that is a waste of

> corporate assets, breach of fiduciary duty, and unsound business practice.

> On top of all that, this reckless course of action contravenes our clear

> policy of neutrality which is only hours old.

>

> Blaine

>

>

>

>> [REDACTED] and with all due respect to Paul's opinion..how are

>> we different from the other Charters that have been successful on this

>> challenge? What authorities have successfully decided jurisdiction

>> over Charters? Just curious? Thank you

>>

>> Sent from my iPhone

>>

>>> On Apr 28, 2016, at 9:42 PM, Chunlin Leonhard <leonhard@loyno.edu>

>>> wrote:

>>>

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>>>

>>> [REDACTED] I then researched this

>>> issue myself and read many of the NLRB cases on its jurisdiction over

>>> charter schools and talked to another labor law expert. The weight

>>> of the authority favors jurisdiction over charter schools. We will

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>>> anything but neutral for us now to take a position against the NLRB
>>> jurisdiction and trying to avoid an election (which, by the way, will
>>> not be successful

>>>

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>>>

>>> From: Wisdom, Rachel W. [<mailto:RWisdom@stonepigman.com>]
>>> Sent: Thursday, April 28, 2016 9:16 PM
>>> To: 'Bickford, Mag' <mbickford@mcglinchey.com>; Richard Cortizas
>>> [REDACTED]
>>> Cc: blecesne@loyno.edu; Barron, Paul L <pbarron@tulane.edu>; Chunlin
>>> Leonhard <leonhard@loyno.edu>; Whelan, Carol S <cwhelan@tulane.edu>;
>>> reuben.teague@prudential.com; Alysia Loshbaugh
>>> [REDACTED]; Andrea Armstrong
>>> [REDACTED]; Salzer, Ann K
>>> <asalzer@tulane.edu>; kiki huston <kiki.huston@mcglinchey.com>; Kathy
>>> Riedlinger <kathy_riedlinger@lusherschool.org>; Bryant, Camille
>>> <cbryant@mcglinchey.com>; Fullmer, Susan <sfullmer@mcglinchey.com>
>>> Subject: RE: Advocates for Arts-Based Education (Lusher) and United
>>> Teachers of New Orleans Attorney Client Communication subject to
>>> privilege

>>>

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>>>

>>> Do I have your agreement Richard? And You Blaine, Alysia and Paul?

>>>

>>> From: Bickford, Mag [<mailto:mbickford@mcglinchey.com>]
>>> Sent: Thursday, April 28, 2016 9:05 PM
>>> To: Richard Cortizas
>>> Cc: blecesne@loyno.edu; Wisdom, Rachel W.; Barron, Paul L; Chunlin
>>> Leonhard; Whelan, Carol S; reuben.teague@prudential.com; Alysia
>>> Loshbaugh; Andrea Armstrong; Salzer, Ann K; kiki huston; Kathy
>>> Riedlinger; Bryant, Camille; Fullmer, Susan
>>> Subject: Re: Advocates for Arts-Based Education (Lusher) and United
>>> Teachers of New Orleans Attorney Client Communication subject to
>>> privilege

>>>

>>>

>>>

>>> Sent from my iPhone

>>>

>>> On Apr 28, 2016, at 8:57 PM, Richard Cortizas <[REDACTED]>

>>> wrote:

>>>

>>> Mag,

>>> [REDACTED]

>>>

>>> [REDACTED]

>>> Again, thank you.

>>> Richard

>>>

>>> Sent from my iPhone

>>>

>>> On Apr 28, 2016, at 8:30 PM, Bickford, Mag <mbickford@mcglinchey.com>

>>> wrote:

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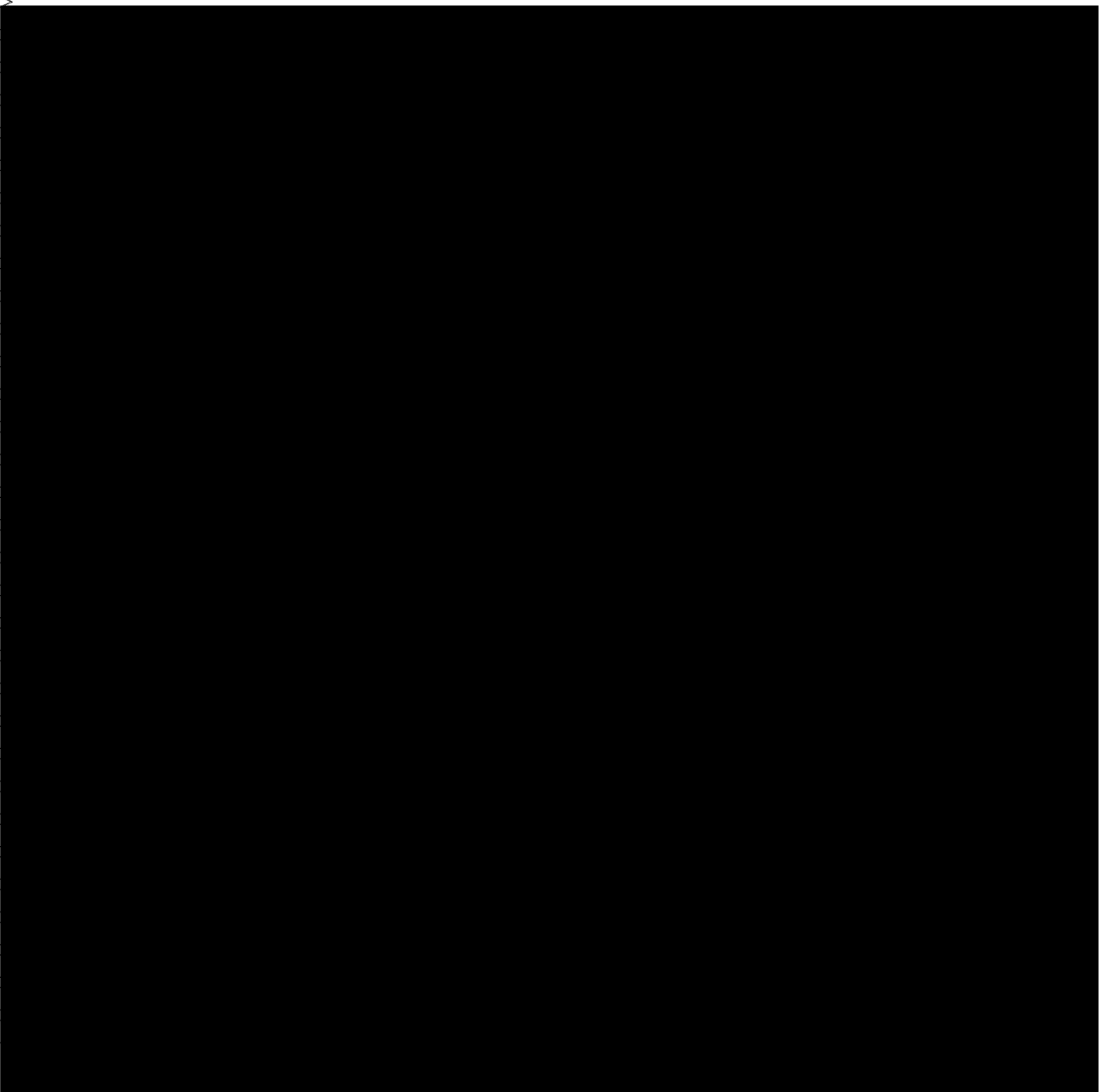
>>>

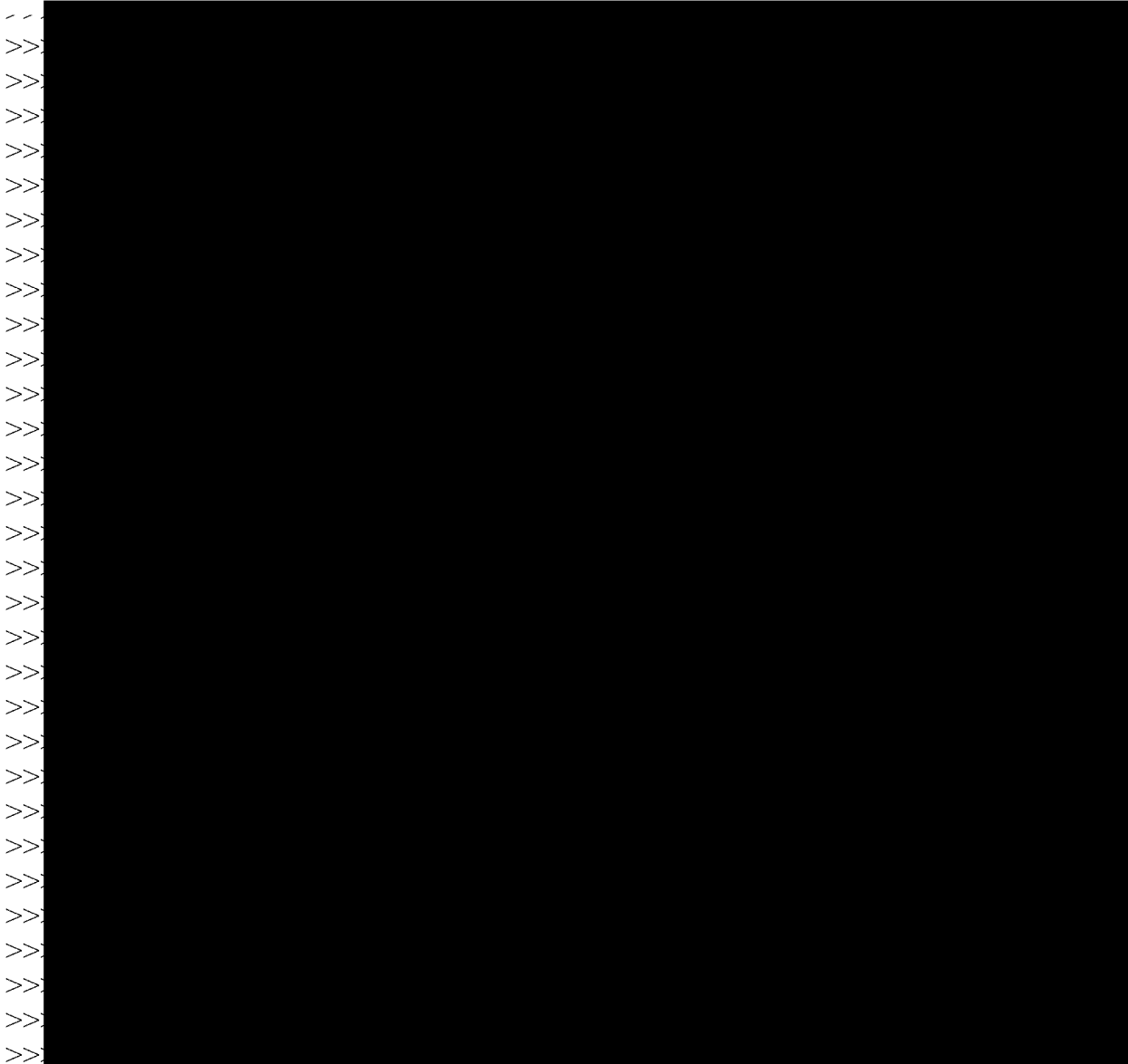
>>>

>>>

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>>> Mag

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>>>

>>> Magdalen Blessey Bickford

>>> direct:

>>> fax:

>>> email:

>>> office:

>>> (504) 596-2726

>>> (504) 910-6944

>>> mbickford@mcglinchey.com

>>> 601 Poydras St, Ste 1200 | New Orleans, LA 70130 <image001.gif> ®

>>>

>>> bio | vcard | www.mcglinchey.com | www.cafalawblog.com

>>>

>>>

>>>

>>> www.mcglinchey.com | www.CafaLawBlog.com

>>>

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>>> Poydras Street, New Orleans, LA, 70130 via the United States Postal
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>>> <http://www.mcglinchey.com/disclaimer/>

>>> <4614_001.pdf>

>>

>

>

>

From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: Advocates for Arts-Based Education (Lusher) and United Teachers of New Orleans Attorney Client Communication subject to privilege
Date: April 28, 2016 at 10:47 PM
To: blecesne@loyno.edu, **Richard Cortizas** rcortizas@yahoo.com
Cc: **Chunlin Leonhard** leonhard@loyno.edu, **Wisdom, Rachel W.** rwisdom@stonepigman.com, **Bickford, Mag** mbickford@mcglinchey.com, **Whelan, Carol S** cwhelan@tulane.edu, reuben.teague@prudential.com, **Alysia Loshbaugh** aloshbaugh@mcglinchey.com, **Andrea Armstrong** andrea.armstrong@mcglinchey.com, **Salzer, Ann K** asaizer@tulane.edu, **kiki houston** kiki.houston@mcglinchey.com, **Kathy Riedlinger** kathy_riedlinger@luserschool.org, **Bryant, Camille** cbryant@mcglinchey.com, **Fullmer, Susan** sfullmer@mcglinchey.com

Folks:

Indicating that we will contest jurisdiction is different from actually doing it. The a decision can be made after the vote given the fact that the matter of jurisdiction will be litigated. If the union does not win then placing this in the brief will be moot. If the union wins, a decision as to whether going forward with the contesting jurisdiction can be made.

