



INTERNATIONAL CONFERENCE OF
SYMPHONY AND OPERA MUSICIANS

2011 ICSOM Conference
Dearborn Hyatt Regency Hotel – Dearborn MI
August 17 – 20, 2011

NOW MORE THAN EVER

Wednesday, August 17

ICSOM Chairman Bruce Ridge (North Carolina Symphony) welcomed delegates, AFM and Local officers, AFM staff, ICSOM orchestra members, and guests to the conference, then introduced the ICSOM governing board.

Brian Rood, ICSOM president (Kansas City Symphony)
Laura Ross, ICSOM secretary (Nashville Symphony Orchestra)
Michael Moore, ICSOM treasurer (Atlanta Symphony Orchestra)
Richard Levine, ICSOM editor *Senza Sordino* (San Diego Symphony Orchestra)
Matthew Comerford, ICSOM governing board member-at-large (Chicago Lyric Opera Orchestra)
Cathy Payne, ICSOM governing board member-at-large (San Francisco Symphony)
Paul Gunther, ICSOM governing board member-at-large (Minnesota Orchestra)
Meredith Snow, ICSOM governing board member-at-large (Los Angeles Philharmonic)
Susan Martin, ICSOM general counsel (Martin & Bonnett PLLC)

Brian Ventura, 2011 ICSOM conference coordinator and host (Detroit Symphony Orchestra)
Tom Reel, assistant conference coordinator (Virginia Symphony Orchestra)

ICSOM Secretary Laura Ross read the **Roll Call of Orchestras** as each delegate introduced themselves along with additional orchestra members and local officers in attendance.

Orchestras:

Alabama Symphony Orchestra	Jeff Solomon
Atlanta Symphony Orchestra	Michael Moore
Baltimore Symphony Orchestra	Mary Plaine [for Greg Mulligan]
Boston Symphony Orchestra	James Orleans
Buffalo Philharmonic Orchestra	Daniel Sweeley
Charlotte Symphony Orchestra	Richard Harris
Chicago Lyric Opera Orchestra	Matthew Comerford
Chicago Symphony Orchestra	Rachel Goldstein
Cincinnati Symphony Orchestra	Paul Frankenfeld
The Cleveland Orchestra	Jesse McCormick
Colorado Symphony Orchestra	Justin Bartels
Columbus Symphony Orchestra	Michael Buccicone
Dallas Symphony Orchestra	Karen Schnackenberg [for David Heyde]
Detroit Symphony Orchestra	David Everson
Florida Orchestra	Warren Powell
Fort Worth Symphony Orchestra	Karen Hall
<i>Grant Park Symphony Orchestra</i>	<i>Dale Newton</i>
Honolulu Symphony Orchestra	Steve Flanter
Houston Symphony Orchestra	Eric Arbiter
Indianapolis Symphony Orchestra	Sarah Boyer
Jacksonville Symphony Orchestra	Betsy Federman
Kansas City Symphony	Steve Multer [for Timothy Jepson]
Kennedy Center Orchestra	Peter de Boor
Los Angeles Philharmonic	John Lofton
Louisville Orchestra	Trevor Johnson
Metropolitan Opera Orchestra	Dan Shelly [for Jennifer Johnson]

Milwaukee Symphony Orchestra	Helen Reich [for Dean Borghesani]
Minnesota Orchestra	Norbert Nielubowski
Nashville Symphony Orchestra	Bradley Mansell
National Symphony Orchestra	Abigail Evans
<i>New Jersey Symphony Orchestra</i>	<i>Robert Wagner</i>
New York City Ballet Orchestra	Ethan Silverman
New York City Opera Orchestra	Gail Kruvand
New York Philharmonic	Arlen Fast [for Kenneth Mirkin]
North Carolina Symphony	Elizabeth Lunsford
Oregon Symphony Orchestra	Alicia Paulsen
Philadelphia Orchestra	Eric Carlson [for John Koen]
Phoenix Symphony Orchestra	Ron Whaley
<i>Pittsburgh Symphony Orchestra</i>	<i>Penny Brill – ON TOUR</i>
<i>Puerto Rico Symphony Orchestra</i>	<i>Jaime Amador</i>
Rochester Philharmonic Orchestra	David R. Angus
Saint Louis Symphony Orchestra	Christian Woehr
Saint Paul Chamber Orchestra	Leslie Shank
San Antonio Symphony	Emily Freudigman
San Diego Symphony Orchestra	Sam Hager
San Francisco Ballet Orchestra	Brian Lee
San Francisco Opera Orchestra	Carla Maria Rodrigues
San Francisco Symphony Orchestra	John Chisholm
Syracuse Symphony Orchestra	Patricia Sharpe
Utah Symphony	George Brown
Virginia Symphony	Laura Leisring

Bill Foster, ICSOM Electronic Media Committee chairman (National Symphony Orchestra)

OTHER AFM PLAYER CONFERENCES:

Carla Lehmeier-Tatum, president, Regional Orchestra Players' Association (ROPA)
 Matthew Heller, president, Organization of Canadian Symphony Musicians (OCSM)
 Marc Sazer, president, Recording Musicians Association (RMA)
 Tom Mendel, president, Theater Musicians Association (TMA)
 Vicky Smolik, executive board, Theater Musicians Association (TMA)

AMERICAN FEDERATION of MUSICIANS:

Ray Hair, AFM President
 Bruce Fife, AFM Vice President
 Sam Folio, AFM Secretary Treasurer
 Dave Pomeroy, AFM IEB and president, Local 257, Nashville TN
 Vince Trombetta, AFM IEB and president, Local 47, Los Angeles CA
 Tino Gagliardi, AFM IEB and president, Local 802, New York NY
 Joe Parente, AFM IEB and president, Local 77, Philadelphia PA
 Jay Blumenthal, director, AFM SSD & former ICSOM governing board member-at-large
 Nathan Kahn, AFM SSD negotiator
 Deborah Newmark, AFM SSD, director, Symphonic Electronic Media
 Joseph Goldman, AFM-SSD benefits analysis & negotiation committee, Detroit Symphony Orchestra
 Joel LeFevre, AFM-SSD, contract administration & data analysis

OFFICERS OF AFM LOCALS:

Gordon Stump, president, Local 5, Detroit MI
 Susan Barna Ayoub, secretary-treasurer, Local 5, Detroit MI
 Lovie Smith Wright, president, Local 65-699, Houston TX
 Gary Matts, president, Local 10-208, Chicago IL
 John Grimes, vice president-retired, Local 9-535, Boston MA
 Madelyn Roberts, secretary-treasurer, Local 586, Phoenix AZ
 Paul Castillo, trustee, Local 47, Los Angeles CA & parliamentarian
 Ed Malaga, Jr., president, Local 161-710, Washington DC
 Brad Eggen, president, Local 30-73, Minneapolis - St. Paul MN
 Cindy Kempf, executive board, Local 444, Jacksonville FL

SPEAKERS/PANELISTS:

George Cohen, director, Federal Mediation & Conciliation Services (FMCS)
 Aaron Dworkin, founder & president, The Sphinx Organization
 Afa Sadykhly Dworkin, artistic director & vice-president of programming, The Sphinx Organization
 Bruce Simon, attorney, Cohen, Weiss and Simon LLP
 Bill Moriarity, AFM trustee, American Federation of Musicians and Employers' Pension Fund
 Rochelle Skolnick, AFM-SSD counsel, Schuchat Cook & Werner
 Haden McKay, negotiation committee, Detroit Symphony Orchestra
 Judy Doyle, president, DSO Save Our Symphony
 Jon Garland, orchestra committee chair, Syracuse Symphony Orchestra
 Victoria Krukowski, orchestra committee, Syracuse Symphony Orchestra
 Shari Hoffman, manager, AIE Fund & Sym. Recording – AFM-AFTRA Intellectual Property Rights Distribution Fund
 Jane Slaughter, staff writer, *Labor Notes*

OBSERVERS and OTHER GUESTS:

Pat Zenone, ICSOM's honored guest
 Catherine L. Compton, welcome coordinator & former ICSOM governing board member-at-large, Detroit Symphony Orchestra
 Virginia Price, alternate ICSOM delegate, San Francisco Opera Orchestra
 Andy Bruck, orchestra committee chair, Jacksonville Symphony Orchestra
 Steve Causey, orchestra member, Louisville Orchestra
 Greg Dugan, orchestra member, Indianapolis Symphony Orchestra
 Janz Castelo, orchestra committee chair, Buffalo Philharmonic Orchestra
 Sue McGinn, orchestra member, Honolulu Symphony Orchestra
 Paul Ganson, DSO historian & former ICSOM governing board member-at-large, Detroit Symphony Orchestra - retired
 Barbara Zmich, ROPA president emerita & secretary-treasurer, Local 625, Ann Arbor MI & *Labor Notes*
 Celeste McClellan, alt. AFM convention delegate, Local 625, Ann Arbor MI & *Labor Notes*
 Kathleen Grimes, ROPA vice-president emerita & AFM convention delegate, Local 5, Detroit MI
 Greg Near, orchestra committee chair, Michigan Opera Theatre Orchestra
 Sharon Levine, attorney, Lowenstein Sandler PC
 Zachary V. Moen, attorney, Moen & Case LLC
 Kevin Case, attorney, Moen & Case LLC
 Barbara Jaccoma, attorney/negotiator
 Mark Clague, associate professor of musicology, University of Michigan

Ridge informed the delegates that the Honolulu Symphony requested forgiveness of 2010-11 dues. With the recommendation of the governing board he requested approval by the delegates.

MSC [*Motion #1: Paul Frankenfeld (Cincinnati), Rachel Goldstein (Chicago)*] to approve waiving Honolulu Symphony's annual dues for 2010-11 season.

Ridge asked the delegates to approve suspending the rules of order; there was no objection.

Resolution #1 – MSC by unanimous consent [*Motion #2 – ICSOM governing board*] to dedicate the 2011 ICSOM Conference to the memory of ICSOM Chairman Emeritus Frederick Zenone

Whereas, Frederick Zenone was known as a visionary and a transformative leader in the orchestra industry; and

Whereas, As a cellist and representative from the National Symphony Orchestra, Fred served ICSOM for four years as Eastern area vice-chairman, followed by two years as ICSOM vice-chairman, and finally for six years as ICSOM's fifth chairman from 1980 to 1986; and

Whereas, During his tenure Fred built coalitions and expanded communication with the American Federation of Musicians, the Major Orchestra Managers Conference and American Symphony Orchestra League; and

Whereas, These alliances were far reaching and led to major policy and legislative actions, including the development and adoption of the Code of Ethical Audition Practices, the requirement that all symphony, opera and ballet orchestra collective bargaining agreements be submitted to orchestras for ratification, and the requirement that Locals cover the expense to send one delegate to the annual ICSOM Conference; and

Whereas, Fred also served on ICSOM's electronic media committee and was involved in the creation of the Symphony, Opera, Ballet Audio-Visual (AV) Agreement which revolutionized media for symphonic orchestras; and

Whereas, Due to the expansion of the role of chairman during his tenure, Fred oversaw the reorganization of the governance structure of ICSOM to make it more responsive to its member orchestras; and

Whereas, To this day delegates are reminded of their duties with these words by Fred Zenone,

“We have been designated by our orchestras as leaders and activists. ICSOM asks us to affirm and reaffirm that position throughout the year. We are the voice in our orchestras of American orchestra musicians united on a national level. We are the persons who must constantly examine the effect our orchestra’s action will have on other orchestras. Each of us must be a leader, an organizer, a conduit of information, the conscience of a movement of caring and involved and active musicians who insist on improving the institutions through which we produce our art.”

Whereas, Fred’s development of a “SWAT team” was invaluable in assisting orchestras during difficult situations, and his desire to help improve the quality of work life for musicians continued even after he retired from the National Symphony in 1999, including serving on the board and as president of the Symphony Orchestra Institute and as a consultant, presenter, and facilitator; and

Whereas, Fred’s death on October 22, 2010, left a void within the entire orchestral industry as musicians and managers across the U.S. expressed their distress and sadness over the loss of someone who made such a difference for so many; therefore, be it

Resolved, That the 2011 ICSOM Conference hosted by the Detroit Symphony and held in Dearborn, Michigan, be, and hereby is, dedicated to the memory of Frederick Zenone as just a small token of the admiration, respect and affection of the tens of thousands of musicians who were affected by his generosity and vision.

Bill Foster (National) gave a moving tribute to his former NSO colleague, Fred Zenone. Pat Zenone thanked the delegates for this tribute to her husband. (*Bill Foster’s comments may be found at www.icsom.org/conferences/2011*)

Brian Ventura, conference coordinator and host from the Detroit Symphony, welcomed delegates and guests. He introduced assistant conference coordinator Tom Reel (from the Virginia Symphony) and his colleagues from the Detroit Symphony and Local 5. He also thanked the delegates for the support and financial contributions of more than \$300,000 from their orchestras during the DSO strike.

