

League of American Orchestras

#MeToo and #TimesUp Finding a Path Forward

Jan Feldman, Moderator

Executive Director

Lawyers for the Creative Arts

About Lawyers for the Creative Arts



**LAWYERS
FOR THE
CREATIVE
ARTS®**

- LCA is in its 46th year of providing free legal services to the arts community.
- LCA is one of many Volunteer Lawyers for the Arts organizations.
- VLA's are great resources for the kinds of issues we'll discuss today.

Welcome

Our Distinguished Panel of Speakers



Marilyn Pearson
Partner, McDermott Will & Emery LLP



Gary Glaser
Shareholder, Littler Mendelsohn



Joshua Simonds
Executive Director, Percussive Arts Society



Rachel Ford
Executive Director, Knoxville Symphony Orchestra



Lynne Sorkin
Director of Human Resources, Chicago Symphony Orchestra

Rachel Ford

Executive Director, Knoxville Symphony Orchestra



- KSO Executive Director since 2007. Previously Exec. Dir. of Waterloo-Crest Falls Symphony Orchestra
- Graduate of League of American Orchestras - Management Fellowship Program
- BA in Piano Performance from the University of Michigan
- On the Boards of Rotary Club of Knoxville, Arts & Culture Alliance of Greater Knoxville, and Joy of Music School

Lynne Sorkin

Director of Human Resources, Chicago Symphony Orchestra



- Director of CSO's HR, 1999-present
- MBA, Human Resources Management, DePaul University; BS, Health Administration, University of Illinois
- Performs a one woman show including vocals, guitar, and piano, and sings with groups such as Kol Zimrah (The Jewish Community Singers of Greater Chicago)

Joshua Simonds

Executive Director, Percussive Arts Society



- Exec. Dir., PAS a (5,000 member org.) 2016 - present
- Exec. Dir., Chicago Youth Symphony Orchestras, 2007-2016
- Oversees PAS' annual convention, 80 chapters, 17 standing committees, and Rhythm! Discovery Center, a drum and percussion museum in Indianapolis
- MA, Arts Management, American University; BA, Percussion, California State University.

Marilyn Pearson

Partner, McDermott Will & Emery LLP



- Traditional labor and employment practice, including hundreds of labor arbitration and mediation cases
- Advises and trains clients on employment discrimination and general employment issues
- BA and JD, University of Minnesota
- Taught Negotiations at Northwestern Univ. School of Law, 2000-2011

Gary Glaser

Shareholder, Littler Mendelson P.C.



- 30 years practice in all areas of Labor and Employment.
- Speaker: “Preventing Sexual Assault in the Workplace and What to Do When Claims are Made”
- Inaugural recipient of “Service to Off-Broadway” Award
- JD, Boston Univ. School of Law; BA, Brandeis University

#MeToo and #TimesUp

The New Environment: Is it really new?

Some Statistics

Incorporated Society of Musicians (UK) Study

- “The success of our music industry is being undermined by a high level of discriminatory behaviours and practices, including sexual harassment, inappropriate behaviour and discrimination.”

More Stats:

Incorporated Society of Musicians Study, Cont'd.

- 60% of musicians report having been harassed at some point in their career.
- 77% of those who experienced harassment did not report it.
- 46% said this was because they had 'fear of losing work'.
- Just 5% said they did not report the issue because the issue resolved itself.

Hypothetical Story of Albert, Betty, and Connie and the Anonymous Symphony Orchestra

Hypothetical – Albert

- ALBERT is a senior violinist with the ASO.
 - He's an ebullient, physical person, prone to hugging, touching.
 - Socializes with colleagues.
 - Paternalistic attitude to stand-partners, providing mentoring and “helpful” comments, that some find intrusive.

Hypothetical – Betty

- BETTY is an unmarried woman in her 30s and is Albert's current stand-partner.
 - She recently complained to ASO's Exec Dir about inappropriate conduct by Albert.
 - Constantly touching her, places hands on her shoulders when review a score, sometimes "massaging" her shoulders.
 - Suggestive comments: "If I was younger, I'd be all over you." Comments on her dress and looks.
 - She has responded with light, but negative remarks indicating that she is not interested, but Albert hasn't backed off.
 - She is hesitant to say something that will get back to Albert, because they work together.

Hypothetical – Connie

- CONNIE: another ASO musician who recently complained to the E.D. about Albert.
- They had a personal relationship starting at ASO. When their personal relationship ended, their work relationship soured.
- Albert makes critical, snide comments about Connie's playing.
- Connie states that on ASO tour, Albert came to her room late at night, intoxicated, and demanded to be let in. He left only after she called for help. The police were not called.
- Albert vehemently denies this happened.

Hypothetical – Further Repercussions

- **CONFLICTING ACCOUNTS & LOYALTIES**
 - Some players come to Albert's defense, saying his physical conduct happens with both men and women, was harmless and not sexual in nature.
 - They also say that Betty has a professional grudge against Albert, because he did not support her audition for advancement.
 - Others support Betty's and Connie's stories, and say it's high time Albert is dealt with, and **forcefully**.
- **NEITHER "SIDE" IS BACKING OFF** their stories, and the conflict is a major disruption.