As a result, I would urge us to add it in our brief.

Paul

Paul Barron
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Sent: Thursday, April 28, 2016 10:19 PM
To: **Richard Cortizas** rcortizas@yahoo.com
Cc: **Chunlin Leonhard** <leonhard@loyno.edu>; **Wisdom, Rachel W.** <rwisdom@stonepigman.com>; **Bickford, Mag** <mbickford@mcglinchey.com>; blecesne@loyno.edu; **Barron, Paul L** <pbarron@tulane.edu>; **Whelan, Carol S** <cwhelan@tulane.edu>; reuben.teague@prudential.com; **Alysia Loshbaugh** aloshbaugh@mcglinchey.com; **Andrea Armstrong** andrea.armstrong@mcglinchey.com; **Salzer, Ann K** <asaizer@tulane.edu>; **kiki houston** kiki.houston@mcglinchey.com; **Kathy Riedlinger** <kathy_riedlinger@luserschool.org>; **Bryant, Camille** <cbryant@mcglinchey.com>; **Fullmer, Susan** <sfullmer@mcglinchey.com>
Subject: Re: Advocates for Arts-Based Education (Lusher) and United Teachers of New Orleans Attorney Client Communication subject to privilege

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blaine@mcglinchey.com and with all due respect to Paul's opinion..how are we different from the other Charters that have been successful on this challenge? What authorities have successfully decided jurisdiction

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[REDACTED] then researched this issue myself and read many of the NLRB cases on its jurisdiction over charter schools and talked to another labor law expert. The weight of the authority favors jurisdiction over charter schools. We will most likely lose the jurisdictional battle and waste hundreds of thousands of dollars in legal fees in the process.

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[REDACTED]
Sent from my iPhone

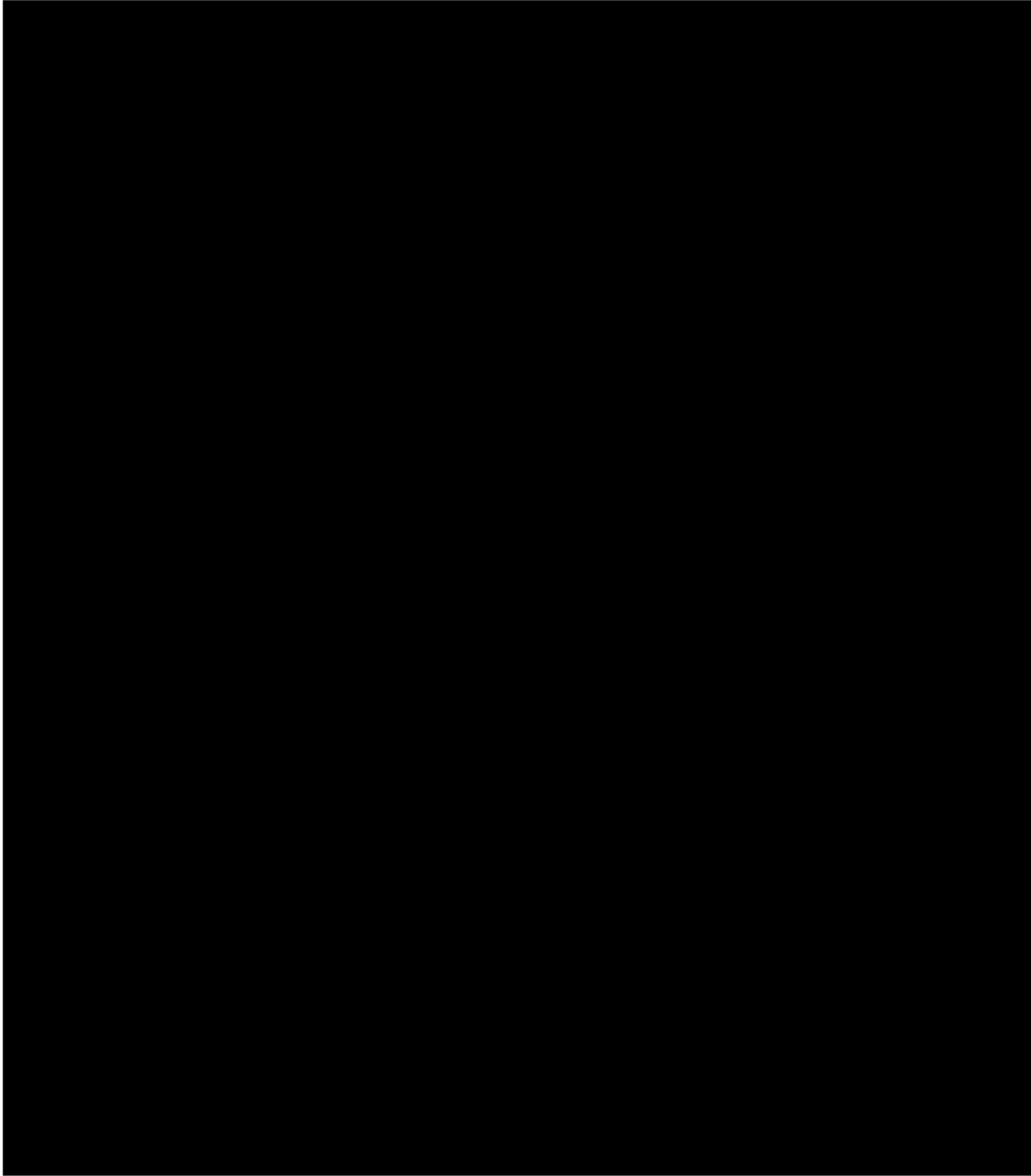
On Apr 28, 2016, at 8:57 PM, Richard Cortizas <[REDACTED]>
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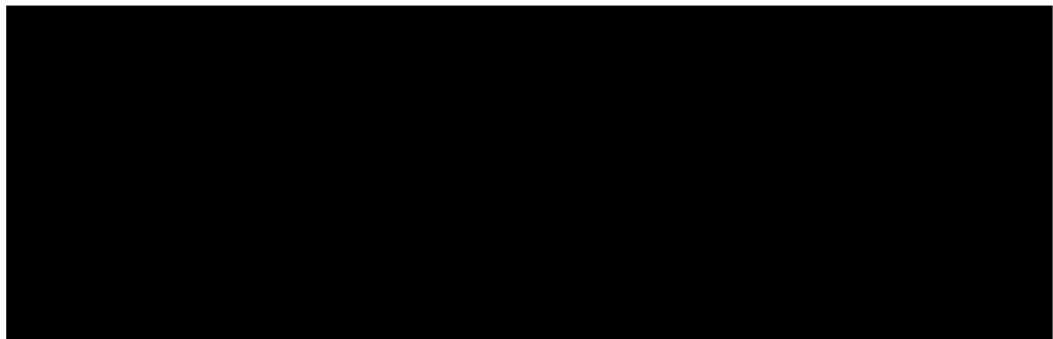
Mag,
[REDACTED]

Again, thank you.
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Sent from my iPhone

On Apr 28, 2016, at 8:30 PM, Bickford, Mag <mbickford@mcglinchey.com>
wrote:





Mag

Magdalen Blessey Bickford

direct:

fax:

email:

office:

(504) 596-2726

(504) 910-6944

mbickford@mcglinchey.com

601 Poydras St, Ste 1200 | New Orleans, LA 70130 <image001.gif> ®

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<4614_001.pdf>

From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: RE: [Lusher] Notice of Meeting and Agenda for the April 28 special meeting
Date: April 26, 2016 at 11:23 AM
To: Wisdom, Rachel W. RWisdom@stonepigman.com, Chunlin Leonhard leonhard@loyno.edu,
lusher-board-and-administrators@googlegroups.com

The suggested meeting time creates a problem for me. I will try to rearrange if enough people want to have a meeting.

Paul Barron

The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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From: lushers-board-and-administrators@googlegroups.com [mailto:lushers-board-and-administrators@googlegroups.com] **On Behalf Of** Wisdom, Rachel W.
Sent: Tuesday, April 26, 2016 10:49 AM
To: 'Chunlin Leonhard' <leonhard@loyno.edu>; lushers-board-and-administrators@googlegroups.com
Subject: RE: [Lusher] RE: Notice of Meeting and Agenda for the April 28 special meeting

Hi -- at the end of a 15 minute break and may not be able to reply again til this evening because we plan to work through lunch.

I don't think the request follows the bylaws, but we can waive objections if the all of the board members want to waive them and can to meet as proposed.

I have heard from more people who cannot make than can, and haven't hear from others. Kiki cannot re-arrange at all. She will be setting up her booth. It will be really hard for me, but I can't say definitely yet.

I did look into getting meeting space in case. It is testing week and the cafeteria is probably the only place available because of that.

I am very concerned about having a public meeting on school day during testing week. I think it could draw a crowd and be very disruptive.

And I don't want to publish a notice for a meeting tomorrow if I don't know we have a quorum. However, if you insist, I will unless there are objections from the other board members.

I haven't been able to really study what you and Andrea have circulated but maybe we can just ask

[REDACTED]

Like we normally do -- e.g., letters Blaine gets out when there are tight time restraints

From: Chunlin Leonhard [<mailto:leonhard@loyno.edu>]
Sent: Monday, April 25, 2016 10:00 PM
To: Wisdom, Rachel W.; Chunlin Leonhard; lusher-board-and-administrators@googlegroups.com
Subject: RE: [Lusher] RE: Notice of Meeting and Agenda for the April 28 special meeting

Dear Rachel,

I have called for a special meeting consistent with our By-laws. I think that it is important for us to get together to clarify the Board's position in light of the vote last Saturday and the petition filed with the National Labor Relations Board today.

I am not sure where you get the information to form the belief that we may not have a quorum. I understand that without a quorum, the board may not be able to take any action. That, however, is not a reason not to have the meeting, because we won't know if there is a quorum until we start the meeting.

Best regards,

Chunlin

From: lusher-board-and-administrators@googlegroups.com [<mailto:lusher-board-and-administrators@googlegroups.com>] **On Behalf Of** Wisdom, Rachel W.
Sent: Monday, April 25, 2016 8:26 PM
To: 'Chunlin Leonhard' <leonhard@loyno.edu>; lusher-board-and-administrators@googlegroups.com
Subject: [Lusher] RE: Notice of Meeting and Agenda for the April 28 special meeting

Leaving aside all other issues, I do not believe we have a quorum for this proposed meeting.

From: lusher-board-and-administrators@googlegroups.com [<mailto:lusher-board-and-administrators@googlegroups.com>] **On Behalf Of** Chunlin Leonhard
Sent: Monday, April 25, 2016 12:03 PM
To: Wisdom, Rachel W.
Cc: lusher-board-and-administrators@googlegroups.com
Subject: [Lusher] Notice of Meeting and Agenda for the April 28 special meeting

Dear Rachel,

Please see the attached notice and agenda for the special meeting.

Best regards,

Chunlin

Associate Professor of Law
Director, LL.M. Programs
Loyola University New Orleans College of Law
Tel. (504) 861-5854
leonhard@loyno.edu

You can access my papers on SSRN at: <http://ssrn.com/author=1615756>

--

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To post to this group, send email to lusher-board-and-administrators@googlegroups.com.

For more options, visit <https://groups.google.com/d/optout>.

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: [Lusher] draft board statement
Date: April 25, 2016 at 6:49 PM
To: Andrea Armstrong [REDACTED], lusher-board-and-administrators@googlegroups.com
Cc: Mag Bickford mbickford@moglinchey.com, cbryant@moglinchey.com

Andrea:

I've read carefully your suggested statement. I agree with all of the points other than the last one. It effectively disfranchises our administration. As a result I would not be able to sign this draft.

Paul

Paul Barron
The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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-----Original Message-----

From: lusher-board-and-administrators@googlegroups.com [mailto:lusher-board-and-administrators@googlegroups.com] On Behalf Of Andrea Armstrong
Sent: Monday, April 25, 2016 4:03 PM
To: lusher-board-and-administrators@googlegroups.com
Cc: Mag Bickford <mbickford@mcglinchey.com>; cbryant@mcglinchey.com
Subject: [Lusher] draft board statement

Hi folks -

Pursuant to Chunlin's notice for a special meeting and my request for a limited meeting, please find attached a draft statement by the board on the pending election. I take no pride in authorship and tried to keep it simple. I hope that we can unanimously agree to this (or something along these lines).