Dave Everson (Detroit) added his thanks to ICSOM, Local 5 and conference attendees for the support his orchestra received during the strike.

Local 5 (Detroit, MI) President Gordon Stump joked that it was unusual to be inside rather than outside picketing, adding that he was very happy to host the ICSOM conference. He spoke about some of the major historic moments, both union and musical that made Detroit famous, including Motown, adding that Detroit is the home of the bravest musicians he has ever met – the Detroit Symphony.

MSC [*Motion #3 – Mary Plaine (Baltimore)/George Brown (Utah)*] to approve the 2010 ICSOM Conference Minutes.

Officer Reports

ICSOM Chairman’s Report – Bruce Ridge (*Bruce Ridge’s address can be found at www.icsom.org/conferences/2011*)

Bruce Ridge took issue with the new industry catch phrases such as “new orchestra model” and “unsustainability” that are being used in such a negative way as to greatly damage the orchestra industry, and insisted that executive compensation and the disproportionate rise in executive salaries nationwide must be included in any discussions about the orchestral field. He mentioned the tragic destruction being wrought on the Philadelphia Orchestra as their management and board spend millions of dollars on an unnecessary bankruptcy; and the disingenuous rhetoric expressed by the Detroit Symphony management and board during and after the strike. He pointed out that despite contrary information, Detroit ranks 9th in the country for the number of millionaires, and their number has increased yet another 4% this past season.

Ridge spoke about the senseless destruction of great orchestras in Syracuse, Louisville, Philadelphia and New Mexico, and the opportunities wasted. There is no excuse for the bad behavior exhibited by the boards and managers of these orchestras, reflecting that no other business puts out information that destructively criticizes its own industry.

Thanks to the Calls to Action, ICSOM’s member orchestras have assisted their colleagues the past four years with contributions of more than \$800,000. Even the Honolulu Symphony, an orchestra attempting to recover from its own bankruptcy, contributed every time another orchestra was in need.

Ridge moved on to speak about those successful orchestras and arts institutions around the country that have seen increased giving; this is a story that is not being touted nearly as much as the negative rhetoric that continues to be spread. He advocated for improved positive promotion about the good things occurring in the orchestral field rather than what is wrong about our field.

Misinformation must be corrected. For example, though the arts receive a tiny percentage of funding in this country, some people believe as much as half the government's budget is spent on the arts; in reality the percentage of the federal budget that funds the arts is only .066%, and the arts also draws large amounts of income into those same communities.

Now, more than ever, we must articulate a more positive message about our industry, our orchestras and our culture. Ridge closed by thanking the delegates for their support, and expressed how grateful he is for the support and friendship he receives from the governing board.

ICSOM President's Report – Brian Rood (*Brian Rood's address can be found at www.icsom.org/conferences/2011*)

Brian Rood spoke about his roots in the Detroit area, first as a student at the University of Michigan, then later as a member of the Flint Symphony and a sub with the Detroit Symphony. He spoke of his experiences joining a union for the first time (Locals 5 - Detroit and 625 - Ann Arbor), and learning about collective bargaining agreements. He also encouraged delegates and guests to visit some of the wonderful and significant historical exhibits at the Henry Ford Museum, including automobile and musical instrument collections as well as a wonderful Civil Rights exhibit.

Rood spoke about recent attacks against labor, mentioning specifically the Chicago Hyatt dispute and pronounced that until that dispute is settled, ICSOM will not work with Hyatt again. He spoke about the Detroit Symphony strike, the recent orchestra bankruptcies, and the shocking lack of commitment to those dedicated and loyal musicians in those same orchestras.

He spoke about the Strike Fund Trustees' decision to extend strike fund benefits for the Detroit Symphony beyond the 15 weeks established in the AFM bylaws and urged members join Americans for the Arts.

Rood closed by quoting from Fred Zenone's article "How delegates make ICSOM work."

ICSOM Secretary's Report – Laura Ross

Laura Ross expressed how pleased she was to return to the Detroit area, where she grew up. She recommended delegates read the Officer Reports that were mailed in July, urged delegates to contact her to produce special notices and bulletins, and spoke about the new delegate handbook (now on CD ROM) that will be distributed during the conference. She also spoke about the upcoming 50th anniversary and her goal to publish all 50 years of ICSOM conference minutes by 2012.

ICSOM Treasurer's Report – Michael Moore

Michael Moore spoke briefly about the state of ICSOM's finances and budget, and encouraged early payment of dues.

ICSOM Editor of *Senza Sordino* – Richard Levine

Richard Levine thanked those who contributed articles and Newslets to issues of *Senza Sordino* the past season and asked delegates to continue submissions. He asked that any delegates with mailing issues contact him.

Nominations:

Nominating Committee Chair Mary Plaine (Baltimore) presented the report of the committee [includes Eric Arbiter (Houston) and Dolores D'Aigle (Oregon)]. The following names were placed in nomination:

President – Brian Rood

Secretary – Laura Ross

Members-at-Large (2 positions) – Matthew Comerford and Cathy Payne

Plaine was pleased to report that the governing board is working well together but also encouraged delegates to consider running for positions in the future.

Ridge asked for further nominations for all positions. There being none, nominations remained open.

[Congressman John Conyers, who had been slated to be the keynote speaker, was called away suddenly causing an agenda change. Following an earlier lunch, the meeting reconvened at 1:30PM.]

Brian Ventura made a few additional comments after which Bruce Ridge introduced and welcomed George Cohen.

George Cohen, Director of the Federal Mediation and Conciliation Service (FMCS)

George Cohen greeted the conference attendees and initially spoke about his reasons for accepting his new position after retirement (he previously served as AFM General Counsel from the late 1980's until 2006). Upon assuming his position, his stated objective was for FMCS to be proactive and engage in outreach to the labor-management community to encourage the parties to establish and maintain constructive relationships. To that end, Cohen has been a strong proponent of joint labor-management cooperative committees dedicated to a problem-solving philosophy. He has encouraged the parties to commence those activities far in advance of contract expiration with a view toward meeting informally and functioning in a transparent manner whereby all relevant facts and data are exchanged.

Apart from that general philosophy, Mr. Cohen reported that throughout the past two years he has served in this position it became clear that the vast majority of collective bargaining disputes involved health care related issues. Among other desirable aspects of a joint cooperative committee addressing that particular subject, the parties have achieved some significant cost-containment initiatives through such innovative activities as comprehensive wellness programs.

Turning to the orchestra industry, Cohen noted the very unique nature of orchestra bargaining units — they generally consist of 100 or less employees who are very intelligent, dedicated and concerned about virtually every term and condition of employment. They also live, work, and travel together. An additional very important and unique aspect of their relationship with management is the fundamental fact that orchestra musicians in a very real sense constitute the product which the public consumes while management provides the venue and administrative support necessary to promote and display that product.

So, in that overriding respect, Cohen said that orchestra musicians and their management counterparts have every reason to be “joined at the hip” and work together in a cooperative manner, based on mutual respect. In his experience, a key ingredient in any successful relationship has been management’s recognition that musician input and recommendations are a critical ingredient in achieving a successful operation.

Cohen also spoke briefly about various serious pending disputes including the Philadelphia Orchestra’s highly unusual decision to invoke bankruptcy.

Q&A:

Mary Plaine (Baltimore) said her orchestra feels cooperation has led to management taking advantage of the musicians, which means they now want to stick to the rules and not making allowances because management doesn’t have a good track record of following through on agreements.

While understanding, Cohen also believes in examining what is possible to achieve and what is not. FMCS can assist if both sides are willing to discuss this concept; he gave an example of honest respectful dialog where both sides displayed willingness to make sure each side understood the other’s position.

Leslie Shank (St. Paul) spoke about her orchestra’s history with joint committees; committees were management-dominated. Decisions are made before the committees convene; musicians fear speaking up because of retaliation; musician contributions are dismissed as advocating for the union, and musicians feel they need protection. Cohen said the situation in St. Paul is an example of the very worst that could occur, but said St. Paul’s manager approached him at a League meeting, expressing interest in implementing this type of program. He suggested that St. Paul could be one of the new “guinea pigs”.

John Grimes, retired Vice-President of Boston MA Local 9-535, informed delegates that the Local’s newsletter (in delegate mailboxes) featured an article by Bruce Ridge.

Detroit Symphony Orchestra Panel Presentation - *Joe Goldman (DSO), Haden McKay (DSO), Dave Everson (DSO), Gordon Stump (Local 5 president), Susan Barna Ayoub (Local 5 secretary-treasurer), Joel LeFevre (AFM-SSD), Judy Doyle (Save Our Symphony president)*

Joe Goldman thanked AFM Locals and orchestra members from around the world for their financial and active support; he also thanked those members of the DSO negotiating team who were unable to attend this conference. After introducing the rest of the panel, Goldman spoke about negotiations, including mention that musicians had agreed they would accept a 22% wage reduction. He, along with Susan Barna Ayoub, explained how the orchestra and Local prepared for the strike. Joel LeFevre explained about how to set up communication with audiences and the community. Goldman spoke about the musicians' website - www.detroitssymphony.com, which was the musicians' key method of communicating with the public; it was developed and overseen by Shelley Heron.

Haden McKay, who served as a musician spokesperson during the strike, spoke about the various ways musicians utilized the website and traditional media outlets. He related that he was just one of a number of designated media spokespeople so there would always be someone available when needed; all messages were vetted by the negotiating committee to ensure they spoke with one voice. McKay spoke about what they learned dealing with media and their website: notices were posted immediately and had to be updated, headlines could be changed, and newswire services could be influenced. The musicians received training to deal with the press and had traditional and social media consultants, and their own attorney, Leonard Leibowitz, was offering counsel as well.

Goldman spoke about the orchestra musicians' and Local 5's participation in Detroit's Labor Day Parade, playing various video clips at the parade of ICSOM Secretary Laura Ross and Gordon Stump, along with speeches afterward by AFM President Ray Hair, ROPA President Carla Lehmeier-Tatum, ICSOM President Brian Rood and ICSOM Chairman Bruce Ridge. LeFevre spoke about how the musicians' message was delivered, simply and clearly, with brief statements like "This was a strike the musicians didn't want" and cartoons of musicians washing windows at The Max with the caption "Management said these services are supposed to be musical so we have been told to whistle."

Goldman spoke about management's proposals and, how management was required to pay for four vacation weeks before implementing Proposal B because they had failed to file notice with the FMCS. Another video clip explained the orchestra musicians' fears they would lose quality players if the agreement was too regressive.

Gordon Stump spoke about the solidarity of the musicians, the constant activity by musicians at the Local attending potlucks, picking up strike fund checks, and dealing with various concerts in production. He acknowledged the contributions of all the locals and orchestras (displayed on the video screen) that contributed to the orchestra during the strike. He thanked ICSOM's orchestras for their incredible support, stating, "Solidarity, it really works."

Barna Ayoub spoke about the incredibly successful concerts, many of which were broadcast and streamed live with all expenses covered. These concerts offered an opportunity for audience members and musicians to meet and speak with each other. She mentioned one concert held at a homeless shelter that was a feature story around the country, and about the programs, cards and posters, and artist and venue engagements, all of which were handled by one person. Musicians had effectively replaced their management; they sold ads in their programs, and coordinated "replacement" concerts to occur either at the same time or close to concerts that had been cancelled by DSO management (and then management attempted to keep these concerts from occurring.)

Barna Ayoub also spoke about the AFM Strike Fund, the contributions received from ICSOM, OCSM, RMA and ROPA, income from program ads and ticket sales, and the expenses the musicians and Local incurred during the strike. Once the strike ended, the musicians made a \$25,000 contribution to Local 5.

Judy Doyle, a founder and president of Save Our Symphony, spoke about why she and others became involved in this campaign – they wanted a voice and felt they should also be consulted. They set up a webpage and began organizing rallies. Their goal was to keep the message positive and use positive messages like "Save the Season." Although board members were led to believe SOS was "in cahoots" with the musicians, it was untrue. SOS has begun soliciting donations so some members can join the symphony board because board membership donation requirements have suddenly risen from \$400 to \$2,500; they also continue to reach out to board members. Doyle introduced other SOS board members who would be attending the Mixer at Orchestra Hall.

Goldman closed with a brief explanation of the settlement agreement, comparing final results to the proposals management had been proffering during "negotiations". He also briefly explained that the musicians managed, through changes to their health insurance terms, to save the DSO \$600,000 without damaging their coverage. They also

successfully eliminated all the worst Proposal B terms. Videotape of the orchestra entering the stage of Orchestra Hall for the first time following the strike closed the presentation.