Because of open meetings law, I would prefer that we not deliberate or discuss this proposal via email. But rather I wanted to be transparent and at least have a starting point for our meeting this Thursday.


All the best,
Andrea

--
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To post to this group, send email to lusher-board-and-administrators@googlegroups.com.
For more options, visit <https://groups.google.com/d/optout>.

From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: Board Concerns
Date: April 25, 2016 at 1:37 PM
To: armstron@nadal.loyno.edu, blecesne@loyno.edu
Cc: armstron@loyno.edu, roberta@loyno.edu, Kristin Huston kikh@loyno.edu, alosh@loyno.edu, blecesne@loyno.edu, leonhard@loyno.edu, Salzer, Ann K asalzer@tulane.edu, rbteague@gmail.com, Whelan, Carol S cwhelan@tulane.edu, rwisdom@stonepigman.com

Andrea:

I reject your statement: " In my opinion, your proposal does not appropriately honor the years of service, tireless advocacy and leadership that Blaine has contributed." I agree that Blaine has worked diligently and effectively for Lusher. Nothing in my email suggests otherwise. I also reject Carol's characterization that my email was an attempt for a coup. My email simply made a suggestion to Blaine rather than some type of demand. While Blaine and I disagree about many things at this point, my email is not because of some personal animosity. I simply articulated my belief that Blaine and Kathy can no longer work together effectively. It is, in my mind, given that relationship, that the Lusher will be best served if there is a new president of the board. I am in no way suggesting that Blaine should resign from the board. In fact, I would be strongly opposed to such an idea. I simply think that another member of the board could better create a relationship that must exist between a board chair and the CEO of an organization.

This is my view, but if neither Blaine nor the board wants to address this issue, that is their choice.

Paul

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-----Original Message-----

From: armstron@nadal.loyno.edu [<mailto:armstron@nadal.loyno.edu>]
Sent: Monday, April 25, 2016 1:09 PM
To: blecesne@loyno.edu
Cc: Barron, Paul L <pbarron@tulane.edu>; armstron@loyno.edu; rcortizas@yahoo.com; Kristin Huston <kikh@loyno.edu>; alosh@loyno.edu; blecesne@loyno.edu; leonhard@loyno.edu; Salzer, Ann K <asalzer@tulane.edu>; rbteague@gmail.com; Whelan, Carol S <cwhelan@tulane.edu>; rwisdom@stonepigman.com
Subject: Re: Board Concerns

Paul - I think we all need to step back from the brink. In my opinion, your proposal does not appropriately honor the years of service, tireless advocacy and leadership that Blaine has contributed. Though tempers might be frayed at the moment, that context is critical for constructively moving forward. We now have a process in place for the board to receive information about alleged misbehavior and if additional conflicts emerge, we as a board can address them as needed.

Andrea

Paul,

I decline your invitation to resign as President of the Board. I will not dignify the remainder of your email with a response.

Blaine

Dear Blaine:

I did not see the interchange between you and Kathy last night until this morning. I was very disappointed in the way you handled that exchange.

Whether or not it was appropriate for Kathy to forward the email (which I believe she should have) you treated her in a dismissive and nasty way.

Then, your second email suggested that Kathy was hiding something and Kathy's niece had fabricated her account because of that relationship.

If Kathy investigated this matter by speaking to Larissa Gray, it probably would have raised a claim of intimidation by the union and an unfair labor practice.

It is clear to me, that there is a substantial rift between you and Kathy.

I believe that this began at the time of the renewal of Kathy's contract.

I've watched the emails back and forth and I've concluded in my mind that it is impossible for the two of you to work together. Your email last night clearly indicated that you do not trust Kathy. An organization simply cannot operate if there is no real relationship between the CEO of the board president. We have, unfortunately, already a dysfunctional board and this relationship only makes us more dysfunctional.

I believe that this problem can be resolved only if we both release Kathy and get another CEO who can work with you better or, respectively, ask you to step down as president. I'm sad by this fact but I believe it is true.

I therefore ask you to step down as president and obviously remain on the board as a board member.

I want to make it absolutely clear to all of the people on the board that I have no interest in nor will I agree to become president if asked.

Whoever that person may be, it seems to me that it should come from the group of board members who have been on the board for significant number of years to ensure continuity. That group be Kiki, Rachel, and Carol.

I believe that the best choice, should she agree, is Carol. She has been on the board since the beginning. She is very knowledgeable regarding K-12

education and charter schools given her positions to Tulane. She has a unique perspective since she is married to a prior Lusher teacher. She is also not a lawyer, of which we have too many. A board chair of a charter school would, if possible, be an educator. Finally with Carol's retirement hopefully she would have the necessary time to work us through this difficult time whether the union is certified or not.

Obviously, I've not spoken to Carol about this but I am hopeful, should you step down, that she will take up the challenge.

Respectfully,

Paul

Paul Barron
The Class of 1937 Professor of Law (Emeritus) Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: Re: Board Concerns
Date: April 24, 2016 at 12:39 PM
To: Whelan, Carol S cwhelan@tulane.edu
Cc: armstron@loyno.edu, roo@loyno.edu, Kristin Huston kristin@loyno.edu, aiosht@loyno.edu, blecasne@loyno.edu, leonhard@loyno.edu, Salzer, Ann K asaizer@tulane.edu, rbtea@loyno.edu, rwisdom@stonepigman.com

Your support of Blaine is fine but I have not suggested a coup. It is simply a suggestion to Blaine that he step down so that the board can better function for the school.

Sent from my iPhone

On Apr 24, 2016, at 12:14 PM, Whelan, Carol S <cwhelan@tulane.edu> wrote:

Hello Ait,

I support Blaine and am thankful for his leadership of the Lusher Board and have confidence in his continued leadership. I would never be part of a coup to replace him.

Carol

Sent from my iPhone

On Apr 24, 2016, at 11:03 AM, Barron, Paul L <pbarron@tulane.edu> wrote:

Dear Blaine:

I did not see the interchange between you and Kathy last night until this morning. I was very disappointed in the way you handled that exchange. Whether or not it was appropriate for Kathy to forward the email (which I believe she should have) you treated her in a dismissive and nasty way. Then, your second email suggested that Kathy was hiding something and Kathy's niece had fabricated her account because of that relationship. If Kathy investigated this matter by speaking to Larissa Gray, it probably would have raised a claim of intimidation by the union and an unfair labor practice.

It is clear to me, that there is a substantial rift between you and Kathy. I believe that this began at the time of the renewal of Kathy's contract. I've watched the emails back and forth and I've concluded in my mind that it is impossible for the two of you to work together. Your email last night clearly indicated that you do not trust Kathy. An organization simply cannot operate if there is no real relationship between the CEO of the board president. We have, unfortunately, already a dysfunctional board and this relationship only makes us more dysfunctional.

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I want to make it absolutely clear to all of the people on the board that I have no interest in nor will I agree to become president if asked. Whoever that person may be, it seems to me that it should come from the group of board members who have been on the board for significant number of years to ensure continuity. That group be Kiki, Rachel, and Carol.

I believe that the best choice, should she agree, is Carol. She has been on the board since the beginning. She is very knowledgeable regarding K-12 education and charter schools given her

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Obviously, I've not spoken to Carol about this but I am hopeful, should you step down, that she will take up the challenge.

Respectfully,

Paul

Paul Barron

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Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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From: **Barron, Paul L** pbarron@tulane.edu

Subject: Board Concerns

Date: April 24, 2016 at 11:03 AM

To: armstron@loyno.edu, **Barron, Paul L** pbarron@tulane.edu, rco [REDACTED] Kristin Huston [REDACTED]
alosh [REDACTED] bicesne@loyno.edu, leonhard@loyno.edu, Salzer, Ann K asaizer@tulane.edu, rbtes [REDACTED]
Whelan, Carol S cwhelan@tulane.edu, rwisdom@stonepigman.com

Dear Blaine:

I did not see the interchange between you and Kathy last night until this morning. I was very disappointed in the way you handled that exchange. Whether or not it was appropriate for Kathy to forward the email (which I believe she should have) you treated her in a dismissive and nasty way. Then, your second email suggested that Kathy was hiding something and Kathy's niece had fabricated her account because of that relationship. If Kathy investigated this matter by speaking to Larissa Gray, it probably would have raised a claim of intimidation by the union and an unfair labor practice.

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Paul

Paul Barron

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: [Fwd: FW: Lusher Docs]
Date: April 25, 2016 at 9:26 AM
To: Bickford, Mag mbickford@mcglinchey.com, Salzer, Ann K asalzer@tulane.edu
Cc: bleecesne@loyno.edu, Wisdom, Rachel W. rwisdom@stonepigman.com, lusher-board-only@googlegroups.com

I am available both times. Am I correct that this will be a special meeting which will then allow us to go into an executive session?

Paul Barron
The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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-----Original Message-----

From: lusher-board-only@googlegroups.com [mailto:lusher-board-only@googlegroups.com] On Behalf Of Bickford, Mag
Sent: Sunday, April 24, 2016 8:50 PM
To: Salzer, Ann K <asalzer@tulane.edu>
Cc: bleecesne@loyno.edu; Wisdom, Rachel W. <rwisdom@stonepigman.com>; lusher-board-only@googlegroups.com
Subject: Re: [Fwd: FW: Lusher Docs]

That is a good idea. The meetings are concluded Wednesday, correct? I would suggest we need Thursday. I have 8-9:30 available or 2-4. I can also set up a call with a dual in number if that is more convenient.

Sent from my iPhone

On Apr 17, 2016, at 3:12 PM, Salzer, Ann K <asalzer@tulane.edu> wrote:

Blaine,

It was not my intent to cast any blame. [REDACTED]
[REDACTED]. Let's build on that.

[REDACTED]

Ann

On 4/17/16, 1:19 PM, "lusher-board-only@googlegroups.com on behalf of bleecesne@loyno.edu" <lusher-board-only@googlegroups.com on behalf of bleecesne@loyno.edu> wrote:

Ann,

I'm not sure what you mean by not [REDACTED]
[REDACTED] I just did. I am trying to provide information and handle a lot of tasks necessitated by the union matter. I try to prioritize the flow of information as there are not enough hours in the day to do everything. [REDACTED]

[REDACTED]

[Redacted]

[Redacted]

So if anyone is at fault for not sharing them with the Board at that uneventful time, we all are. None of us at the time felt the need to circulate it among the Board because there was no union activity at that time and

[Redacted]

Blaine

Hello Everyone,

This is Ann.

[Redacted]

Ann Salzer
Assistant Provost
Tulane University
asalzer@tulane.edu
504-314-2816

-----Original Message-----
From: Blaine LeCesne <blecesne@loyno.edu>
Date: Sunday, April 17, 2016 at 11:50 AM

Date: Sunday, April 17, 2016 at 11:00 AM
To: Rachel Wisdom <RWisdom@stonepigman.com>
Cc: Blaine LeCesne <blecesne@loyno.edu>, "lusher-board-only@googlegroups.com" <lusher-board-only@googlegroups.com>
Subject: RE: [Fwd: FW: Lusher Docs]

Sure. The only reason I didn't do so is because they already have it and it would have been duplicative. If you still feel the need to send material that I have told you, three times now, that they already have, then go ahead and send it.

Blaine

I just want to share this information with the administrators and have them be a part of our communications about this matter. I am not doing anything other than asking you why we can't do that. Is it ok with you if I share this information via the other googlegroups email?
Thanks, R

From: blecesne@loyno.edu [mailto:blecesne@loyno.edu]
Sent: Sunday, April 17, 2016 11:23 AM
To: Wisdom, Rachel W.
Cc: "blecesne@loyno.edu"; lusher-board-only@googlegroups.com
Subject: RE: [Fwd: FW: Lusher Docs]

Rachel,

It already has been shared with the administration.

Please read my email below before jumping to conclusions. My purely informational email was not an attempt to exclude, so please don't read anything untoward in it. In my email below, I specifically explained how and when the materials were generated and who received it and when to avoid any questions about "exclusion," which are occurring with troubling frequency. It is counterproductive to constantly make these suggestions. It also threatens our functionality as a Board. Even the smallest ministerial task (such as this) of keeping the Board updated is drawing an immediate accusation of exclusion which is unfounded and belied by the transmittal email itself.

Blaine

Thank you very much Blaine. These are helpful.

Why can't this be shared with our administrators? I am deeply troubled by their continued exclusion from our communications about this matter.

R

From:

lusher-board-only@googlegroups.com<mailto:lusher-board-only@google
group
s.
com>

[mailto:lusher-board-only@googlegroups.com] On Behalf Of

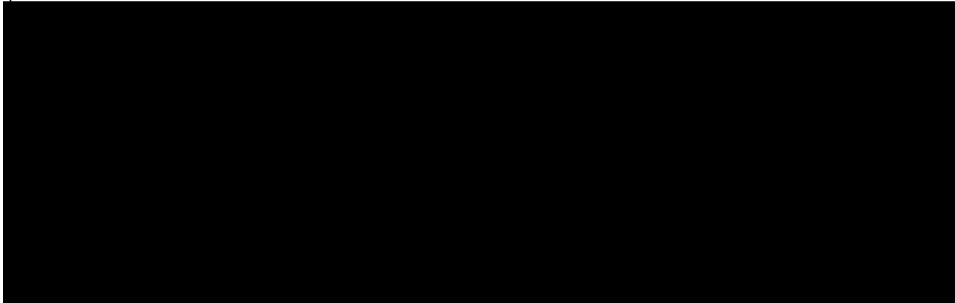
blecesne@loyno.edu<mailto:blecesne@loyno.edu>

Sent: Sunday, April 17, 2016 10:44 AM

To:

lusher-board-only@googlegroups.com<mailto:lusher-board-only@google
group
s.
com>

Subject: [Fwd: FW: Lusher Docs]



Blaine

----- Original Message

Subject: FW: Lusher Docs

From: "James A Brown"

<jabrown@liskow.com<mailto:jabrown@liskow.com<mailto:jabrown@lisko
w.com

%3

cmailto:jabrown@liskow.com>>>

Date: Wed, April 6, 2016 1:35 pm

To:

"blecesne@loyno.edu<mailto:blecesne@loyno.edu><mailto:blecesne@loy
no.ed

u%

3cmailto:blecesne@loyno.edu%3e>"

<blecesne@loyno.edu<mailto:blecesne@loyno.edu<mailto:blecesne@loyn
o.edu

%3

cmailto.blecesne@loyno.edu>>>

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+unsubscribe@googlegroups.com<mailto:lusher-board-only+unsubscribe@googlegroups.com>
To post to this group, send email to

lusher-board-only@googlegroups.com<mailto:lusher-board-only@googlegroups.com>
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To view this discussion on the web visit

<https://groups.google.com/d/msgid/lusher-board-only/FE94FE8E1F04F744BCD6D9A5E438A242ED156827%40SPEXCH.stonepigman.com><<https://groups.google.com/d/msgid/lusher-board-only/FE94FE8E1F04F744BCD6D9A5E438A242ED156827%40SPEXCH.stonepigman.com>>.
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<https://groups.google.com/d/msgid/lusher-board-only/D3392ACA.3FC65%25asaizer%40tulane.edu>.
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To view this discussion on the web visit
<https://groups.google.com/d/msgid/lusher-board-only/013f7da6a6f6a080dc3433d19b603d86.squirrel%40secure.loyno.edu>.
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and McGlinchey Stafford, LLP in California.

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For more options, visit <https://groups.google.com/d/optout>.

From: **Barron, Paul L** pbarron@tulane.edu
Subject: Re: Questions re: Public Comment Period at Upcoming Meeting -- ATTORNEY -CLIENT PRIVILEGED COMMUNICATION
Date: April 21, 2016 at 2:21 PM
To: Wisdom, Rachel W. RWisdom@stonepigman.com
Cc: Bickford, Mag mbickford@mcglinchey.com, Alysia Loshbaugh [REDACTED] lushers-board-only@googlegroups.com

It is fine with me.

Sent from my iPhone

On Apr 21, 2016, at 2:14 PM, Wisdom, Rachel W. <RWisdom@stonepigman.com> wrote:

Does anyone object? I don't mean to be a pest but the agenda has to be finalized before the notice is posted. The notice must be posted before 9 am tomorrow.

From: Wisdom, Rachel W.
Sent: Thursday, April 21, 2016 11:12 AM
To: 'Bickford, Mag'
Cc: Alysia Loshbaugh; lushers-board-only@googlegroups.com
Subject: RE: Questions re: Public Comment Period at Upcoming Meeting -- ATTORNEY -CLIENT PRIVILEGED COMMUNICATION

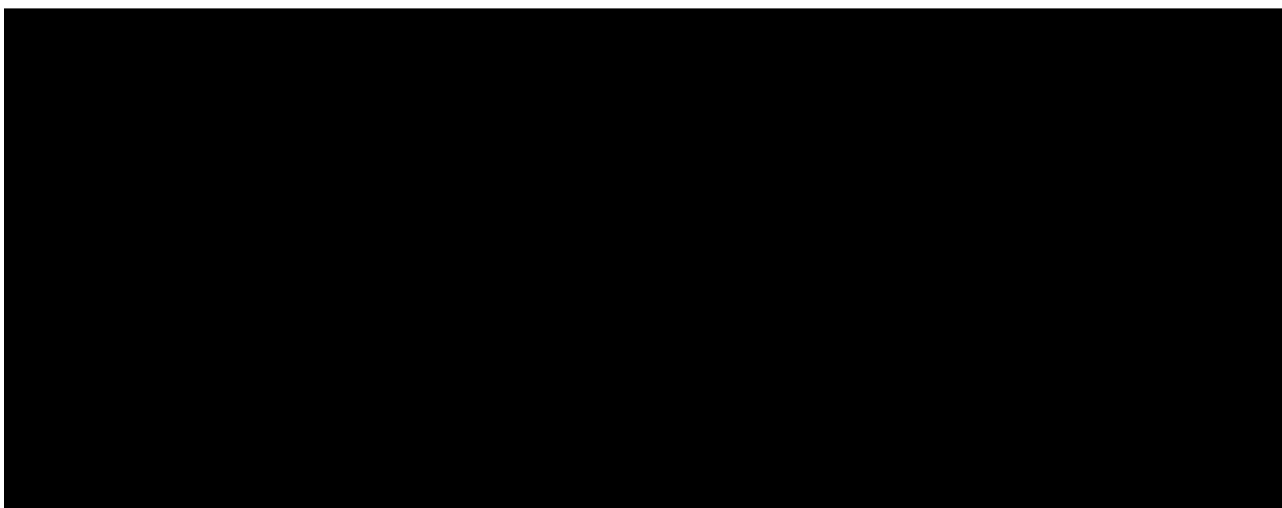
From: lushers-board-only@googlegroups.com [mailto:lushers-board-only@googlegroups.com] On Behalf Of Bickford, Mag
Sent: Thursday, April 21, 2016 9:59 AM
To: Wisdom, Rachel W.
Cc: Alysia Loshbaugh; lushers-board-only@googlegroups.com
Subject: Re: Questions re: Public Comment Period at Upcoming Meeting -- ATTORNEY -CLIENT PRIVILEGED COMMUNICATION

Sent from my iPhone

On Apr 21, 2016, at 9:38 AM, Wisdom, Rachel W. <RWisdom@stonepigman.com> wrote:

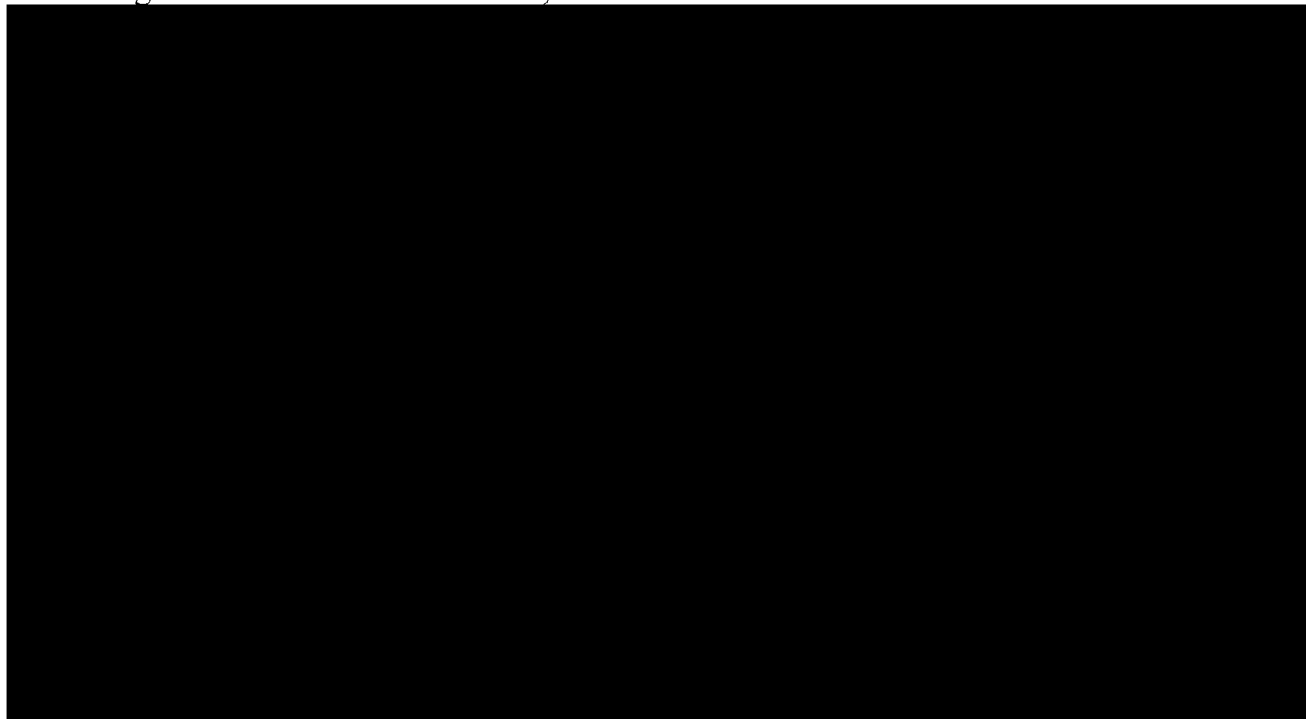
ATTORNEY -CLIENT PRIVILEGED COMMUNICATION

[REDACTED]



From: lusher-board-only@googlegroups.com [<mailto:lusher-board-only@googlegroups.com>]
On Behalf Of Alysia Loshbaugh
Sent: Wednesday, April 20, 2016 8:17 PM
To: lusher-board-only@googlegroups.com
Subject: Questions re: Public Comment Period at Upcoming Meeting

Dear Mag and Fellow Board Members,



Thanks,
Alysia

--
"Few things are harder to put up with than the annoyance of a good example."

--Mark Iwam

--

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For more options, visit <https://groups.google.com/d/optout>.

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For more options, visit <https://groups.google.com/d/optout>.

From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: Questions re: Public Comment Period at Upcoming Meeting -- ATTORNEY -CLIENT PRIVILEGED COMMUNICATION
Date: April 21, 2016 at 10:37 AM
To: Wisdom, Rachel W. RWisdom@stonepigman.com, Alysia Loshbaugh [REDACTED]
lusher-board-only@googlegroups.com, Bickford, Mag mbickford@mcglinchey.com
Cc: Riedlinger, Kathy Kathy_Riedlinger@luserschool.org

Folks:

Paul

Paul Barron

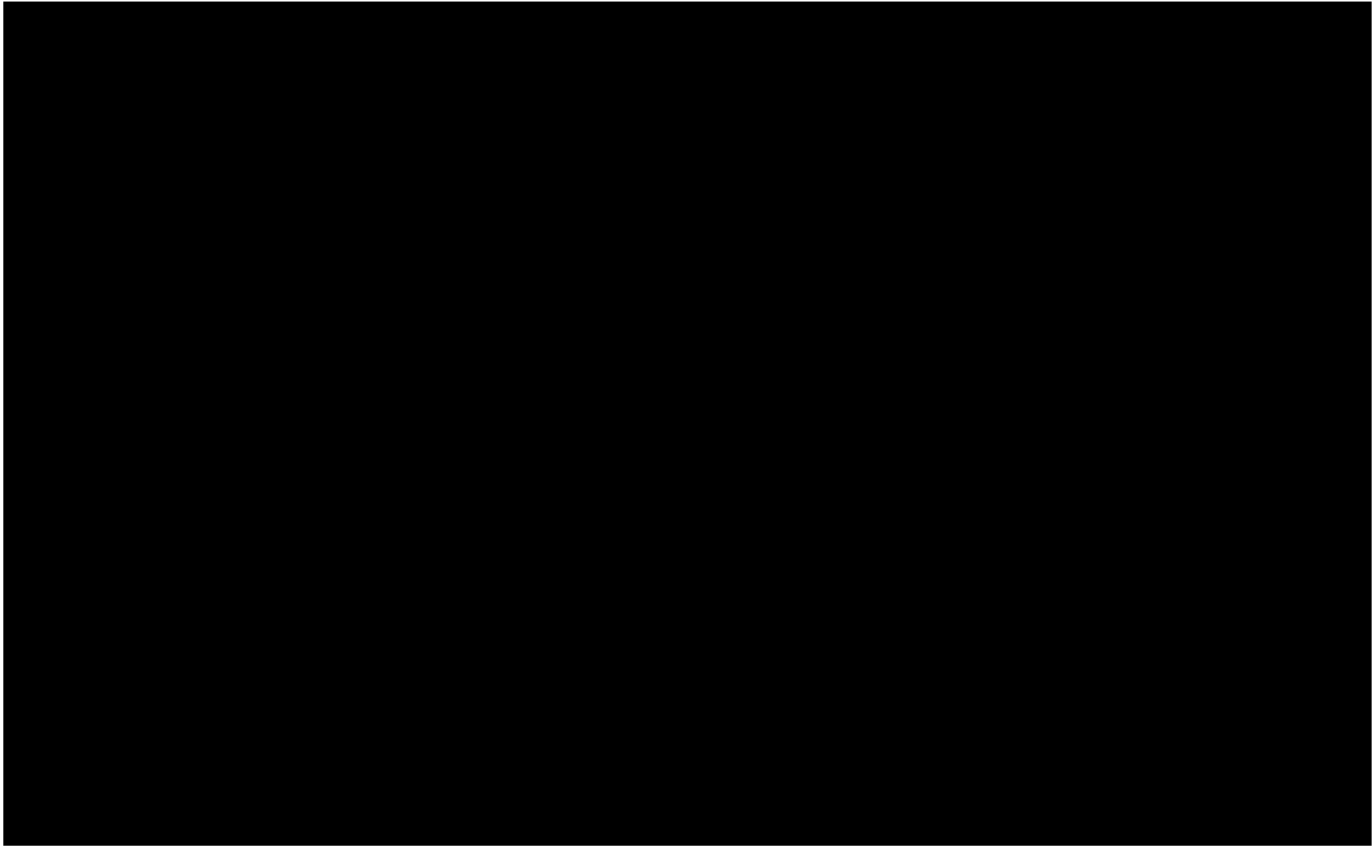
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From: lushers-board-only@googlegroups.com [mailto:lushers-board-only@googlegroups.com] **On Behalf Of** Wisdom, Rachel W.
Sent: Thursday, April 21, 2016 9:39 AM
To: 'Alysia Loshbaugh' <aloshbaugh@gmail.com>; lushers-board-only@googlegroups.com; 'Bickford, Mag' <mbickford@mcglinchey.com>
Subject: RE: Questions re: Public Comment Period at Upcoming Meeting -- ATTORNEY -CLIENT PRIVILEGED COMMUNICATION

ATTORNEY -CLIENT PRIVILEGED COMMUNICATION

[REDACTED]



From: lusher-board-only@googlegroups.com [mailto:lusher-board-only@googlegroups.com] **On Behalf Of**
Alysia Loshbaugh
Sent: Wednesday, April 20, 2016 8:17 PM
To: lusher-board-only@googlegroups.com
Subject: Questions re: Public Comment Period at Upcoming Meeting

Dear Mag and Fellow Board Members,



Thanks,
Alysia

--

"Few things are harder to put up with than the annoyance of a good example."

--Mark Twain

--

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[OsLvryU6prdH7oEuw%40mail.gmail.com](https://groups.google.com/d/msgid/lusher-board-only/CA%2B4yWd5CTxpeufHW1UbcjoBo4g0y8H-OsLvryU6prdH7oEuw%40mail.gmail.com).

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: Meeting on Saturday
Date: April 18, 2016 at 2:24 PM
To: Reuben Teague reuben.teague@prudential.com
Cc: lusher-board-only@googlegroups.com, mbickford@mcglinchey.com

Ruben:

I am happy to explain the reason for my position. I favor giving the teachers the right to vote, in a secret ballot election, as to whether they wish they favor or do not favor the union to represent them. I am agnostic regarding this issue. I neither favor the union nor oppose it. I simply want the teachers to indicate how they feel.

The only reason for a meeting is to give the board the opportunity to vote in favor of accepting representation by the union without a vote by the teachers. Since I prefer an election, I would like to avoid a rancorous discussion, particularly because it will result in comments that will be unfair to the administration.

Regards,

Paul

Paul Barron

The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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From: Reuben Teague [<mailto:reuben.teague@prudential.com>]
Sent: Monday, April 18, 2016 2:15 PM
To: Barron, Paul L <pbarron@tulane.edu>
Cc: lusher-board-only@googlegroups.com; mbickford@mcglinchey.com
Subject: Re: Meeting on Saturday

Paul-

Can you explain why you are opposed to the meeting? You're the first to reply to my email.

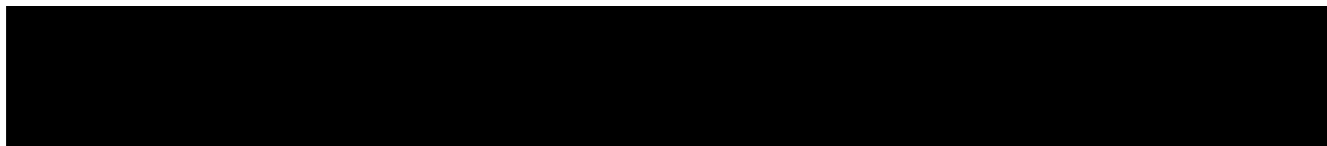
Thanks,

Reuben Teague
Director, Impact Investments
751 Broad Street, 15th Floor, Newark, NJ 07102-3777
973-802-6707
reuben.teague@prudential.com

We're hiring! Come join our team: <http://jobs.prudential.com/job-description.php?jobReqNo=CR-00017>

From: "Barron, Paul L" <pbarron@tulane.edu>
To: "mbickford@mcglinchey.com" <mbickford@mcglinchey.com>, "lusher-board-only@googlegroups.com" <lusher-board-only@googlegroups.com>,
Date: 04/18/2016 03:08 PM
Subject: Meeting on Saturday
Sent by: lusher-board-only@googlegroups.com

Dear Mag:



Regards,

Paul

Paul Barron

The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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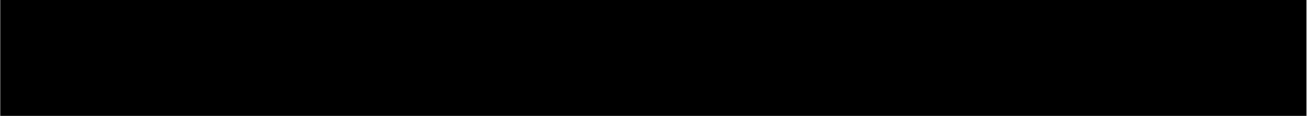
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From: **Barron, Paul L** pbarron@tulane.edu
Subject: Meeting on Saturday
Date: April 18, 2016 at 2:07 PM
To: mbickford@moglinchey.com, lusher-board-only@googlegroups.com

Dear Mag:



Regards,

Paul

Paul Barron

The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: Mon & Wed / Willow library
Date: April 18, 2016 at 10:38 AM
To: Reuben Teague reuben.teague@prudential.com, Alysia Loshbaugh [REDACTED]
Cc: Andrea Armstrong [REDACTED], Salzer, Ann K asalzer@tulane.edu, Blaine Lecesne blecesne@loyno.edu, kiki huston [REDACTED], lusher-board-only@googlegroups.com

I'm confused. I thought we agreed at our meeting on Saturday that we were going to include the administration with all communications unless there is a particular reason why that was necessary. Since that meeting, I note 13 emails back and forth all of which are directed to the board only email. Am I missing something?

Paul Barron

The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
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From: lusher-board-only@googlegroups.com [mailto:lusher-board-only@googlegroups.com] **On Behalf Of** Reuben Teague
Sent: Monday, April 18, 2016 9:47 AM
To: Alysia Loshbaugh [REDACTED]
Cc: Andrea Armstrong <[REDACTED]>; Salzer, Ann K <asalzer@tulane.edu>; Blaine Lecesne <blecesne@loyno.edu>; kiki huston <[REDACTED]>; lusher-board-only@googlegroups.com
Subject: Re: Mon & Wed / Willow library

Could I call into Wednesday's meeting? I would appreciate that.

Reuben Teague
Director, Impact Investments
751 Broad Street, 15th Floor, Newark, NJ 07102-3777
973-802-6707
reuben.teague@prudential.com

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From: Alysia Loshbaugh <[REDACTED]>
To: Andrea Armstrong <[REDACTED]>
Cc: kiki huston <[REDACTED]>, Blaine Leecesne <bleecesne@loyno.edu>, Ann K Salzer <asalzer@tulane.edu>, "lusher-board-only@googlegroups.com" <lusher-board-only@googlegroups.com>
Date: 04/18/2016 10:45 AM
Subject: Re: Mon & Wed / Willow library
Sent by: lusher-board-only@googlegroups.com

I believe we will be in the library. I am attending on Wednesday.

Alysia K. Loshbaugh

Sent from my iPhone

On Apr 18, 2016, at 9:18 AM, Andrea Armstrong <[REDACTED]> wrote:

Hi Kiki,

Do you have a location? I will attend today (Monday) but have to leave at 6pm to get my kids from Willow aftercare.

Andrea

On Apr 13, 2016, at 11:25 AM, 'kiki huston' via Lusher Board Only <lusher-board-only@googlegroups.com> wrote:

All -

The informational meetings w concerned teachers have been set for Monday and Wed, 5:00 in the Willow Street library.

Blaine, I will certainly pass along your regrets for Monday.

Best,

Kiki

From: "bleecesne@loyno.edu" <bleecesne@loyno.edu>
To: "Salzer, Ann K" <asalzer@tulane.edu>
Cc: kiki huston <[REDACTED]>; "lusher-board-only@googlegroups.com" <lusher-board-only@googlegroups.com>
Sent: Wednesday, April 13, 2016 10:13 AM
Subject: Re: availability

Thank you so much, Kiki, for handling this part of the process.

I have a prior committment on Monday but I can attend Wednesday. Perhaps

I have a prior commitment on Monday but I can attend Wednesday. Perhaps you can mention to the group on Monday that my schedule didn't allow for me to attend on Monday but that I will be there on Wednesday and look forward to hearing from them.

Blaine

>
> I can meet on Monday or Wednesday of next week.
>
> Ann Salzer
>
>
> From: 'kiki huston' via Lusher Board Only
> <lusher-board-only@googlegroups.com<mailto:lusher-board-only@googlegroups.com>>
> Reply-To: Kiki Huston <kikihuston@yahoo.com<mailto: [REDACTED]>>
> Date: Wednesday, April 13, 2016 at 7:39 AM
> To:
> "lusher-board-only@googlegroups.com<mailto:lusher-board-only@googlegroups.com>>"
> <lusher-board-only@googlegroups.com<mailto:lusher-board-only@googlegroups.com>>
> Subject: availability
>
> Good Morning All -
> It is clear from the deluge of emails that there are many who would like
> to have their side heard.
> I think it should be a similar set-up to our discussion w the union folks
> - a few spokespeople.
> I have requested the library at Willow St for Mon at 5. I would like to
> add a second date.
> Blaine - is it imperative for you to attend both meetings? Can all who
> want to attend, make one of the days if I move these meetings to Tues &
> Wed at 5 (Willow St). If Blaine does not need to attend both, then I would
> like to keep Mon & add Wed.
> Please advise.
>
> I will let those interested & who have contacted the board know that they
> will have an outlet. I will stress that they find a handful of
> representatives - not for all concerned to attend.
> Best,
> Kiki
>
>
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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: Communication among board members only and between Board and administrators
Date: April 15, 2016 at 5:59 PM
To: blecesne@loyno.edu, Wisdom, Rachel W. RWisdom@stonepigman.com
Cc: Chunlin Leonhard leonhard@loyno.edu, lusher-board-only@googlegroups.com

Dear board members:

I have read carefully Chunlin's email. Certainly there should be communication only between the board members if the issue relates to Kathy personally. However, like Rache, I do not believe that this is one of those times. I think that administration should be included in any discussions that relates to the operations of Lusher. For example, the emails that have excluded administration during this period has created the impression that the board does not seek administration's input.

I would suggest an approach different than that suggested by Blaine. At the very beginning of the executive meeting the board members who are there can indicate whether they want to use Blaine's approach or to include administration at the full meeting.

Note, I have not copied this email to administration.

I appreciate your considering my approach.

Paul

Paul Barron
The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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-----Original Message-----

From: lusher-board-only@googlegroups.com [mailto:lusher-board-only@googlegroups.com] On Behalf Of blecesne@loyno.edu
Sent: Friday, April 15, 2016 2:50 PM
To: Wisdom, Rachel W. <RWisdom@stonepigman.com>
Cc: 'Chunlin Leonhard' <leonhard@loyno.edu>; blecesne@loyno.edu; lusher-board-only@googlegroups.com
Subject: RE: Communication among board members only and between Board and administrators

In order to accomodate both views on this issue, we can easily devote a part of tomorrow's session where administrators participate and get legal guidance and a separate session where we, as a Board, discuss things amongst ourselves for the reasons mentioned by Chunlin. There are going to be times (eg. CEO contract renewal) where we have to do this because of the circumstances and this is one of those times. That is also why we created a board only listserve as well.