Orchestras in Bankruptcy: *Philadelphia* (Eric Carlson), *Louisville* (Trevor Johnson), *Syracuse* (Patricia Sharpe, Jon Garland, and Victoria Krukowski) and *Honolulu* (Steve Flanter)

Philadelphia Orchestra

Eric Carlson, a member of the Philadelphia Orchestra negotiating committee, started with a brief historical overview beginning in 2004 when the orchestra froze its private pension plan, shifting to the AFM-EPF with guaranteed additional increases should the multiplier drop, along with other considerations, including full retirement benefit age of 60 (with 30 years of service.) During 2007 negotiations, management was unsuccessful in removing these considerations from the CBA. Next, there was a huge leadership vacuum as Music Director Eschenbach was dismissed, followed by the loss of the Executive Director, other key executive staff members, and the board chairman. Musicians also discovered marketing expenses were far below that of other peer orchestras.

Carlson explained the outcome of the contract reopener prior to this negotiation and mentioned the hiring of the orchestra's new Executive Director. They have been negotiating since August and have continued throughout the bankruptcy. Management has other issues they are trying to address through the bankruptcy procedure aside from pension concerns, but pension was management's key motivation to file for bankruptcy. Management's goal is to have the AFM-EPF withdrawal liability discharged through the bankruptcy and the Pension Benefit Guarantee Corporation (PBGC) take over the private pension fund. Carlson also explained the management/rental deal the Philadelphia Orchestra has with the Kimmel Center (they rent) and the Music Academy (they own.)

Musicians anticipate management will file an 1113 motion to set aside the CBA in the next few weeks, which would trigger the AFM-EPF's withdrawal liability; it is expected that the AFM-EPF will vigorously fight discharging the withdrawal liability obligation. Musicians are unsure what their pension will be in the future but they anticipate it will be some sort of defined contribution or 403B plan with a higher retirement requirement and a reduced benefit for current and retired members as far back as 2005 or 2006.

Musicians also expect the NLRB will soon rule on charges of surface and regressive bargaining; they are hopeful the results will be in their favor.

Louisville Orchestra

ICSOM delegate Trevor Johnson said pension is only part of Louisville's problem. Management's key issue is their desire to break the union and the CBA – thanks to their Local and the AFM, the Louisville Orchestra Inc. (LOI) has just been placed on the Unfair List after attempting to hire non-union members to perform orchestra services.

Johnson outlined recent bargaining activities that included musicians' unwillingness to reopen their agreement for a second time last summer and instead offering a variety of methods to raise additional funds, including offering musician assistance raising funds. This was followed by a management proposal/ultimatum to either immediately reduce orchestra size from 71 to 40 or file for bankruptcy, which was quickly rejected. Musicians instead suggested bringing in an industry expert like Michael Kaiser. Management instead filed for bankruptcy but their attempt to set aside the contract was foiled when the judge agreed there were still available assets. From January through May 31, musicians were paid their regular wages but the CBA has now expired; musicians have been told they have no standing in regard to bankruptcy since the contract has expired and no wages are owed. Johnson thanked the AFM-EPF for joining with musicians to challenge management's plan which was, unfortunately, just accepted Tuesday, August 16 [yesterday], in court.

Johnson spoke briefly about Keep Louisville Symphonic, a 501c3 set up by the Louisville Orchestra Musicians to perform concerts independent of the LOI. He mentioned the successful joint concert they performed with the National Symphony when National was in Kentucky for a week-long residency. Many musicians have already left which makes it difficult to perform more concerts. He thanked ICSOM orchestras for their support and assistance.

Syracuse Symphony Orchestra

Orchestra committee member Victoria Krukowski spoke about the abrupt suspension of operations in late March during their 50th anniversary, just seven weeks after announcing a campaign to raise additional funds for the orchestra. Even though the community contributed more than \$700,000, the board filed Chapter 7 liquidation bankruptcy. Prior to this, orchestra musicians made big salary and benefit concessions and cut orchestra positions; there were two

interim-executive directors; management failed to replace an essential staff position, and there were concerns about scheduling. They had also established a joint committee to identify new initiatives to help sustain the orchestra and build audiences.

When musicians accepted the concessionary contract in 2010, an anonymous donor had offered money that required shared sacrifice; although the orchestra did more than their share, there was no increased giving by the board, so the money was not forthcoming. Following this, further cuts were demanded, there was a threat to miss payroll, and donations were drastically reduced as board members began expressing concern about the viability of the orchestra going forward. A down-sized job or no job seemed to be the only option but the goalposts were moving daily during negotiations, while musicians continued to offer creative solutions. Musicians were stunned to learn the projected deficit was \$5.5M, instead of \$1.7M; supposedly due to the inclusion of AFM-EPF withdrawal liability. Bruce Ridge came for a site visit; he held many meetings and wrote an editorial for the newspaper.

Following the bankruptcy filing, which is considered to be a “no assets” bankruptcy, musicians formed Symphony Syracuse to keep the orchestra in the public eye and raise funds to support the concerts. The concerts are very popular but they are not employers, they are presenters; these were expected to be a short-term solution, a “life boat”.

Ten days ago Syracuse University, without any consultation with Syracuse Symphony musicians, proposed a mixed student/professional orchestra – Syracuse Philharmonic Society – that would not employ any professional musicians until 2013. Musicians are leaving and there is no collective bargaining agreement. Krukowski closed by thanking everyone for contributions received that exceed \$75,000, including a donation of \$10,000 from the Detroit Symphony.

Honolulu Symphony Orchestra

ICSOM Delegate Steve Flanter reviewed the bargaining history beginning in 2009 when musicians reduced their salary and season to 30 weeks. The board also, against the wishes of the musicians, hired an inexperienced executive director at the highest salary yet. The new agreement was ratified in September but at the end of October, with no financial documentation, the board was informed there was no more money. They shut down the orchestra and filed for Chapter 11 bankruptcy two months later, and for many months afterward they promised to file the required reorganization plan with the court. In March 2010 management released a ridiculous “feasibility” study that was followed a few months later by the filing of the 1113 motion to set aside the contract, which forced them to bargain. Management’s proposal – no services scheduled in the first year (2010), followed by a second season in 2011 of an annual salary cut 90% from the orchestra’s pre-bankruptcy scale. When management was expected to file their plan of reorganization they were unprepared; in December 2010, they converted the bankruptcy from Chapter 11 reorganization to Chapter 7 liquidation.

However, there seems to be a ray of hope – musicians and community members began to look for new board members a number of years ago. The symphony exploratory committee purchased the Honolulu Symphony’s assets and they are receiving advice and support from conductor JoAnn Falletta and former Cincinnati executive director Steve Monder as they try to start their new venture. Flanter said ICSOM’s support has always been key to his orchestra; he pointed out that Detroit just suffered through a terrible strike, and bankruptcies seem to be the “new way” to deal with issues. He urged orchestras to continue their support of Louisville, Syracuse, New Mexico and Philadelphia in the same way Honolulu has been supported.

As the afternoon ended, Bruce Ridge considered that, while there is much to discourage orchestras these days, ICSOM’s mission continues to be fulfilled – offering support and sharing stories and experiences. He pointed out the apparent management and board failures in Louisville and Syracuse, and spoke about his past visits to Honolulu, Louisville, and Syracuse. During those visits he met with the musicians and delivered a message – we are together; you have each other and we are a family, both locally and nationally. In closing, he said that ICSOM provides a unique friendship. This evening delegates and guests will head to Orchestra Hall for a tour, concert and dinner hosted by the Detroit Symphony musicians and Local 5.

Thursday, August 18

Roll call (delegates announced their instrument)

Peter de Boor (Kennedy Center) spoke about the importance of contributing to the AFM’s TEMPO fund and passed around a voluntary donation collection envelope.

Bruce Ridge introduced Ray Hair, President of the AFM.

AFM President Ray Hair spoke about the changes that have occurred since he took office one year ago, the recent appointment of Jay Blumenthal as director of SSD, and he acknowledged the contributions of former SSD director Chris Durham. He spoke about the new transparency in the AFM, the opportunity for various voices and points of view to be heard, and the new relationship with the Recording Musicians Association. This last, was due in large part to the assistance of RMA president Marc Sazer; Hair also thanked AFM VP emeriti Dave Jandrisch and Ray Petch for their assistance with the recent settlement of the Musicians' Rights Organization Canada (MROC) dispute with the AFM.

Hair talked about membership diversity within the AFM, and that, in order to work together to promote live music in all its forms, we need to listen and cooperate with each other. He spoke about some of the problems the AFM is currently addressing such as the numerous orchestras under attack, attempts to eliminate funding to the Music Performance Trust Fund, piracy of recorded music, and substandard and nonunion touring orchestras; and various goals like the need to establish an instrument travel policy that require attention for the AFM to remain viable. He spoke about the recent agreement at the Sound Recording Labor negotiations that will add needed funding to MPTF and the AFM-EPF through licensing payments.

He spoke about recent campaigns in Los Angeles, Boston, New York, and other cities, protesting the use of taped rather than live music for shows – like the Rockettes – that charge full price for tickets while audiences only see 50% of the performance. He discussed the Detroit Symphony's struggle during its six-month strike, the solidarity of musicians that refused to cross the orchestra's picket line, and ICSOM's Calls to Action that helped so many orchestras – their solidarity was an inspiration. Musicians in Detroit and the greater musical community refused to stand on the side lines – they stood together – performed concerts and inevitably achieved a contract settlement. Yet, as soon as the DSO settled it was clear boards and managers could not be successful trying to break orchestras in this manner, so they have now chosen to use bankruptcy as a weapon.

Hair elaborated on the bankruptcy assistance the AFM and the AFM-EPF have engaged - Jennifer Garner, who has been assisting Louisville, Syracuse and New Mexico, and Sharon Levine of Lowenstein Sandler, who is one of the attorneys assisting the pension fund and protecting members' interests. He discussed board attempts to protect their orchestras' endowments by claiming donations are restricted, and therefore should not be considered to be assets during bankruptcy proceedings. In Philadelphia the board has stated the bankruptcy filing occurred so the orchestra can relieve itself of its pension obligations. In Louisville the management claims that once the orchestra discharges its bankruptcy obligations there will be enough money and no need to employ an orchestra.

He talked about the painful cuts the IEB implemented to keep the AFM going, and that he is willing to do whatever he can to serve the Federation. Finally, he touched on new streaming technologies that are beginning to replace ownership of physical product with content and delivery options and which are becoming the monetized system for new media. However, live music cannot be replaced and is why the AFM will try to drive talent to the AFM website by establishing a national booking agency so the AFM can promote and help its members get jobs. Hair said the AFM must decide what it is – is it every man and every woman for themselves, or is it about working and standing together? He promised to never sell out the AFM, any of its conferences, its members, or the pension fund. He wants to represent an organization that is looking for new opportunities and that will promote those opportunities; the AFM is filled with talented members who can make a difference. The members of the AFM need to band together because the success or failure of the Federation is a choice between self and solidarity to make this union great again. Hair said the AFM has endured for 115 years because we're hopeful – we're still here. What saves us all is music – God bless ICSOM and the American Federation of Musicians.

Ridge thanked Gordon Stump, Susan Barna Ayoub, Joe Goldman, Dave Everson, Brian Ventura, and all the DSO musicians and Local 5 who provided the wonderful concert and dinner at Orchestra Hall Wednesday evening.

Ridge introduced former New York City Ballet Orchestra delegate and ICSOM governing board member-at-large, and newly appointed director of the AFM Symphonic Services Division, Jay Blumenthal.

AFM-SSD Director Jay Blumenthal said he takes great pleasure attending ICSOM in this new capacity, and has been received with such wonderful good will and confidence, as well as a question – what was he thinking accepting this job?

Blumenthal believes he can make a contribution because he cares deeply about orchestras. He spoke of the realities of the orchestral profession – keeping skills well honed, and promoting our individual communities, while at the same time dealing with the economy, bankruptcies and an unsettled future. He intends to work with ICSOM and the other player conferences to create a strong, positive message that will resonate in the orchestra industry and allow everyone to speak with one united voice. He has met with and looks forward to working with the impressive conference leaders representing 156 orchestras. He spoke specifically about the dedication Syracuse and Detroit musicians have shown to their communities which prove that determination can trump any deterrent. Blumenthal also spoke about the legal steps the AFM and Employer trustees are taking to protect the pension fund, and some positive news within the orchestra industry like the recent Metropolitan Opera Orchestra settlement and Kansas City's new hall opening in a few weeks.

He addressed the latest call from dysfunctional boards and incompetent managers for a new model rather than admitting they, not the organization, are the problem; musicians are not a liability but are instead a vital asset and a treasure. He believes that those leaders who claim not to hear the difference in the quality of a performance are a threat to their institutions; that it is vitally important to educate the young people who will be the audiences of tomorrow, and that we must act now to build alliances with education organizations.