Blaine

Thank you for your comments, Chunlin. I agree with many of the points you make but don't have time now to fully respond.

However, tomorrow's executive session is for obtaining advice from counsel and the administrators need to be able to ask questions and

Counsel and the administrators need to be able to ask questions and hear advice too.

So I do not think we should exclude them from the meeting tomorrow and believe it would not only further erode our relationship with them were we to do so but will also hinder their ability to handle what is happening at the schools.

Perhaps we can have another session at some point without them if there really is some conflict between the board and the administrators. I don't think there is, but maybe I am wrong. But we could have a separate session later if the need arises without excluding them tomorrow.

I am not responding further because I have a deadline for a filing and just can't. But I am happy to talk any other time to anyone about any of this. My cell is [REDACTED].

Thanks,

R

From: Chunlin Leonhard [mailto:leonhard@loyno.edu]
Sent: Friday, April 15, 2016 12:29 PM
To: Wisdom, Rachel W.; blecesne@loyno.edu;
lusher-board-only@googlegroups.com
Subject: Communication among board members only and between Board and administrators

Dear Board members,

Because of the upcoming meeting scheduled for tomorrow, I'd like to respond to Rachel's concern about our communication among board members only. I meant to respond earlier, but wasn't able to find the necessary time to address this issue. With all due respect to Rachel, I disagree that we as a board should not communicate among ourselves.

I understand her concern, but I believe that it is important that board members have an opportunity to discuss the petition related issues without the presence of the administrators. As a general principle, I agree that it is critically important for the Board and school administrators to work closely together and to have a relationship built on trust and transparency. In the vast majority of cases, I would have no problems discussing and consulting with the administrators and welcoming their input.

However, the situation that we are currently facing is one of those extremely rare situations where the Board's interests and those of the school administrators may not necessarily be 100 percent aligned. I view the duty of the Board is to act as a governing body for the best interest of the Lusher. On that issue, the Board and the school administrators' interests should be aligned 100 percent. However, because the union petition has the potential to take away some control from the administrators (that is the nature of the beast here), the Board's fiduciary interests and those of the administrators may diverge. For example, the Board may decide that it is in the best interest of the Lusher and its students to voluntarily recognize the union while the school administrators may disagree (either because they believe that it is in the best interest of Lusher not to recognize the union voluntarily or because they understandably don't like to give up control of all the decision making). It is this last possibility that made me think that the Board members should have an opportunity to

made me think that the board members should have an opportunity to discuss the issues openly and frankly without any concern about their words being misconstrued or taken out of context. As we all know, it is very easy for one's words to be misconstrued and understood out of context even with the best of intentions.

I have not made up my mind and would like an opportunity to hear all comments from my fellow (wiser and more experienced) board members outside the presence of the administrators. I would like to request that the executive session be closed to the administrators. This does not mean that I am not open to input from everyone affected by this decision including the administrators. I am open to different sessions seeking input from administrators so that I can understand their perspectives before the Board has to make a decision.

For me, this current issue is a difficult decision to make with serious consequences. We as a board need to work together and focus on our core mission -- the best interest of the school. I hope that the board has an opportunity to listen to input from all parties, to seek legal advice from counsel, and debate the pros and cons of our potential decision without unnecessary distractions.

Sincerely,

Chunlin

From:

lusher-board-only@googlegroups.com<mailto:lusher-board-only@googlegroups.com> [mailto:lusher-board-only@googlegroups.com] On Behalf Of Wisdom, Rachel W.

Sent: Tuesday, April 12, 2016 10:23 PM

To: 'blecesne@loyno.edu'

<blecesne@loyno.edu<mailto:blecesne@loyno.edu>>;

lusher-board-only@googlegroups.com<mailto:lusher-board-only@googlegroups.com>

Subject: RE: Special meeting and legal counsel

Also -- please understand that I think board-only communications about all of this are not only unwarranted but are seriously damaging our relationship with our administrators and I object to continuing on this basis.

From:

lusher-board-only@googlegroups.com<mailto:lusher-board-only@googlegroups.com> [mailto:lusher-board-only@googlegroups.com] On Behalf Of blecesne@loyno.edu<mailto:blecesne@loyno.edu>

Sent: Tuesday, April 12, 2016 10:07 PM

To:

lusher-board-only@googlegroups.com<mailto:lusher-board-only@googlegroups.com>

Subject: Special meeting and legal counsel

Hi all,



[REDACTED]
[REDACTED]. Her name is Mag Bickford. I spent a good part of last evening and most of today trying to do so. Since time is short, I thought it would expedite our consideration of her to introduce her to Board members who attended today's and tomorrow's small group meetings.
[REDACTED]

The Board has the authority to hire a lawyer. With all due respect, Rachel is simply wrong that only the CEO can do so. In the ten years since we have been a charter, this inarguable fact has never been an issue. It wasn't an issue when we utilized the services of Robert Spencer. It wasn't an issue when we hired general counsel to represent AABE years ago. AABE is the legal entity being represented, not the CEO. To suggest that this entity, which functions through the Board, is powerless to hire its own lawyer is puzzling, to say the least. In any event, time is too short to quibble over procedural matters that have never been raised before.

For those who stayed tonight to hear from the attorney, who was gracious enough to stay and advise us despite a very chilly reception, she was indeed very impressive and we learned an awful lot. To cut through all this procedural bickering, which we don't have time for, the Board needs to select counsel and do it quickly. That should lay the matter to rest and we can get on with resolving the substantive issue before us. We have no choice but to make a decision on the union by April 23rd. Failure to act is tantamount to rejection of the bargaining unit and means an immediate election. Like it or not, we can't say we need more time to decide.

I think we need a special meeting to discuss all of this before the April 23rd meeting where we will have to decide the ultimate issue. I am proposing a special meeting this Saturday, April 16th, to consider our situation. If we don't have a quorum, we should still meet to discuss these urgent and serious matters. Please let me know your availability.

Blaine

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[only/FE94FE8E1F04F744BCD6D9A5E438A242ED14BA52%40SPEXCH.stonepigman.com](https://groups.google.com/d/msgid/lusher-board-only/FE94FE8E1F04F744BCD6D9A5E438A242ED14BA52%40SPEXCH.stonepigman.com)<[\[only/FE94FE8E1F04F744BCD6D9A5E438A242ED14BA52%40SPEXCH.stonepigman.com?\]\(https://groups.google.com/d/msgid/lusher-board-only/FE94FE8E1F04F744BCD6D9A5E438A242ED14BA52%40SPEXCH.stonepigman.com\)](https://groups.google.com/d/msgid/lusher-board-</p></div><div data-bbox=)

[utm_medium=email&utm_source=footer](https://groups.google.com/d/msgid/lusher-board-only/FE94FE8E1F04F744BCD6D9A5E438A242ED14BA52%40SPEXCH.stonepigman.com?utm_medium=email&utm_source=footer)>.

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[only/f3dffca21b683cadfb88cb051e3f85da.squirrel%40secure.loyno.edu](https://groups.google.com/d/msgid/lusher-board-only/f3dffca21b683cadfb88cb051e3f85da.squirrel%40secure.loyno.edu).

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[only/BN3PR03MB2260AF1E84A3AB88A3F99764D5680%40BN3PR03MB2260.namprd03.prod.outlook.com](https://groups.google.com/d/msgid/lusher-board-only/BN3PR03MB2260AF1E84A3AB88A3F99764D5680%40BN3PR03MB2260.namprd03.prod.outlook.com).

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From: **Barron, Paul L** <pbarron@tulane.edu>
Subject: **Fwd: [Lusher] April 2016 AABE special meeting notice.DOC**
Date: **April 13, 2016 at 7:16 PM**
To: **lusher-board-only@googlegroups.com**

Sent from my iPhone

Begin forwarded message:

From: "Barron, Paul L" <pbarron@tulane.edu>
Date: April 13, 2016 at 6:03:07 PM CDT
To: "blecesne@loyno.edu" <blecesne@loyno.edu>
Subject: RE: [Lusher] April 2016 AABE special meeting notice.DOC

Folks:

Last night, Blaine indicated that he was happy to turn this assignment over to someone else. I know how busy he is and I am willing to take this job over. If so, I will consult with Blaine so that he brings me up to speed. I am in no way suggesting that I want to take over the presidency of the board and would not be willing to do so if asked.

I think that I might be particularly helpful in this matter. First, because I'm retired I have much more time to do work on this. Second, I have substantial expertise in labor law and union organizational activities, though many years ago, I practiced labor law on the management side. Most of the time that I have taught at Tulane I have taught labor law. Finally, for more than 30 years I have acted as a labor arbitrator, having heard more than 500 cases. To do so requires me to be unbiased toward either management or labor. Finally, I know personally most of the labor lawyers in New Orleans on both the union and management side.

Obviously, doing this depends on Blaine agreeing to this since he has been spear heading all of this.

Best,

Paul
Paul Barron
The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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-----Original Message-----

From: lusher-board-and-administrators@googlegroups.com [mailto:lusher-board-and-administrators@googlegroups.com] On Behalf Of blecesne@loyno.edu
Sent: Wednesday, April 13, 2016 12:27 PM
To: Wisdom, Rachel W. <RWisdom@stonepigman.com>
Cc: lusher-board-and-administrators@googlegroups.com
Subject: Re: [Lusher] April 2016 AABE special meeting notice.DOC

This should suffice.

Blaine

We have a quorum if everyone who has responded that they can attend does.
I have drafted a Notice with agenda. Please let me know if I should revise, and especially whether there are any action items I should add.

Rachel W. Wisdom
Stone Pigman Walther Wittmann L.L.C.
546 Carondelet Street
New Orleans, Louisiana 70130
Direct Dial: (504)593-0911
Direct Fax: (504)596-0911

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: [Lusher] Emergency meeting on the 16th
Date: April 13, 2016 at 8:24 AM
To: Wisdom, Rachel W. RWisdom@stonepigman.com, lusher-board-and-administrators@googlegroups.com

I am available on the 16th. My recollection from a prior email is that Alysia needed to start the meeting at 9 AM. If that is correct, I can meet at 9.

Paul Barron

The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
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From: lusher-board-and-administrators@googlegroups.com [mailto:lusher-board-and-administrators@googlegroups.com] **On Behalf Of** Wisdom, Rachel W.
Sent: Wednesday, April 13, 2016 8:13 AM
To: lusher-board-and-administrators@googlegroups.com
Subject: [Lusher] Emergency meeting on the 16th

Hi all. I am polling to see whether this Saturday, April 16th, will work for an emergency meeting convened to hire counsel. I have not yet drafted a notice with agenda but please let me know if there are items, particularly action items, I should include on the agenda other than hiring counsel.

I ask that everyone respond ASAP as to their availability on the 16th so we can work on getting an alternate date if necessary.

Rachel W. Wisdom
Stone Pigman Walther Wittmann L.L.C.
546 Carondelet Street
New Orleans, Louisiana 70130
Direct Dial: (504)593-0911
Direct Fax: (504)596-0911

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: Meeting today
Date: April 12, 2016 at 8:10 PM
To: kiki huston [REDACTED], bleecesne@loyno.edu, Wisdom, Rachel W. rwisdom@stonepgman.com, lusher-board-only@googlegroups.com, Whelan, Carol S cwhelan@tulane.edu

Folks:

As all of you know, a meeting was scheduled for board members to hear the views of the teachers supporting the union. I thought it was a good idea and helpful. It gave me things to think about. Near the end of the meeting, attended by Kiki, Chunlin, Blaine, Rachel and me, a lawyer and her colleague were invited into the meeting by Blaine. I became very upset because I believed that this was a conversation between board members and teachers supporting the union. Blaine was under the belief that the meeting was an open one. After the meeting, I found an email that Blaine was sent indicating the fact that he believed that this was an open meeting and that it was his intention to invite this attorney meeting. However, I would have appreciated that information just before the meeting and could have made the decision as to whether or not I would attend. My other concern was the fact that it appeared that we had engaged this attorney when we had not.

In any event, I you want to apologize for the way I spoke so sharply to Blaine indicating that I thought it was inappropriate to have the attorney there. I should simply left the meeting if I was so upset.

Paul

Paul Barron

The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
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For more options, visit <https://groups.google.com/d/optout>.

From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: legal counsel position
Date: April 12, 2016 at 7:05 PM
To: Andrea Armstrong [REDACTED], lusher-board-only@googlegroups.com

Andrea:

I called you a few minutes ago before I read your email. I know of no one on the board does not want to hire competent legal representation in this matter. Choosing the right person is a board decision. I do not think that we should wait until the 23rd. We, and our administration members, risk acting improperly. Telling people what they should not say is very important so as to not jeopardize our decision on the 23rd.

The statement that Kathy does not think that we need a lawyer is incorrect. In fact a seasoned labor lawyer was hired last week. Unfortunately, he has decided that he cannot continue to represent us.

If you want to talk to me further about this I'm happy to do so. We all need all of the input we have to make a decision regarding representation. At this point, I do not know what that right decision is and can only do so once I have all of the possible information available and even more importantly the opportunity to discuss this matter among all my other board members.

Regards,

Paul

Paul Barron

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From: lusher-board-only@googlegroups.com [mailto:lusher-board-only@googlegroups.com] **On Behalf Of** Andrea Armstrong
Sent: Tuesday, April 12, 2016 3:09 PM
To: lusher-board-only@googlegroups.com
Subject: legal counsel position

Dear fellow board members,

Several of you have mentioned to me that you have heard from Kathy Reidlinger that I don't believe we need legal counsel for our decision-making process around a potential union at Lusher.

That is wrong. I believe the legal terrain has shifted and that we do

I raise this mischaracterization for two reasons:

- 1) to be clear on my position. I am traveling this week to Chicago and unable to meet in person.
- 2) to emphasize that I am happy to discuss my thoughts with each of you directly. My cell is 504-
[REDACTED] (There is no need to rely on another person's characterization of our individual views, when we can just as easily find out directly.)

I look forward to discussing our next steps in person at our 4/23 meeting, if not earlier.

All the best,

Andrea

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[aFORMzKZ1cvb29m_uMr_AWadrJ%3D2DYQ%40mail.gmail.com](https://groups.google.com/d/msgid/lusher-board-only/CAE%3DL7jrywcvF9f0WSz-aFORMzKZ1cvb29m_uMr_AWadrJ%3D2DYQ%40mail.gmail.com).

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: proposed meeting for teachers w concerns
Date: April 12, 2016 at 6:55 PM
To: Alysia Loshbaugh [REDACTED], Whelan, Carol S cwhelan@tulane.edu
Cc: kiki huston [REDACTED], blecesne@loyno.edu, Wisdom, Rachel W. rwisdom@stonepigman.com, lusher-board-only@googlegroups.com

Folks:

I am available Monday and Wednesday at five. Because of another conflict I cannot attend on Tuesday unless we can start at 4 PM.

Paul Barron

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From: lusher-board-only@googlegroups.com [mailto:lusher-board-only@googlegroups.com] **On Behalf Of** Alysia Loshbaugh
Sent: Tuesday, April 12, 2016 5:50 PM
To: Whelan, Carol S <cwhelan@tulane.edu>
Cc: kiki huston <kikihuston@yahoo.com>; blecesne@loyno.edu; Wisdom, Rachel W. <rwisdom@stonepigman.com>; lusher-board-only@googlegroups.com
Subject: Re: proposed meeting for teachers w concerns

I can come Monday, Tuesday, or Wednesday, but not all three.

On Tue, Apr 12, 2016 at 4:07 PM, Whelan, Carol S <cwhelan@tulane.edu> wrote:

I can come on Tuesday.

Carol

Sent from my iPhone

On Apr 12, 2016, at 4:02 PM, 'kiki huston' via Lusher Board Only <lusher-board-only@googlegroups.com> wrote:

Perhaps we could, again, have two meetings - so as not to have a quorum present?
So Mon & Tues?

30 MON & TUES:

And yes, I think a small group of representatives & no administration present.

Thoughts?

Kiki

From: "blecesne@loyno.edu" <blecesne@loyno.edu>
To: kiki huston <[REDACTED]>
Cc: "blecesne@loyno.edu" <blecesne@loyno.edu>; "Wisdom, Rachel W." <rwisdom@stonepigman.com>; "lusher-board-only@googlegroups.com" <lusher-board-only@googlegroups.com>
Sent: Tuesday, April 12, 2016 3:01 PM
Subject: Re: proposed meeting for teachers w concerns

I was going to propose Tuesday or Wednesday at that time because I have to present a report in the City Council starting at 5:00. Is there any reason we can't move it to one of those days?

Blaine

> I am proposing that those who are available, and interested, meet with
> those teachers who have expressed concern about the formation of a
union
> at our school. I suggest Mon the 18th , Willow St at 5pm. I will check to
> see if the library is available. Kiki

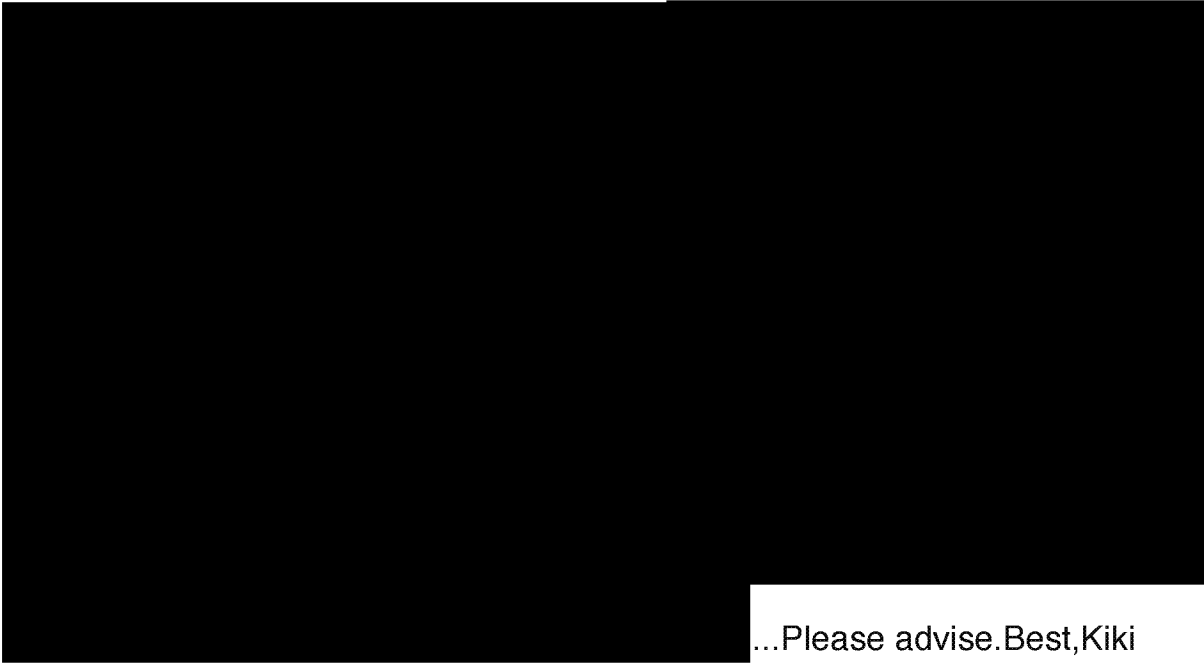
>
> From: "blecesne@loyno.edu" <blecesne@loyno.edu>
> To: kiki huston <[REDACTED]>
> Cc: "Wisdom, Rachel W." <rwisdom@stonepigman.com>;
> "lusher-board-only@googlegroups.com" <lusher-board-
only@googlegroups.com>
> Sent: Tuesday, April 12, 2016 8:32 AM
> Subject: Re: question

>
> Kiki,

> [REDACTED]

> Blaine

> Blank
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...Please advise.Best,Kiki

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"Few things are harder to put up with than the annoyance of a good example."

--Mark Twain

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: Fwd: Lusher Elementary
Date: April 11, 2016 at 2:56 PM
To: blecesne@loyno.edu, Alysia Loshbaugh [REDACTED]
Cc: lusher-board-only@googlegroups.com

Blaine:

I was not suggesting that these other teachers be in the same meeting tomorrow or Wednesday. I was simply asking if there would be a time that they could do so prior to the 23rd as she requested.

Paul

Paul Barron
The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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-----Original Message-----

From: lusher-board-only@googlegroups.com [mailto:lusher-board-only@googlegroups.com] On Behalf Of blecesne@loyno.edu
Sent: Monday, April 11, 2016 2:31 PM
To: Alysia Loshbaugh <[REDACTED]>
Cc: lusher-board-only@googlegroups.com
Subject: Re: Fwd: Lusher Elementary

I'll forward my response. Nothing prevents us from hearing from both sides but it would be best to do so in entirely separate settings.

Blaine

FYI, for those that may not have received a similar email. What are your thoughts on this??

----- Forwarded message -----

From: Michelle Chauvin <michelle_chauvin@lusherschool.org>
Date: Mon, Apr 11, 2016 at 2:03 PM
Subject: Lusher Elementary
To: [REDACTED]

Dear Ms. Kravita-Loshbaugh,

My name is Michelle Chauvin. I am a kindergarten teacher at Lusher Elementary. I am requesting that at the meeting tomorrow evening teachers who are not in favor of the Union have equal time to share our thoughts and concerns on this matter. I am not in favor of a Union becoming part of Lusher. I am worried and concerned about what this could do to our school.

Thank you for your time and consideration.

Thank you for your time and consideration.

--
Michelle R. Chauvin

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--
"Few things are harder to put up with than the annoyance of a good example."
--Mark Twain

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To post to this group, send email to lusher-board-only@googlegroups.com.
To view this discussion on the web visit https://groups.google.com/d/msgid/lusher-board-only/CA%2B4yWd65ZQps5WRBdTDEFaf8HnQni%2BO4O_jwYmxe1hbYiG-zxw%40mail.gmail.com.
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For more options, visit <https://groups.google.com/d/optout>.

From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: United Teachers of Lusher
Date: April 11, 2016 at 2:32 PM
To: Rhonda Balsamo rhonda_balsamo@luserschool.org, armstron@loyno.edu, [alosh\[REDACTED\]@loyola.edu](mailto:alosh[REDACTED]@loyola.edu),
[rcor\[REDACTED\]@loyno.edu](mailto:rcor[REDACTED]@loyno.edu), [kikihus\[REDACTED\]@loyno.edu](mailto:kikihus[REDACTED]@loyno.edu), blecesne@loyno.edu, Salzer, Ann K <asalzer@tulane.edu>, [rbtea\[REDACTED\]@gmail.com](mailto:rbtea[REDACTED]@gmail.com),
Whelan, Carol S <cwhelan@tulane.edu>, rwisdom@stoneprgman.com

Dear Ms. Balsamo:

Thank you very much for your email. The board needs to make an important decision and it is important that we receive as much input as possible. I assure you that I will take into account your views in making my decision.

Thanks again,

Paul Barron

Paul Barron

The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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From: Rhonda Balsamo [mailto:rhonda_balsamo@luserschool.org]
Sent: Monday, April 11, 2016 12:45 PM
To: armstron@loyno.edu; Barron, Paul L <pbarron@tulane.edu>; [alosh\[REDACTED\]@loyola.edu](mailto:alosh[REDACTED]@loyola.edu); [rcor\[REDACTED\]@loyno.edu](mailto:rcor[REDACTED]@loyno.edu); [kikihus\[REDACTED\]@loyno.edu](mailto:kikihus[REDACTED]@loyno.edu); blecesne@loyno.edu; Salzer, Ann K <asalzer@tulane.edu>; rbteague@gmail.com; Whelan, Carol S <cwhelan@tulane.edu>; rwisdom@stoneprgman.com
Subject: United Teachers of Lusher

Board Members of Lusher Charter School:

I am writing you regarding the petition that was being sent around for faculty members to sign. I signed the petition but really had no idea of the plan of action, beliefs, or purpose of this group. I consider myself a professional. I have taught for 38 years in the educational system, and during this time I have witnessed many changes - both good and bad. I have retired once from the system but because of my love of teaching- I returned. I teach because I love being with the students. I love to see their little "light bulbs" light up! I do not want to cause problems nor be involved in any situations that would cause trouble at this point in my career. Lusher Charter

School has been very good to my family and me. I have always felt the administration had an "open door" policy. I have gone to administration when I have concerns or problems. I have never been turned away for my opinions or questions. I will not be joining this organization and would like for you to consider my signature on the petition for United Teachers of Lusher a definite mistake - and would like my name removed from the petition. The name of the organization is somewhat ironic to me, as I strongly feel this organization has now divided, not united, the teachers of Lusher.

Sincerely,
Rhonda C. Balsamo, Ed. S.
3rd Teacher Lusher Charter School

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: UTL Memorandum
Date: April 11, 2016 at 10:35 AM
To: blecesne@nadal.loyno.edu
Cc: blecesne@loyno.edu, lusher-board-only@googlegroups.com

I obviously did not understand your prior emails. I apologize. You had, of course, indicated that we would receive administration's view. When we use schedule that meeting so that I can put it on my calendar?