Blumenthal said he hopes to work on issues that exist between orchestras and locals, urging delegates and orchestra committees to communicate with their local officers, and local officers to reach out to their orchestras – each can learn from the other.

He closed with the message that our work as orchestral musicians has value and it should be respected.

AFM-Symphonic Services Division

SSD Counsel Rochelle Skolnick presented a primer on grievance and arbitration. It covered grievance processing, duty of fair representation, the types of grievances and who bears the burden of proof, how to deal with potential grievances, who should decide whether a grievance is processed, the essential communication necessary between the orchestra committee and local, following time limits and steps in the grievance process, getting extensions and settlements in writing, pre-grievance advocacy such as providing a Weingarten statement for distribution to members, handling investigatory interviews, that musical termination be handled similarly to just cause terminations, and the arbitration process. She briefly discussed the peer review process and the applications of due process and progressive discipline. She said SSD is progressing with the digitizing of the arbitration decisions database. *(Skolnick has made the PowerPoint presentation available in the password protected area of conference materials; handouts provided at the conference include example grievance forms and request letters.)*

SSD Negotiator Nathan Kahn spoke about the successes of the LA Philharmonic and any number of orchestras around the country – orchestras are doing well, making improvements and turning things around by increasing audiences, donations, and ticket sales which leads to increases in wages. These good news stories and good boards and leadership are occurring even in depressed areas of the country. Kahn discussed some of the problems negotiating orchestras are facing – ultimatums and refusals to bargain off established positions – orchestras must be prepared for this possible behavior. Musicians can attempt to minimize management's efforts in advance of negotiations by putting stories in the media – both print and social media outlets – and by performing concerts independent of the management. He spoke of the necessity of sharing the histories of individual orchestras with new members, and urged orchestras to videotape its past and present leaders. Kahn also encouraged unions and orchestra committees to establish a way to communicate with their constituencies via webpages or Facebook or group discussion lists.

SSD Benefits Analyst Joe Goldman explained how the Detroit Symphony musicians counter-proposed cutting their medical insurance expenses and demonstrated that the increasing cost of medical insurance is becoming comparable to wage costs. He spoke primarily about Consumer Driven Health Care which includes a high deductible plan with a health savings account. *(see DSO medical insurance case study in 2011 ICSOM Conference Secure Area)*

SSD Contract Administrator and Data Analyst Joel LeFevre announced that, due to a lack of time, he will record his presentation. *(see Social media in Union Contract Campaigns in 2011 ICSOM Conference Secure Area)*

Audio Visual and Symphonic Recordings Manager Shari Hoffman spoke to the delegates about royalty collection and payment distribution by the AFM-AFTRA Intellectual Property Rights Distribution Fund from monies collected thanks to the Digital Millennium Copyright Act. These distributions are paid to orchestras as featured artists who are entitled to 45% of those payments. While previous payments were very small and covered decades of performances, amounts are increasing and, Hoffman said, some orchestras should be receiving payments for the first time.

Contributions to the fund are received from Sound Exchange as well as Artistas Intérpretes o Ejecutantes Sociedad de Gestión de España (AIE Spain) and Phonographic Performance Limited (PPL in the United Kingdom.)

Player Conferences Addresses

Theater Musicians Association (TMA)

Tom Mendel, who was newly elected as president of TMA just two days ago, thanked previous TMA president Vicky Smolik for her dedication and service and said she will continue serving as a member of the TMA executive board. Theater musicians face numerous challenges – mostly financial – as they deal with claims the economy is to blame for the reduction in orchestra size, or replacement by tapes and virtual conductor machines. Though agreements exist that prohibit reductions or replacements, many Pamphlet B traveling shows are manipulated with the help of creative financing to put lower paying and non-union Broadway shows on the road. TMA would like to increase the number of chapters and members and are thankful that this current AFM President now listens to player conferences. TMA also plans to use advertising in Playbill and other union publications; they will also increase their presence on the web and through other social media outlets. TMA is also dedicated to education; Mendel has spoken to various schools in the Chicago area where he resides.

Recording Musicians Association (RMA)

Marc Sazer, president of RMA since December 2010, offered congratulations and thanks to ICSOM. He addressed the ratification of an agreement by recording musicians to pay an additional percentage of work dues for electronic media work to the AFM (by musicians performing in excess of \$2,500 of non-symphonic recording work) and he is proud to have assisted in crafting this landmark agreement that will bring additional funds to assist the financially strapped Federation. He also spoke about the new collegial relationship between the RMA and the AFM President and IEB who are currently involved in negotiating a successor agreement to the Sound Recording Labor Agreement; now all voices are allowed to be heard and caucuses are quite democratic. He believes everyone will benefit as more information is shared, and mentioned specifically a two day meeting held a few months ago to address New Use issues – it was open to locals across the country.

Sazer spoke about the organizing departments in other entertainment industries that are well funded and protect union employment. Sadly, it has been much more difficult to educate our employers and musicians and the AFM has not been as successful in its organizing activities. He said there have been many forces working against the AFM but there have been some successful campaigns and the AFM must build on those successes. He expressed his gratitude to President Hair and said he continues to be hopeful and to believe the AFM will prosper.

Organization of Canadian Symphony Musicians (OCSM)

Matt Heller, who was elected president of OCSM four days ago, encouraged delegates, their orchestra members and AFM and local officers to join the Orchestra-L forum. He thanked the ICSOM governing board for their wonderful resolution that will honor Francine Schutzman on Saturday. He spoke about the wonderful relationship between the PCC leadership and that OCSM was pleased their orchestras contributed \$30,000 to ICSOM's Calls to Action; this also included the largest single contribution – from the Montreal Symphony – to the Detroit Symphony during their strike. Heller will continue to ask his membership to contribute to other orchestras in trouble. He addressed OCSM's concerns about the handling of the MROC situation referred to by President Hair as well as some issues between the IEB and Canadian Vice-President; they remain hopeful there will be a favorable outcome at the Canadian Conference in a few days. He spoke about CBC broadcast negotiations which provide much needed supplemental income to OCSM's orchestras. Heller said technology should not be a crutch but an entry into innovative thinking that is accessible to everyone – how we make that happen is still to be decided but he looks forward to the discussion.

Regional Orchestra Players Association (ROPA)

Carla Lehmeier-Tatum, as introduced by Bruce Ridge, not only serves as president of a conference representing more than 80 orchestras but has also been serving as leader of an orchestra in Chapter 7 bankruptcy. Lehmeier-Tatum thanked the delegates and extended thanks and greetings from the orchestras and executive board of ROPA, and that her delegates enjoyed hearing from ICSOM chair Bruce Ridge at their recent conference in Portland, Maine. She said the relationship between ICSOM and ROPA has never been stronger, and she looks forward to working with SSD director Jay Blumenthal. She extolled the virtues of ICSOM's Calls to Action – and more recently a ROPA Call to Action – that demonstrate how orchestras and conferences can work together.

She said her orchestra, the New Mexico Symphony, has been overwhelmed by support and financial contributions they have received from ICSOM orchestras. She reviewed the devastating and frustrating problems her orchestra has been facing during the bankruptcy and attempts to begin a new orchestra. She thanked AFM President Ray Hair and Secretary-Treasurer Sam Folio for their assistance, especially obtaining funding from the AFL-CIO for a bankruptcy attorney to assist her orchestra in their fight. Her orchestra has begun to reorganize, has filed for 501c3 status, and they are receiving generous public and city assistance – they have donated office space that is provided free of charge for the next two years and they have begun to set up and implement fundraising campaigns.

Lehmeier-Tatum also spoke about her participation at the FIM conference in Amsterdam, in the 2010 League conference, and her participation in Detroit's Labor Day parade and rally in September 2010. She questioned whether there could have been some alternate outcome in Detroit rather than being forced to strike, and expressed empathy for the devastation DSO musicians must feel at the loss of their colleagues during and after the strike. She spoke about ROPA's recent resolution calling on boards and managers to speak about the orchestral industry in a more positive manner.

American Federation of Musicians and Employers' Pension Fund (AFM-EPF) Presentation – Laura Ross, Brian Rood and Bill Moriarity – AFM Pension Trustees (*3 handouts – Senza Sordino article on the Pension Estimator, 2 pie-charts comparing contributions and salaries by work type in 2010, Withdrawal Liability*)

Laura Ross and Brian Rood have served as AFM trustees for the American Federation of Musicians and Employers' Pension Fund since their appointment by AFM President Ray Hair in August 2010. They were joined by fellow trustee Bill Moriarity who served as AFM trustee from 1993 through October 2005, and was reappointed as trustee in August 2010. Other trustees attending the conference were introduced - Gary Matts (trustee since 2005), Tino Gagliardi and Vince Trombetta (both appointed in August 2010), and Ray Hair. Phil Yao, the third rank and file trustee (since August 2003), was not in attendance.

Ross explained that the Fund is a Taft-Hartley Multi-Employer Defined Benefit Pension Fund that has mandated oversight by trustees which are made up of an equal number of union and management trustees with two co-chairs – Ray Hair and Alan Raphael. She spoke about recent employer trustee appointments that included the first symphonic employer, Bill Thomas from the New York Philharmonic; an appointment ICSOM had been calling for since 2007.

She said trustees serve on committees and sub-committees; current committees are - Investment, Audit, Administrative, Communication, Computer, and Record Label Compliance. There are two recent additions: Bankruptcy - which was established to communicate with Fund attorneys retained to deal with the bankruptcies in Philadelphia, Louisville, Syracuse, New Mexico and future bankruptcies - and Strategic Planning - which was established to investigate all aspects of the Fund plan design and identify possible changes as the Trustees navigate through the recent financial turmoil.

Rood spoke about the strategic planning committee's charge to "think outside of the box" regarding current and future plan design strategies, investment options, and other opportunities that might help the Fund increase the pension benefit multiplier while protecting already vested benefits. He spoke about trustee meetings, which are held quarterly, and about the actuarial firm – Milliman – and the Fund's investment advisors - Meketa Investment Group – who have been working with the Fund staff, trustees, actuaries and other professionals to ensure that the Fund is invested in ways that, hopefully, will offer greater investment performance while decreasing overall volatility.

Rood spoke briefly about the Fund's current asset allocation policy that includes investments in Domestic/Developed Foreign/Emerging Markets/Private Equities, Investment Grade/High Yield Bonds and TIPS, Real Estate, Natural Resources and Hedge Fund of Funds. The policy reflects ongoing efforts over the past couple of years to increase the Fund's diversification among as many major asset classes as is prudent.

He reported that trustees make periodic adjustments and additions to asset classes that are all part of an overall investment strategy. Strong performance overall contributed to another year that exceeded the Fund's investment rate assumption of 7.5%; the Fund's investment performance for fiscal year 2011 was about 12% (net of fees).

Ross demonstrated how to log on to and use the new Pension Estimator on the AFM-EPF website – www.afm-epf.org – for those who wish to estimate what their monthly pension benefit will be upon retirement. She asked delegates to encourage their orchestra members to register on the website to see Annual Statements of Covered Earnings since 2000. While there are currently more than 54,000 participants in the Fund, less than 3,500 have registered on the website.

She stated that the Fund is considered to be a mature fund that is more dependent upon investment returns because more benefits are paid to participants than are received in employer contributions. She explained that the Fund deals with a huge number of CBAs and Participation Agreements (3,500 not including single engagements) and employers (7,000) each year. This August 52,127 participant statements covering 2010 contributions will be mailed.

Ross spoke about the Fund's budget, how individual fund managers are selected, she spoke about the number of staff and their salaries, auditing procedures, and increases in contributions and/or surcharges due to entering red zone status. She touched briefly on the Rehabilitation Plan effective June 1, 2010, and withdrawal liability which has been in place since April 1, 2009. Beginning with withdrawals occurring in fiscal year ending 3/31/2010, employers who withdraw from the Fund are required to pay withdrawal liability. An employer can request an estimate of their withdrawal liability from the Fund (\$2,000 per request is charged to the Employer). She briefly discussed orchestras that have withdrawn or have threatened to withdraw from the Fund and alternative defined benefit plan replacements to take the place of the AFM-EPF or an orchestra's private pension plan. She added that, while an employer might consider withdrawing from the Fund, they would be required to make significant payments – close to the highest payment they already make – for 20 years along with replacing the AFM-EPF pension, in essence paying pension twice. For most, this is not an expense most employers (these days) can or are willing to absorb, and depending upon how long an employer has been contributing to the Fund, payments can be significant – many millions of dollars. Some orchestra managers have requested an estimate of their withdrawal liability and are using it as a sledgehammer to gain concessions from their musicians. No pension withdrawal can happen without the approval of the musicians and for orchestras with financial problems, withdrawing is not a legitimate expense when trying to “cut” the budget. Bottom line - if an orchestra does not withdraw from the Fund, there is no liability.

Ross said the Fund remains in the Red Zone through 2011 but trustees hope that if trends continue to improve as they have the past two years, and providing the Fund continues to achieve an investment return that exceeds the 7.5% investment return assumption, the Fund could exit critical status in the next couple of years. She explained the recent funding notices that were sent to all participants and employers and explained how adopting Funding Relief would impact the Fund. She also reminded delegates that the Fund's actuaries have certified that the Fund is not currently insolvent, nor is it projected to be insolvent any time in the next 40 years, which is the maximum period the actuaries can look at.

Her final comments covered her duties on the Administrative Committee, one duty of which is to oversee the Fund's budget, and the Communications Committee, where she and employer trustee Marion Preston are attempting to try and make Fund documents and general communication with participants, employers and others as “user friendly” as possible. The retirement benefit application has already been rewritten and the entire Summary Plan Description (SPD) is being rewritten this year to incorporate all the changes that have occurred the past few years.

Q&A

Comments and questions by AFM Vice-President Bruce Fife, George Brown (Utah), Ethan Silverman (NYC Ballet) and Phoenix Local Secretary-Treasurer Madelyn Roberts included a request that funding notices be more clear, whether the Fund held any AIG stock, when the Fund is likely to exit the red zone, whether statements and other documents can be sent via email to save money and trees, and whether the 7.5% benchmark is too high.

Regarding the 7.5% benchmark, Bill Moriarity explained assumptions are usually closer to 8% but the Fund has been advised to use 7.5%, which is more typical over a long period of time. If the benchmark could be reasonably raised, the Fund could be in the green zone that much faster, but the investment advisors are trying to help the Fund beat the benchmarks through different asset allocation.

Delegate Duel – Susan Martin, ICSOM General Counsel

Susan Martin said that after listening attentively to many great presentations it was time to put the delegates and guests to work. She explained the game format, in which delegates were divided into groups by their member-at-large assignment, with all others in a fifth group. It was designed for everyone's active participation. Topics were based upon recent court and NLRB rulings because knowledge of the law is important. Following each scenario and vote tally, Martin explained the correct answer and gave a brief explanation of the specific court/board ruling.

Scenario 1 addressed the lack of a Management social media policy and Management's apparent attempts to stop a musician from tweeting information that, in their opinion, was unflattering to the orchestra including a tweet about his

opinion of the Music Director. His failure to take Management's verbal warning seriously caused Pete Percussion's employment to be terminated. Participants voted whether the termination violated any laws. *Answer: No.*

Scenario 2 continued with a friend and co-worker of Pete's, Tom Treble, who upon hearing of Pete's discharge goes on Facebook and posts comments about Pete's termination and Management's attempt to control Musician's lives outside of work, which generates comments from other orchestra members. Management confronts Tom and advises him he may not discuss Management on his Facebook page or he'll be discharged next. Participants voted whether the warning violated any laws. *Answer: Yes, it violated his rights to engage in protected concerted activities under Section 7 of the NLRA.*

Scenario 3 addressed a demonstration by musicians of the Gotham City Orchestra at Orchestra Hall which is not owned by the Orchestra but by a separate nonprofit corporation. These activities which included burying musical instruments in coffins on the lawn and displaying a 16 foot tall rat which wears a sign saying "Gotham City Association and Board" led the venue and the Symphony Association to file an unfair labor practice (ULP) charge against the union. Participants voted whether the union would be found guilty of a ULP. *Answer: No, because all the activities were lawful demonstrations of constitutionally protected free speech.*

Scenario 4 dealt with age discrimination and Sam Sage's failure to file a grievance under the collective bargaining agreement where the collective bargaining agreement says the employer will not discriminate. Participants voted whether a lawsuit by Sam alleging age discrimination should be dismissed because Sam didn't file a grievance under the CBA. *Answer: No*

Scenario 5 covered a personnel manager's request for a doctor's note for a one day absence from a musician considered to be a habitual absentee. Participants voted for which law, if any, had been violated by the personnel manager. *Answer: The Genetic Information Nondiscrimination Act of 2008 ("GINA").*

Scenarios 6 and 7 explored Assistant Concertmaster, Angelique Adams's tenure review by Music Director Marvin Marvelous, which has been tainted by false information provided by the Concertmaster, Charlie Cadowitz, who had been making sexually harassing comments to her while she was still a probationary musician; her response to his remarks were disparaging and most likely led to Cadowitz's falsehoods. Marvelous denied tenure based upon Cadowitz's comments. Participants voted whether Angelique had a discrimination claim against the Association. *Answer: Yes.* Bonus question 7 asked what Angelique's theory of discrimination was called. *Answer: "Cat's Paw."*

Scenario 8 was a follow up by committee chair Mable Militant who complained about the rampant sexism she observed in the orchestra, including Cadowitz's behavior. In retaliation for this and other complaints, Management instructed the personnel manager to remove Ian Innocent, Mable's husband from the sub list which led Innocent to file a sex discrimination charge with the EEOC. Participants vote whether Innocent had a case. *Answer: Yes.*

Scenario 9 addressed that the recently retired principal violist for 30 years, Ginny Genuine, had a negotiated overscale of 15% that management refused to renegotiate by pleading poverty. Following her retirement she received anonymous information that her stand partner of 10 years, associate principal violist Barry Brash, had in fact been receiving 25% more overscale than Genuine for the last 10 years. In fact most principals under age 50 were making at least 25% or more. She spoke to an attorney about filing charges but was advised she waited too long to challenge this act; after considering this advice, Genuine filed a charge at the EEOC the month following her retirement. Participants vote whether Genuine or the attorney was correct whether it was correct to file and why. *Answer: Genuine could still challenge the unequal pay by filing a charge at the EEOC.*

Scenario 10 dealt with first time bargaining and subjects such as increasing retiree benefits, removing the concertmaster from the bargaining unit, the installation of surveillance cameras and the price of vending machine snacks Management refuses to discuss because they claimed they were not mandatory topics but management rights issues. Participants voted which topic Management or the Union had the right to refuse to discuss at the bargaining table. *Answer: Removing the concertmaster from the bargaining unit.*

Scenario 11 asked about whether Management's claims that Eddie Eager, who had joined the orchestra four years earlier and was contributing the maximum of 7% to receive a matching contribution from his employer to his 403b account, was not vested since he did not have five years of employment when layoffs began. His attorney, an expert pension-attorney from Phoenix, AZ, advised him; participants voted what her advice to Eager would have been. *Answer: Eddie had a right to his own contributions and some of his employer's contributions.*

Scenario 12 addressed the application of Family Medical Leave Act (FMLA) when a married couple in a 52-week orchestra returned from a FMLA leave when one of their children and the nanny were hospitalized and cared for by

one parent, while their other three children were cared for by the other parent. The employer gave written warning notice to the parent who remained at home caring for the rest of the family claiming she violated FMLA leave policies. Participants voted whether the musicians had a legitimate grievance. *Answer: Yes.*

Scenario 13 covered an orchestra's attempt to control medical care costs by designing a wellness program. A health survey was distributed with 20% of the questions asking for personal family medical history; \$100 would be paid to each person returning the completed survey. Participants voted whether the Association could do this. *Answer: No, this would violate GINA.*

Scenario 14 asked, and participants voted on which refusal to provide information by management would not constitute an ULP for refusal to bargain in good faith – providing non-union staff salary information that is kept confidential, providing gross and net profit financial information or providing musician overscale information. *Answer: None of the above.*

Scenario 15 dealt with a new principal musician, Barney Banks, who gave permission for a background and financial check but in the intervening period before he was hired, he was observed at the gaming tables in Las Vegas claiming to be thousands of dollars down. The Association discovered, thanks to the background check, that Banks had filed for bankruptcy and had a string of bad debts, so they tell him if he wants the job, he will have to play for minimum scale, they have no additional money for overscale. Participants voted whether the employer's actions were permissible. *Answer: No.*

Scenario 16 dealt with a committee survey of the orchestra prior to negotiations to find out what they should ask for regarding medical benefit improvements. An argument then occurred within the orchestra, partially due to the committee's decision that they should improve wages rather than the medical plan since management was not asking for cuts or premium increases. Participants voted which information could have been shared with the orchestra that could have avoided the argument in the first place. *Answer: Improvements in the mental health care provisions may be required now anyway under the Mental Health Parity and Addiction Equity Act of 2008.*

Scenario 17 addressed continued violations of the CBA by the Music Director despite two favorable arbitration decisions for the Union. Participants voted what grievance demands should be included in the resolution of the next arbitration – punitive damages, docking the Music Director's pay or damages for pain and suffering. *Answer: Punitive damages.*

Question 18 asked what participants thought was always required for an employer to recognize a union. *Answer: Support by a majority of employees.*

Question 19 asked whether participants believed an individual employee was always entitled to arbitrate a grievance even if the union did not want to do so because they believed it would fail. *Answer: No.*

Question 20 asked which rules under employment law – for the National Labor Relations Act (NLRA), Genetic Information Nondiscrimination Act of 2008 (GINA), Uniformed Services and Employment and Reemployment Rights Act (USERRA) – participants thought were required to be posted in the workplace. *Answer: GINA [answer during the conference; now NLRA rules must also be posted in the workplace.]*

Question 21 dealt with when Beck objectors must make their objection and whether it must be done on a yearly basis, though at any point during that year. Participants voted whether they considered this permissible. *Answer: Yes.*

The final question asked what Detroit sports team had won the most championships – Tigers (4), Lions (4), Pistons (3) and Red Wings (11).

The winning team were the orchestras of Member-at-Large Cathy Payne. Bill Foster (National) had the highest number of correct answers. Team Payne and Bill Foster were given toy and inflatable sharks as prizes.

Electronic Media Committee Report – Bill Foster, ICSOM Electronic Media Committee chair and Debbie Newmark, AFM-SSD Electronic Media director

Bill Foster and Debbie Newmark spoke briefly about what has been occurring in electronic media during the past season. Foster briefly reviewed the history of the Integrated Media Agreement (IMA) and recent decisions regarding who the employer must bargain with for electronic media terms and conditions. The Cleveland Orchestra (MAA) has twice lost their NLRB case to bargain with Local 4 rather than the AFM, first in January 2011 and most recently in June

2011. MAA has filed another appeal, this time with the Appeals Court; the only final recourse after a loss here is the Supreme Court.

Newmark said some managers are spreading misinformation; she clarified that 1) electronic media agreements that have expired are **still in effect** until an orchestra either signs the IMA or a successor agreement is negotiated; and 2) the IMA agreement was 95% negotiated before employers walked out, the 5% of terms were negotiated with the LA Philharmonic and became the current IMA. She explained the AFM's position regarding local and national bargaining and representation rights – local for all but national media rights. She also said there are now 35 signatory orchestras to the IMA, an increase of 21 since the 2010 ICSOM conference.

Peter de Boor (Kennedy Center) asked what was negotiated by the LA Phil. Newmark replied that most orchestras have been happy to sign the agreement as is, but a few orchestras have asked for certain considerations in their specific agreements; the AFM will not reduce any terms or conditions than exist in the agreement so most orchestra IMAs are exactly the same.

Delegates were encouraged to attend the IMA presentation in the evening breakout sessions; viewing of one or both the documentaries about the Philadelphia Orchestra – *Music from the Inside Out* – and the Louisville Orchestra – *Music Makes a City* – were scheduled to follow the breakout sessions.

Breakout sessions covering *Internal Organizing and Governance*, *Branding the Orchestra in the Community and Building Relationships with the Board*, and *More on the Integrated Media Agreement* began at 7:30PM.

Friday, August 19

Roll call of orchestras (number years as member of their orchestra)

Nominations – there being no further nominations, they remain open through the afternoon.

AFM Strike Fund Report – Brian Rood & David Angus, Strike Fund Trustees

Brian Rood reported on the financial health of the strike fund. He reported that the trustees forgave strike fund dues payments from Honolulu and New Mexico for the 2010-11 season. Dave Angus spoke about the trustees' decision to extend benefits beyond the guaranteed benefit to Detroit because of the extraordinary reasons the orchestra had chosen to strike - money was only a part of the reason, their job protection issues were at risk - and though it should not be considered to be precedent setting, participants should know trustees were in constant contact with the orchestra. Angus said he expected there would be further dialog about future funding ideas during the Town Hall discussion.

Delegate-L, Orchestra-L and ICSOM Directory – Paul Gunther (with assistance from Brian Rood and Bruce Ridge)

As moderator of Orchestra-L, Paul Gunther explained how to sign up for this list and how he and the governing board handle the posting of messages. He announced he would post the policy next week and does so twice a year. Gunther also spoke about the ICSOM Directory and delegates' responsibilities to keep all information updated and current. He explained that Richard Levine and his wife Jean Lim had developed the program utilized by the delegates; the Directory update request to delegates will be forthcoming in October for a two month period. Brian Rood reminded delegates that all information must be received in a timely manner because Directories are for all ICSOM members.