Paul Barron
The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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-----Original Message-----

From: blecesne@nadal.loyno.edu [mailto:blecesne@nadal.loyno.edu]
Sent: Monday, April 11, 2016 10:26 AM
To: Barron, Paul L <pbarron@tulane.edu>
Cc: blecesne@loyno.edu; lusher-board-only@googlegroups.com
Subject: RE: UTL Memorandum

Paul,

As indicated in the memo, we will have the opportunity to hear from the administration on Tuesday and Wednesday immediately following our meeting with UTL. We can also schedule additional meetings with the administration, if necessary, well in advance of April 23rd. Getting the administration perspective is an integral part of our fact finding and decision making process; and expected to be done before we decide.

Blaine

Blaine:

Thank you very much for your email. I think it was very useful. However, I am concerned that we will have a discussion about what we want to do before we know what the administration's views are since we will have gotten the union's position in advance of our discussion. Obviously, I am not suggesting that administration be in our meeting but only for us to know administration's position in the meeting. Perhaps, we can find some time to meet with administration prior to the meeting on the 23rd.

Please let me know what you think about this.

Paul

Paul Barron
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-----Original Message-----

From: lusher-board-only@googlegroups.com
[mailto:lusher-board-only@googlegroups.com] On Behalf Of
blecesne@loyno.edu
Sent: Monday, April 11, 2016 9:15 AM
To: lusher-board-only@googlegroups.com
Subject: UTL Memorandum

Hi all,

Attached is a memorandum I prepared summarizing the events of Friday and chartering a plan of action for the Board in response to the UTL petition.

It is important that we keep board only communications such as this strictly between us. We will have ample opportunity to hear the administration's views on all of this and time will be set aside for doing so. But we need to be able to discuss things amongst ourselves first. This is particularly important in a union organizing context as we do not want to compromise the administration's position with accusations of management intermeddling by implicating them in what should be board only discussions.

Blaine

--

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<https://groups.google.com/d/msgid/lusher-board-only/f926525fb6388431bf63d141b1708823.squirrel%40secure.loyno.edu>.
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For more options, visit <https://groups.google.com/d/optout>.

From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: UTL Memorandum
Date: April 11, 2016 at 9:31 AM
To: blecesne@loyno.edu, lusher-board-only@googlegroups.com

Blaine:

Thank you very much for your email. I think it was very useful. However, I am concerned that we will have a discussion about what we want to do before we know what the administration's views are since we will have gotten the union's position in advance of our discussion. Obviously, I am not suggesting that administration be in our meeting but only for us to know administration's position in the meeting. Perhaps, we can find some time to meet with administration prior to the meeting on the 23rd.

Please let me know what you think about this.

Paul

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From: lusher-board-only@googlegroups.com [mailto:lusher-board-only@googlegroups.com] On Behalf Of blecesne@loyno.edu
Sent: Monday, April 11, 2016 9:15 AM
To: lusher-board-only@googlegroups.com
Subject: UTL Memorandum

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It is important that we keep board only communications such as this strictly between us. We will have ample opportunity to hear the administration's views on all of this and time will be set aside for doing so. But we need to be able to discuss things amongst ourselves first. This is particularly important in a union organizing context as we do not want to compromise the administration's position with accusations of management intermeddling by implicating them in what should be board only discussions.

Blaine

--

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From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: United Teachers of Lusher
Date: April 9, 2016 at 10:40 AM
To: Barron, Paul L pbarron@tulane.edu, blecesne@loyno.edu, lusher-board-only@googlegroups.com

Paul Barron
The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
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-----Original Message-----

From: lusher-board-only@googlegroups.com [mailto:lusher-board-only@googlegroups.com] On Behalf Of Barron, Paul L
Sent: Saturday, April 09, 2016 10:39 AM
To: blecesne@loyno.edu; lusher-board-only@googlegroups.com
Subject: RE: United Teachers of Lusher

I am available both Tuesday and Wednesday.

Paul Barron
The Class of 1937 Professor of Law (Emeritus) Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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-----Original Message-----

From: lusher-board-only@googlegroups.com [mailto:lusher-board-only@googlegroups.com] On Behalf Of blecesne@loyno.edu
Sent: Saturday, April 09, 2016 9:42 AM
To: lusher-board-only@googlegroups.com
Subject: United Teachers of Lusher

Hi all,

As you know, yesterday we were presented with a petition requesting the Board to recognize United Teachers of Lusher as a collective bargaining agent. So we have a very important decision to make and have to do sooner rather than later. Basically, we will have to decide whether to agree or decline to recognize Lusher Teachers.

In the meantime, the purpose of this email is to see what your availability looks during the week. In order to better inform our decision-making, I would like to arrange small group meetings between a representative group of the teachers and their union rep and Board members as soon as possible.

These would be relatively brief, informal, informational sessions to hear from the teachers regarding their objectives and get a sense of what this is all about. We would mostly listen but certainly could ask questions if desired. It is not intended as forum for listing grievances and complaints, but rather a higher level policy conversation. Once we meet

with them, Kathy has asked that she also meet with us to give her views, which we should do.

Given the short notice, the most efficient way to get this done is to set aside a time block on a couple of days next week where Board members can come in at their convenience and join the conversation. I am tentatively proposing Tuesday and, if necessary, Wednesday from 5:00-6:30. Whoever can make it during these windows please try and do so. If at any point we reach quorum level, one or two of us may have to step outside. But given our varying schedules that will not likely be an issue. My hope is that most of us will get a chance to meet with the teachers, even if briefly, on Tuesday or Wednesday. I do think it is very important that every Board member at some point have this opportunity before we make any decisions.

Please let me know ASAP if you can attend.

Blaine

--

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For more options, visit <https://groups.google.com/d/optout>.

From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: United Teachers of Lusher
Date: April 9, 2016 at 10:38 AM
To: blecesne@loyno.edu, lusher-board-only@googlegroups.com

I am available both Tuesday and Wednesday.


Paul Barron
The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
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Sent: Saturday, April 09, 2016 9:42 AM
To: lusher-board-only@googlegroups.com
Subject: United Teachers of Lusher

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Please let me know ASAP if you can attend.

Blaine

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For more options, visit <https://groups.google.com/d/optout>.

From: **Barron, Paul L** pbarron@tulane.edu
Subject: RE: [Lusher] [Fwd: RE: [Fwd: FW: Lusher Docs]]
Date: April 8, 2016 at 4:36 PM
To: Whelan, Carol S cwhelan@tulane.edu, Wisdom, Rachel W. RWisdom@stonepigman.com
Cc: blecesne@loyno.edu, lusher-board-and-administrators@googlegroups.com

23 works for me

Paul Barron

The Class of 1937 Professor of Law (Emeritus)
Tulane Law School
6329 Freret Street
New Orleans, LA 70118
Voice 504-865-5986
Fax 504-862-8846

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From: lusher-board-and-administrators@googlegroups.com [mailto:lusher-board-and-administrators@googlegroups.com] **On Behalf Of** Whelan, Carol S
Sent: Friday, April 08, 2016 2:50 PM
To: Wisdom, Rachel W. <RWisdom@stonepigman.com>
Cc: blecesne@loyno.edu; lusher-board-and-administrators@googlegroups.com
Subject: Re: [Lusher] [Fwd: RE: [Fwd: FW: Lusher Docs]]

Saturday the 23rd works for me!

Sent from my iPhone

On Apr 7, 2016, at 8:50 PM, Wisdom, Rachel W. <RWisdom@stonepigman.com> wrote:

Hi all. How does the 23rd work for a meeting? Please let me know if you can attend. We need to get advice from counsel about our operational issue as Blaine notes below and an update about the lawsuit. We need to do this ASAP.


From: lusher-board-and-administrators@googlegroups.com [mailto:lusher-board-and-administrators@googlegroups.com] **On Behalf Of** blecesne@loyno.edu
Sent: Thursday, April 07, 2016 8:08 PM
To: lusher-board-and-administrators@googlegroups.com
Subject: [Lusher] [Fwd: RE: [Fwd: FW: Lusher Docs]]

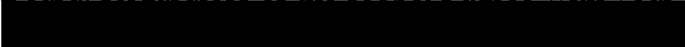
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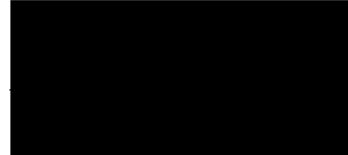
Subject: RE: [Fwd: FW: Lusher Docs]
From: blecesne@loyno.edu
Date: Thu April 7 2016 7:58 am

To: "Barron, Paul L" <pbarron@tulane.edu>
Cc: lusher-charter-board@googlegroups.com

Paul,

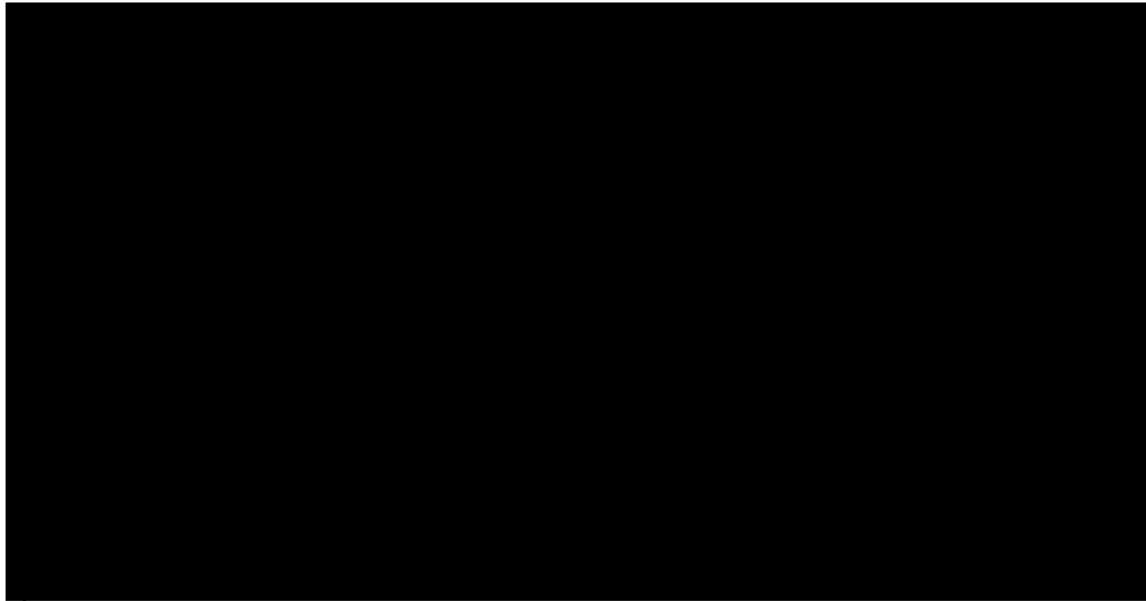
It looks like your email only went to me instead of the whole Board. So to save time I am copying the Board and the administration on my reply to you so that Kathy and her team get your message. 

Kathy and I have spoken about the need to carefully avoid any inadvertent action that might be misconstrued as impeding organizational efforts. We really do not know much at this time about the scope of the petition effort, whether it's one person, five, or whatever. Nor do we have any idea of how many people may have signed the petition or if a petition will even be presented to the Board. Regardless of the scope, I agree with your precautionary approach. 


Blaine

> Folks:

>



> Finally, I assume that Blaine's email went only to the board. I think it
> would be very helpful to send all of this information to Kathy and the
> principles before they do something improper.

>



> Blaine

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>

> ----- Original Message -----

> Subject: FW: Lusher Docs
> From: "James A Brown" <jabrown@liskow.com>
> Date: Wed, April 6, 2016 1:35 pm
> To: "blecesne@loyno.edu" <blecesne@loyno.edu>

> -----

>



>
>
> --

> You received this message because you are subscribed to the Google Groups
> "Lusher Board Only" group.
> To unsubscribe from this group and stop receiving emails from it, send an
> email to lusher-board-only+unsubscribe@googlegroups.com.
> To post to this group, send email to lusher-board-only@googlegroups.com.
> To view this discussion on the web visit
> [https://groups.google.com/d/msgid/lusher-board-
only/48e4b38203d41e02c876639792d5aa23.squirrel%40secure.loyno.edu](https://groups.google.com/d/msgid/lusher-board-only/48e4b38203d41e02c876639792d5aa23.squirrel%40secure.loyno.edu).
> For more options, visit <https://groups.google.com/d/optout>.

>

--
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To post to this group, send email to [lusher-board-and-
administrators@googlegroups.com](mailto:lusher-board-and-administrators@googlegroups.com).
For more options, visit <https://groups.google.com/d/optout>.

--

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--

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