Michael Moore encouraged delegates to urge their committee and orchestra members to sign up for Orchestra-L. Delegates were reminded that article postings require publication attribution. Bruce Ridge reported that there are approximately 1,000 Orchestra-L subscribers and that anonymous posts are not allowed. Ridge also explained how Delegate-L functions.

Abe Torchinsky ICSOM Emeritus Program – Mary Plaine, Administrator

Mary Plaine explained the requirements for emeritus member application, where to find the information (the Delegate Manual) and what emeritus members receive.

Pat Sharpe (Syracuse) requested emeritus member listings include their instrument. Following a show of hands, Richard Levine said it could be added but delegates would need to contact emeritus members for that information if it was not known.

There were requests from Rachel Goldstein (Chicago) and Ron Whaley (Phoenix) to include an “in memoriam” section in *Senza Sordino*. Levine said it would require good information from delegates and other contributors.

Peter de Boor spoke about the importance of supporting the AFM TEMPO fund, asking for additional contributions.

Jane Slaughter, editor for *Labor Notes*

Jane Slaughter thanked Bruce Ridge for the invitation to speak. She also thanked Barbara Zmich and Celeste McClellan for setting up and maintaining a *Labor Notes* table at the conference. She spoke about misinformation attacking the credibility of school teachers, how money has been wasted or spent on other things and those mistakes are now at the heart of the attacks on pensions, and that the US is one of the richest countries in the world but taxes need to be redistributed so the wealth that is currently untapped will be in the future. Slaughter spoke about specific issues where workers’ rights are under attack and that the worst problem Americans currently face is not the National deficit; the problem is the lack of jobs.

She spoke about the power of unions, the Detroit Symphony strike, the Verizon workers strike, and the Wisconsin rebellion against the attack on collective bargaining. Unions need to stand up for themselves, inspire people, educate people about the reasons the country is facing a deficit, become defenders of the public good, move rather than waiting for permission to act, go on the offensive, and urge our politicians to start higher rather than beginning in the middle of their retrenchment. She suggested people visit Verizon stores and show their support for striking workers.

Conductor Evaluation Program – Michael Moore, Administrator

Michael Moore explained the history of the program and acknowledged DSO musician Cathy Compton, who attended the conference on Wednesday, as the person who worked with Wayne State University to create the form used today. He reviewed which results can be shared with orchestra members and mentioned that many orchestras have created their own forms. The current contact at Wayne State has informed ICSOM that an online evaluation system is not possible but Moore will continue to explore the idea.

Brian Ventura explained that one of the management proposals Detroit Symphony musicians successfully kept from elimination was the use of evaluation results in determining whether a conductor may return for another engagement with the orchestra - it was very important to the orchestra. Moore explained that Atlanta and Detroit both have contractual requirements regarding the use of evaluation results.

New York City Opera - Gail Kruvand, ICSOM delegate

While introducing this presentation, Bruce Ridge praised Local 802 President Tino Gagliardi and Gail Kruvand for their handling of this grave situation.

Kruvand explained that the Opera is in real trouble, both financially and due to the General Manager’s warped sense of power; he has fired all the artistic leadership, which has led to a loss of the majority of the upper management, and the orchestra and chorus contracts are under attack. She spoke of her anger, and that of her members, because the orchestra made good faith concessions of more than 30-35% of their salary and benefits; now they want the orchestra to take an additional cut of 90% or more. Previous management has negotiated decent agreements, there were no grievances, the orchestra was happy, and there was a great deal of good will.

When talks began it became apparent those days were gone: first the board decreed there must be a balanced budget; then George Steele decided the organization would ditch their obligations – office space, performing space at Lincoln Center, their artistic contracts – all without a plan to move forward. The budget was drastically cut and the orchestra realized their expenses were not included. Bruce Simon jointly represents the musicians and chorus. Kruvand spoke about the wonderful guidance they are receiving from Local 802. They are utilizing various methods to demonstrate support on the web, on Twitter, and Facebook, and have a great relationship with the press. She revealed the first splash in the press was the no confidence vote for George Steele. They have also successfully drawn attention with big name artists support who are urging that the company be saved and change their course.

Kruvand explained that each union has a non-voting board member who is invited to board meetings and attend strictly as observers, so the unions know the faces and names of NYCO board members. A number of significant board members have resigned, the board chair is not providing any comments or contact, and he doesn’t appear at any performances. George Steele is manipulating the board and the financial numbers – donor money has dried up, no subscription monies are coming in, there is no operating cash – the public is not buying their story and it is becoming

very difficult to see a future for the Opera at this point. Kruvand still has hope but is unsure if there will be a company in a few months; meanwhile, she has felt such a wealth of support from the governing board, and is grateful.

Karen Schnackenberg (Dallas) spoke about George Steele who was previously with the Dallas Opera. Ethan Silverman (NYC Ballet) asked everyone to look at the proposals that had been placed in delegate mailboxes.

Brian Lee (SF Ballet) asked what reasons were given for the board member resignations. Kruvand responded that one board member said their resignation was because they could not support the direction the company was going in, the rest have been mute.

Brian Ventura wished them the very best of luck.

Bruce Ridge said the NYC Opera is lucky to have Kruvand as their leader and ICSOM is ready to assist in any way the orchestra might need.

Bankruptcy 101 - Bruce Simon, attorney

(see Bruce Simon handout in 2011 ICSOM Conference Secure Area)

Bruce Simon opened the session with an acknowledgement that non-profit boards of directors, and especially orchestra boards, used to consist of individuals who had “old” money or were philanthropic giants who used their money to support and direct major cultural institutions. Today those same cultural institutions are run by financial and hedge fund managers who consider unions to be a barrier to success, that pensions are an overblown benefit, and concessions must be wrung out whenever they can.

Simon clarified that, while he is a labor attorney, his practice has identified a niche to assist unions facing bankruptcy. His practice has represented union employees with General Motors & Chrysler, the airlines, newspapers, Hollywood guilds, sports teams and currently, the Philadelphia Orchestra. He also said that none of these cases could be compared to another but were tied to the specific actions and decisions of their individual boards of trustees and specific environments.

From a historical perspective, those in financial distress were thrown into debtors’ prison. Reform came through the development of bankruptcy laws that gave individuals and businesses the ability to wipe clean their debts and start anew while, at the same time, allowing for a fair distribution of assets among claimants. However, instead of protecting people by providing a shield, this law became a sword that has been used by bad management, when someone loses a lawsuit, or any other variety of reasons – it is this sword that is being used today against orchestras.

Simon explained how bankruptcy works: There are flexible, individual court-specific rules. Bankruptcy occurs as soon as a petition is filed in court – the petitioner instantly becomes the *debtor in possession* – no permission is asked, and there is little chance of success to a move to dismiss. When Louisville and Philadelphia filed their petitions, orchestra managements became debtors in possession; much remained the same and business continued as usual. While first day orders by the court allow management to continue as usual, creditors are now divided into pre-petition and post-petition creditors. Pre-petition creditors get a percentage of what they’re owed on goods and services while post-petition creditors get a much higher percentage, generally up to 100%. Petitioners are also protected, unless leave is granted by the court, from lawsuits filed after entering bankruptcy.

The next step is the appointment of a creditors’ committee – one of the external entities that oversee the proceedings going forward - and representatives for employee groups and pension funds are usually appointed to the creditors’ committee. The Philadelphia Orchestra’s creditors committee does not have a representative for the private employer pension plan, but the Pension Benefit Guarantee Corporation (PBGC) and the AFM-EPF both have seats on the committee.

Also, attorney fees can be an enormous expense and are considered part of the claims of administration so are paid first, before creditors. He addressed the “plan of reorganization” which is presented to the court to begin operations after exiting bankruptcy. At the point of exiting bankruptcy all claims are tallied, which can be up to 12-18 months, and the specified assets are distributed to the creditors who receive a fraction of the amount owed from the assets.

What Simon described is Chapter 11 – reorganization. Chapter 7 is liquidation bankruptcy but in that case the assets are sold off and distributed to the creditors; any organization that emerges later is generally a new and unrelated to the old bankrupt organization.

Simon stressed the importance of gaining a seat on the creditors committee because it gives a creditor the ability to influence that committee, and the creditor receives information and analysis not generally available except to those who participate.

Simon said many ask whether the bankruptcy judge will realize an organization is filing for bankruptcy to exploit the law's ability to achieve non-fresh start conditions and break the unions. He said that most judges, unfortunately, are former bankruptcy attorneys who believe unions are the problem; they are not friends of the union and will listen to managers and board of directors and respect their "business judgment" rather than the union. They will also listen to the creditors' committee, which is why it is so important to try to get a seat on the committee. However, a judge's overriding goal is to get the organization out of bankruptcy and treat creditors fairly.

Before an organization goes through Chapter 11, they typically implement a course of action that will indicate something is wrong and requires fixing or there is a determined action to break the union – each action is well planned in advance of bankruptcy. Following this scenario, according to Simon, perhaps a year before the organization plans a bankruptcy they come to the union claiming they want to open the books and negotiate concessions to avoid Chapter 11 – there are discussions about a salary freeze or cut, converting pension and health plans, they say the administration is already making cuts, and there will be shared sacrifice. So, in good faith, the union will sit down to talk, but, he stressed, the union should do a financial analysis of the books – they are detailed and can tell you how the business is run – this is a financial analyst's job, not a CPA, and analyses don't come cheap.

After all the details are analyzed, the union agrees to concessions to grant management the time and financial relief they need – suddenly they comeback for a second bite at the apple asking for more concessions. Simon urged orchestras to try to protect themselves from this because management will try to tie these actions to a rejection of the contract, also called a 1113 motion, to set aside the contract in bankruptcy.

Once in bankruptcy and after attempting to negotiate a new contract again, the management files a 1113 motion which will require that additional information be shared. There will likely be a brief trial when management tries to prove they need the concessions they're asking for to exit bankruptcy and that ripping up the contract is the only answer. After all this occurs, it is very likely the judge will allow the contract to be set aside, and agree to implementing management's reorganization plan. The employees then have the option of either accepting the contract or striking. Sometimes the union recommends the contract be set aside so the Union can strike. The National Labor Relations Act (NLRA) requires there must be negotiations and both parties must bargain in good faith, so it is possible to be in the middle of a bankruptcy with either a strike or acceptance of terms.

The reorganization plan must be ratified by the creditors, and it is possible that everything could remain in place in the organization, save perhaps the employees.

The status of whether endowments are treated as assets is not settled, and is a subject currently being argued between the Philadelphia Orchestra Association and the AFM-EPF. Orchestras are very different from commercial entities because there are relationships between employees and board members – they are your friends until they turn against you. Additionally, orchestra members are not viewed as union thugs, but as something different, and the Press treats the credibility of musicians as unusual and special.

In closing, Simon said the problem with the bankruptcy option as is means it can, and is, used as a weapon. Unity for orchestras is key – nothing is more important right now than putting aside rivalries along with any stress or tension with Local leadership – there must be internal unity, and recognition that musicians have the ultimate control of the product. He also advised that even when things are at the worst, everyone should be allowed to speak but, it should be speaking with a united message – symphonies are respected and musicians should take advantage of this opinion when expressing that united message.

Q&A

Trevor Johnson (Louisville) said musicians were consistently told that because the CBA had expired they did not have standing with the creditors committee; they are pleased the AFM-EPF is contesting the reorganization plan. Simon replied that this advice did not sound correct.

Tom Reel (Virginia) asked if a judge would consider the impact of accepting the reorganization plan had an adverse affect on other organizations, for example the withdrawal from the AFM-EPF. Simon replied that most judges don't focus on other employers or cases, just the case in front of them. He said this was American Airlines' stated opinion

when other airlines were racing to file their bankruptcies was to condemn those bankruptcy judges' rulings because they impacted all the other carriers within their industry.

Steve Flanter (Honolulu) said his orchestra's endowment became a separate organization 10 years ago and was not considered an asset during their bankruptcy. He said this same endowment fund can be an asset for the new organization currently being formed. Can that same bankrupt organization attract the same type of donations moving forward in the future? Simon said the *Philadelphia Inquirer* has been featuring the loss of musicians and there is a true blindness to what the impact of these losses will have on the donor base; the impact in Honolulu is unknown but failure is certainly not an option according to Flanter.

Richard Levine (San Diego) asked for comment about claims withdrawal liability are causing a burden, so they are filing bankruptcy. Simon said the Philadelphia board chairman's theory is that if the AFM-EPF fails – the Fund is in the red zone, the multiplier and benefits have been reduced, reasons he cites to portray it as failing – they do not want to be involved with a business that could fail in the future, so it's better to get out now rather than later. It's a perverted view but it is a view about pension funds that appears to have traction.

Victoria Krukowski (Syracuse) explained that her orchestra's bankruptcy is considered to be a no asset bankruptcy partially because the endowment bylaws were changed a few years ago – the fund no longer supports the orchestra but instead it supports classical music in general. Donors are angry and have tried to gain access to donations they thought were being contributed to support the Syracuse Symphony. Simon said these changes have become a pattern of behavior based upon state laws and certain cases that have occurred the past few years.

Rachel Goldstein (Chicago) asked if an orchestra is contemplating necessary cuts, is it important to negotiate a "bankruptcy protection clause". Simon explained that this clause is an agreement between the union and management that these concessions are the only changes that will be made and that in exchange management will waive any right to file a section 1113 motion since the cuts negotiated are all that would be required to emerge from bankruptcy. Sadly, he said, they are not always enforced by bankruptcy judges, at least not when dealing with commercial entities (he said this is called an *ipso facto* clause).

James Orleans (Boston) asked if not-for-profits are being targeted. Simon said it depends almost entirely upon the motivation and direction of an organization's board, that it would require real determination to weaken the union in an effort to break the pension of large orchestras like Boston. He also said large orchestras should not be behaving this way, they have assets.

Bill Foster (National) asked whether the Annenberg clause that requires repayment of their donation if the orchestra ever filed for bankruptcy was legal. In Philadelphia Simon said musicians are taking the position that treating Annenberg differently would be a fairness issue which is they are supposed to pay creditors and treat everyone equally and fairly; this would give favorable consideration to one organization over another which is not generally the goal of a bankruptcy judge. He further expanded his comments to say that the last thing anyone wants is to have their company in Chapter 11; even worse would be the contemplation of being in Chapter 11 with a threatened section 1113 motion to set aside the contract. Simon believes if employees can swallow the terms of hard bargaining, they should do it.

Laura Leisring (Virginia) asked whether anything can be done now to try and help those orchestras not currently in crisis, to improve and raise their orchestra's efforts. Simon said now is the time for musicians to step outside the box and help their orchestras by performing at donors dinners and doing other things musicians might not have done in the past; an orchestra's success is about the product and what each individual community will require and support. He said if there are a lot of empty seats and older audiences, orchestras need to do something else. He urged orchestras to look for enlightened board members and patrons because they must deal with the new reality and there must be change to adapt to the new marketplace.

Bill Foster asked whether there was a realistic possibility there can be a settlement in Philadelphia. Simon responded that Philadelphia reasons for the bankruptcy filing were not the Kimmel Center or Peter Nero; and yes, there is always a possibility of settlement.

Nominations: Bruce Ridge asked for further nominations for the following offices –

President – Brian Rood

Secretary – Laura Ross

Members-at-Large – Matt Comerford and Cathy Payne

Election: There being no further nominations from the floor, nominations were closed and all nominees were declared to be elected by acclamation.

Bruce Ridge explained that ICSOM dues include a one dollar assessment per musician which supports the Sphinx organization each year. He pointed out that many of the issues ICSOM advocates for offer a positive message - something the Sphinx Organization does well. Aaron Dworkin, the founder of the Sphinx Organization, has been recognized as a champion of change and was recently approved as President Obama's first appointee to the National Council on the Arts.

The Sphinx Organization – Aaron Dworkin, founder and president, and Afa Sadykhly Dworkin, artistic director

The presentation began with a brief video of the 13 year old 2010 Sphinx winner's performance; he was recently accepted to Itzhak Perlman's studio. Dworkin spoke about his and Afa Sadykhly Dworkin's backgrounds and training. He explained that his teacher Stephen Shipps introduced him to a list of black composers while attending the University of Michigan; this later led him to create the Sphinx Organization.

[Throughout the presentation Dworkin recited poems he has written that tell his story.]

Sadykhly Dworkin spoke about the statistical diversity within orchestras of blacks, Hispanics, Asians, whites and others in US orchestras, and who serve as music directors, executive directors and artistic administrators. She touched on the lack of black and Hispanic composers in programming decisions and that minority representation drops as degree levels (bachelor, master, doctoral/PHD) increase. She also addressed the minority populations in youth orchestras (a bit higher) and audience statistics that show that only 4% of blacks and 6% of Hispanics attend concerts, though Hispanic audiences are expected to grow over time.

A Sphinx Overview Video demonstrated many of the accomplishments the organization has already achieved.

Dworkin continued with a comparison of arts and culture spending and funding between certain European countries and US cities – US funding is pitiful in comparison. They spoke about the impact of classical music training, how music has been utilized during social movements, its affiliation with historic figures, and compared how receiving music education can impact income earning and the degree of advanced education to those who had little or no training. Dworkin related that Motown – the music and the performers – could not occur today because arts education is nearly nonexistent in schools; that cuts in arts funding and education has led to a larger disparity in black and Hispanic access to culture versus whites by nearly 50%.

The Sphinx Organization's impact in its first 10 years has increased the number of black musicians in orchestras by 100%. They are now touring soloists, there are black and Hispanic orchestras, and composition commissioning by blacks and Hispanics continues to increase.

Q&A:

Mary Plaine explained the Baltimore Symphony is supposed to be participating in the Sphinx fellowship program and asked how the program is implemented. The Dworkins said they were encouraged that orchestra musicians are interested in this program; Baltimore was to be their third partnership but funding was cut. They hope this program would be in place in an orchestra for a number of years and serve as a model across the country to help these musicians take auditions.

George Brown (Utah) asked how the fellowship program is implemented and also asked about reaching out to the Latino population with some sort of *El Sistema* program. Dworkin replied that Sphinx trains their associates, so don't feel it's necessary to add additional educational training; they also believe that engaging young artists of similar age to the students has been very effective. Regarding *El Sistema*, he said it was a social program that cannot be implemented in the US, but the concept of older students teaching younger students is something that can be embraced. Dworkin believes it would be great if they could direct monies toward *El Sistema* programs but Sphinx has their own programs, artists and teachers.

Meredith Snow reinforced that *El Sistema* can't be duplicated in LA; they take components of the method and incorporate it into their own program. Dworkin agreed *El Sistema* was implemented to try and pull people out of poverty by providing people with instruments and the time to play them. He added this was accomplished under a Socialist regime and it took decades to train someone of Gustavo Dudamel's talent. Developing musicians of singular

talent was not the goal of the program either. Sphinx is trying to put instruments into the hands of poverty-level kids in Detroit and they are proud that in an area with a 30% graduation rate, Sphinx students have a 100% graduation rate.

James Orleans (Boston) inquired about the annual commissioning project. They explained that 11 orchestras (now 9 and more are encouraged to sign on) are involved in the commissioning project. Each orchestra contributes \$5,000 toward the cost of commissioning a new work and each orchestra recommends a composer. The orchestra that recommended the winning composer has the honor of being the first to perform the work. Information is available.

John Lofton (Los Angeles) spoke about his experience in Caracas and agreed *El Sistema* cannot really be replicated, plus participants range in age from 4 to mid-20s. He congratulated the Dworkins on their accomplishments with Sphinx. Dworkin was aware of differences Lofton referred to. Sadykhly Dworkin spoke about her work experience and environment as a person of “non-color” and expressed her sense of pride for what Sphinx Orchestra musicians accomplish. Dworkin also said they have no intention of establishing a permanent Sphinx orchestra, they exist for one week each year; their real goal is to build diversity within the entire orchestral field.

Rachel Goldstein was surprised to hear Sphinx had established a program at Roosevelt University in Chicago and asked whether they had any relationship or partnership with the Chicago Symphony.

Karen Hall (Ft. Worth) spoke about her orchestra’s attempts to reach out to minority students in the schools and how to reach children of very different backgrounds. Sadykhly Dworkin said she would be happy to help enhance their ensemble’s experience. Dworkin said they evaluate their teachers’ verbal skills when relating ideas to the students because it’s not just about being able to speak Spanish, it’s about how the teachers connect and communicate in a way that is well received by the students.

Bruce Ridge said this experience was wonderful and he and the delegates are all very interested in Sphinx’s progress.

TOWN MEETING – Closed Meeting for the ICSOM governing board, delegates and alternate delegates only:

Topics discussed – AFM Strike Fund, ICSOM Wage Chart, ICSOM conductor evaluation program, whether orchestras are told they might be replaced or will travel to an area where orchestras are threatened, and requests that portions of the ICSOM conference sessions be videotaped for display to orchestra members, through social media and other delivery mechanisms.

Peter de Boor announced that ICSOM officers, delegates and guests contributed \$2,400 for TEMPO and Rachel Goldstein made the winning “bid/contribution” to have dinner with ICSOM chairman Bruce Ridge.

Saturday, August 20

Ridge opened the day’s activities with a brief question to the delegates. Ridge has been asked to submit an article for the January issue of the League of American Orchestras’ *Symphony Magazine*, but wanted to hear from the delegates. Helen Reich (Milwaukee), Eric Arbiter (Houston) and Rachel Goldstein (Chicago) favored giving orchestra board members and League constituents the opportunity to hear a new and different voice and to assure he had final approval of the article.

Roll call of orchestras (by state/country of birth)

Lovie Smith Wright, President of Local 65-699 and member of the **AFM Diversity Committee** reported on the make-up of the Diversity Committee, the goals of the committee, and suggested delegates offer ideas and questions for the committee to consider. She spoke about her pleasure meeting Aaron Dworkin, and that she looks forward to working with him and the Sphinx Organization in the coming year.

* * * *

Resolution #2 – MSC [Motion #4 – ICSOM Governing Board] to thank Christopher Durham for his service as SSD director

Whereas, Christopher Durham has had a long career serving the American Federation of Musicians and orchestras in the United States and Canada for more than twenty years; and

Whereas, Chris has an impressive track record negotiating numerous orchestra and theater contracts in his capacity as Symphonic Services Division (SSD) Negotiator; and

Whereas, Chris has served as a remarkable union leader and advocate for orchestral and freelance musicians everywhere; and

Whereas, During a very difficult period of financial upheaval, Chris was appointed to serve as Director of SSD; and

Whereas, During his tenure, Chris began implementation of, and made available, desperately needed services to orchestras and their orchestra and negotiating committees, which include a more user friendly Wage Chart program that allow construction of comparison spreadsheets for negotiations, informational webcasts on topics of interest, and review of all SSD documents for future access on a protected website; and

Whereas, Chris now returns to his first love and profession he excels at, that of full-time SSD negotiator; therefore, be it

Resolved, That the Delegates and Officers to the 2011 International Conference of Symphony and Opera Musicians Conference take this opportunity to thank Christopher Durham for his service as SSD Director, and express their appreciation and admiration for his extraordinary work, and wish him great success in his future efforts as a negotiator and advocate for musicians everywhere.

Resolution #3 – MSC [Motion #5 – ICSOM Governing Board] to thank the community of artists, conductors and friends of the Detroit Symphony, Louisville Orchestra, Syracuse Symphony and Honolulu Symphony

Whereas, The 2010-2011 orchestra season has been fraught with anger and unnecessary job actions against orchestra musicians; and

Whereas, A few orchestras were particularly affected, most especially the Detroit Symphony which was forced to undergo a six month strike, the Louisville Orchestra which filed for Chapter 11 bankruptcy in December of 2010, the Syracuse Symphony that abruptly ended the orchestra's 50th anniversary season by filing for Chapter 7 bankruptcy in mid-April of 2011, and the Honolulu Symphony that saw their Chapter 11 bankruptcy convert to a Chapter 7 "liquidation" bankruptcy; and

Whereas, Throughout these trying times our musical community once again stepped forward to assist those musicians who most needed assistance and support; and

Whereas, The extensive list of friends and the orchestras they assisted include:

Conductors ~ Grant Cooper (Detroit and Syracuse), Joseph Silverstein (Detroit), Gerhardt Zimmermann (Detroit), Christopher Confessore (Detroit), Emily Freeman Brown (Detroit), Kevin Dewey (Detroit), Clark Suttle (Detroit), Kenneth Kiesler (Detroit), Eduard Perrone (Detroit), Randol Bass (Detroit), Uriel Segal (Detroit and Louisville), Jason Seber (Louisville), Jeffrey Reed (Louisville), Heather Buchman (Syracuse), and Daniel Hege (Syracuse);

Guest Artists ~ **violinists** Joseph Silverstein (Detroit), Sarah Crocker (Detroit), Elaina Duitman (Detroit), Mark Kaplan (Louisville) and J. Patrick Rafferty (Louisville), **pianists** James Tocco (Detroit) and Barbara Nissman (Detroit), **guitarist** Stephen Mattingly (Louisville), **vocalists** Peiyi Wang (Detroit), Nicole Greenidge (Detroit), Glenn Miller (Detroit), Christopher Vaught (Detroit), Lisa Agazzi (Detroit), Karl Schmidt (Detroit), Karin White (Detroit), Steve Green (Louisville), Janet Brown (Syracuse) and **choir** Vanguard Voices (Detroit);

Composers ~ Paul Brink, Ray Horton and Otto-Werner Mueller (all Louisville);

Retired President of the Cincinnati Symphony Steve Monder and ICSOM's good friend JoAnn Falletta, who serve as advisors to the musicians of the former Honolulu Symphony and the newly established Symphony Exploratory Committee as they begin anew as the Hawaii Symphony Orchestra;

The musicians of the National Symphony Orchestra AKA "Musicians from our Nation's Capitol Orchestra" who performed side-by-side with musicians of the Louisville Orchestra AKA "Musicians from a Major orchestra across the Ohio River from Jeffersonville, Indiana" during a concert benefiting Louisville musicians' "Keep Louisville Symphonic" effort to demonstrate that Louisville can sustain a 71 member full-time orchestra;

Members of The Cleveland Orchestra who performed a joint concert with Members of the Detroit Symphony that include Mark Atherton, Phil Austin, Charles Bernard, Lisa Boyko, Max Dimoff, Scott Dixon, Elayna Duitman, Mark Jackobs, Alicia Koelz, Amy Lee, Jesse McCormick, Frank Rosenwein, Lyle Steelman, Brian Thornton, Carolyn Warner, Richard Waugh, Beth Woodside and Robert Woolfrey; Detroit Symphony musicians Emmanuelle Boisvert, Hai Xin Wu, Kim Kennedy Kaloyanides, Alexander Mishnaevski, Phillip Dikeman, Patricia Masri-Fletcher, Robert Williams, Donald Baker, Karl Pituch, Ted Oien, Kevin Good and Stephen Anderson, who served as soloists during Musicians of the Detroit Symphony Orchestra concerts;

The Stoney Creek Grand Chorus and conductor Brandon Ulrich from Stoney Creek High School Rochester Hills, L'Anse Creuse High School-North Select Ensemble and conductor Evey Simon from L'Anse Creuse High School-North, and violinist Margaret Starr, the Groves High School Symphony Orchestra and conductor Paul Shower from Groves High School, who performed with Members of the Detroit Symphony Orchestra; and

Whereas, Sometimes these gestures of support and thanks are assumed to receive local recognition alone; therefore, be it

Resolved, That the Delegates and Officers to the 2011 International Conference of Symphony and Opera Musicians Conference take this opportunity to offer their heartfelt thanks and gratitude to those wonderful and talented musicians who care so deeply for those who perform in the orchestras that accompany them as soloists, who perform their compositions, and who give life to the repertoire we all dedicate our lives to performing together.

Resolution #4 – MSC [Motion #6 – ICSOM Governing Board] to thank musicians who did not cross the Detroit Symphony Orchestra picket line

Whereas, The Detroit Symphony Orchestra (DSO) strike during the 2010-2011 season was prolonged and covered most of the regularly scheduled concert season; and

Whereas, DSO management attempted to reschedule already engaged guest artists to perform as solo acts rather than cancel those concerts entirely; and

Whereas, The first of these rescheduled engagements by Sarah Chang led to a nationwide and public campaign as musicians from around the United States and Canada reached out with requests that the DSO musicians' strike be honored; and

Whereas, Sarah Chang, along with the Canadian Brass, Bobby McFerrin, Take6, the Brass Band of Battle Creek and Bowfire Holiday Heart Strings all announced they would honor the DSO musicians' strike; and

Whereas, These actions displayed support not only for Detroit Symphony musicians, but for all orchestra musicians who share their talent as accompanists and collaborators with these and many other artists; therefore, be it

Resolved, That the Delegates and Officers to the 2011 International Conference of Symphony and Opera Musicians Conference held in Detroit, Michigan, express their enormous respect and gratitude to Sarah Chang, The Canadian Brass, Bobby McFerrin, Take6, the Brass Band of Battle Creek and Bowfire Holiday Heart Strings for their courage, their understanding, and their integrity for refusing to sabotage the Detroit Symphony Orchestra musicians as they fought to save their livelihoods during their protracted strike.

Resolution #5 – MSC by unanimous consent [Motion #7 - ICSOM Governing Board] condemning the use of bankruptcy filing

Whereas, A number of orchestra managers and boards have lost sight of their duties as trustees and overseers of the public institutions they serve, especially in regard to the proper running, funding and management of their organizations; and

Whereas, Some boards and managers have made such poor and shortsighted leadership decisions as to have their leadership capabilities compared to failed institutions like Lehmann Brothers and others; and

Whereas, These same managers and boards have failed to understand that their actions and decisions, while having no impact on their own personal livelihoods, directly impact the employees whose jobs are on the line, and the patrons who love and support these institutions; and

Whereas, The current political climate has fostered overt criticism aimed directly at unions who are blamed for the mishandled decisions of these same trustees, as well as a refusal to understand that the failure of these institutions begins at the top; and

Whereas, The rash of unnecessary bankruptcy filings on behalf of orchestras like the Honolulu Symphony Orchestra, Louisville Orchestra, Syracuse Symphony Orchestra, New Mexico Symphony Orchestra and the Philadelphia Orchestra, have allowed these boards and managers to shrug off any responsibility and repercussions for the destruction and bad decisions they have wrought; and

Whereas, While these orchestras confronting bankruptcy will have to deal with the very long-term effects these actions inevitably cause, these same boards and managers will face few personal repercussions; therefore, be it

Resolved, That the Delegates to the 2011 ICSOM Conference condemn the cowardly actions of these and any other institution's boards and managers who choose to use bankruptcy as a weapon rather than participate in honest and open dialogue with their musicians and constituents and with their community at large.

Resolution #6 – MSC [Motion #8 – ICSOM Governing Board] to issue a call for dialogue

Whereas, The reports, actions and rhetoric of numerous boards and managers toward their musicians and their organizations over the past few years have created a negative perception of our symphony, opera and ballet institutions; and

Whereas, Recent bankruptcy filings and punitive negotiating tactics by some boards and managers have focused even further attention on the lack of true leadership and willingness to find real solutions; and

Whereas, These acts and others like them negate the fact that many orchestras, opera and ballet companies are doing just fine, and are identifying ways to address how their role in American life is changing as patrons and audiences consider their personal finances; and

Whereas, There are some managers and boards who have embraced innovative ideas and solutions; and

Whereas, Many managers, staffs and boards are struggling and are looking for positive help and information to help their institutions survive and thrive; therefore, be it

Resolved, That the Delegates to the 2011 ICSOM Conference issue a call for positive dialogue to offer guidance and leadership direction to those institutions and trustees willing to pursue healthy organizations that serve their communities and foster open dialogue and innovative projects to transform our industry for the better; and, be it further

Resolved, That ICSOM will work to identify those managers who look for positive action, and will begin a dialogue as soon as possible.

Resolution #7 – MSC [Motion #9 – ICSOM Governing Board] to thank Robert Levine

Whereas, Robert Levine has served the International Conference of Symphony and Opera Musicians in countless ways; and

Whereas, In addition to serving so ably as former ICSOM Editor of *Senza Sordino*, ICSOM Chairman, and as the creator of ICSOM's discussion list that later became Orchestra-L, Robert lately has served as Assistant Conference Coordinator of the annual ICSOM conference; and

Whereas, His assistance since 2004, has been of vital assistance to the ICSOM governing board and to each of our local host orchestra conference coordinators since ICSOM began holding its conferences in different cities each summer; and

Whereas, Robert has decided to step down from his duties as Milwaukee Symphony ICSOM delegate and as Assistant Conference Coordinator; therefore, be it

Resolved, That the Delegates and Officers to the 2011 International Conference of Symphony and Opera Musicians Conference thank Robert Levine once again for his service to ICSOM, express their admiration and gratitude, and extend him every wish for success in his future endeavors.

Resolution #8 – MSC [Motion #10 – ICSOM Governing Board] to honor Francine Schutzman for her service to OCSM

Whereas, Francine Schutzman has served the Organization of Canadian Symphony Musicians/Organisation des musiciens d'orchestre symphonique du Canada (OCSM/OMOSC) in a number of capacities including National Arts Center Orchestra (NACO) delegate since 1981, as Secretary from 1986 to 1990 and again from

2000 to 2003, as First Vice-President from 1990 to 1994, as Field Representative from 1994 to 2000, and for the last eight years as President of OCSM; and

Whereas, As second oboist and English horn player, Francine has performed with the National Arts Centre Orchestra (NACO) since 1974, and prior to joining NACO, she was a member of the Savannah Symphony and the Oklahoma City Symphony; and

Whereas, In addition to her work on behalf of OCSM and her orchestra, Francine also serves the American Federation of Musicians of the United States and Canada as President of the Musicians' Association of Ottawa-Gatineau, Local 180; and

Whereas, Francine has continued to serve her colleagues with great dedication, courage and integrity in numerous ways, including as a speaker representing OCSM and the AFM at the Federation International des Musiciens' (FIM) International Orchestra Conferences in Berlin and Amsterdam; and

Whereas, Francine's career of artistic excellence and community service is one that all musicians should seek to emulate; and

Whereas, Francine stepped down from her position as President of OCSM at the conclusion of the 2011 OCSM conference in Vancouver; therefore, be it

Resolved, That the delegates and officers to the 2011 ICSOM Conference salute Francine Schutzman, thank her for her dedicated service and long-term, unwavering friendship to ICSOM, and wish Francine the very best as she continues her career as a performer, activist and advocate for musicians everywhere.

Resolution #9 – MSC [Motion #11 – ICSOM Governing Board] honoring the memory of ICSOM Founder, Joseph Golan

Whereas, Joseph Golan was a member and leader of the Chicago Symphony Orchestra for 49 years, joining the orchestra in 1953; and

Whereas, Joe was an avowed “trouble maker” as he actively worked to reform the American Federation of Musicians and his own Local 10, the Chicago Federation of Musicians, in the 1950's and 1960's; and

Whereas, Joe served as chair of the Chicago Symphony Orchestra Committee at a crucial time in history when orchestra musicians around the country were fighting for the basic rights we take for granted today such as orchestra committee recognition, the right to participate in negotiations and ratify those agreements; and

Whereas, As one of the Chicago Symphony musician representatives in May 1962, Joe was elected to chair the first meetings of what was to become the International Conference of Symphony and Opera Musicians later that year in Cleveland; and

Whereas, Joe went on to serve as a member of the first “post-Petrillo” Board of Directors of the Chicago Federation of Musicians, Local 10, as first president of the Chicago Chapter of the Recording Musicians Association, and as principal second violinist for 33 years until his retirement from the Chicago Symphony Orchestra in 2002; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference honor and remember the contributions of Joseph Golan as a leader and activist in the struggle to improve and protect the lives and livelihood of symphonic musicians across the country; and, be it further

Resolved, That Joseph Golan's contributions to the founding of the International Conference of Symphony and Opera Musicians be further celebrated along with the other founders of ICSOM during the 50th anniversary celebration in Chicago in August 2012.

Resolution #10 – MSC [Motion #11 – ICSOM Governing Board] honoring the memory of ICSOM Founder, Wayne Barrington

Whereas, Wayne Barrington had a prestigious career in ICSOM orchestras as third horn with the San Antonio Symphony, second horn with the Pittsburgh Symphony, third horn with the Chicago Symphony, and associate principal horn with the Los Angeles Philharmonic, before joining the faculty of the University of Texas – Austin, for 34 years before his retirement in 2000; and

Whereas, During his tenure with the Chicago Symphony from 1954 to 1964, Wayne was involved in fighting for the right of orchestral musicians to have a voice within their Locals and the American Federation of Musicians; and

Whereas, Building upon an initial orchestra survey compiled by the Saint Louis Symphony, Wayne was active in the development of the Survey of Wages and Working Conditions, a precursor to today's AFM Wage Chart for ICSOM Orchestras; and

Whereas, It was upon completion of the first survey of 26 orchestras that led the Chicago Symphony Orchestra Committee to convene meetings in Chicago on May 12-13, 1962; and

Whereas, Wayne was elected to serve as secretary of those first meetings of what was to become the International Conference of Symphony and Opera Musicians later that year in Cleveland; and

Whereas, Wayne Barrington passed away just weeks after his CSO colleague and chair of the May 1962 meetings, Joseph Golan; therefore, be it

Resolved, That the Delegates and Officers to the ICSOM Conference express their admiration and respect for the contributions of Wayne Barrington in developing one of ICSOM's most important documents, the Survey of Wages and Working Conditions, which has helped inform orchestra musicians across the United States and Canada in their struggle to improve their wages, benefits and working conditions; and, be it further

Resolved, That Wayne Barrington's contributions to the founding of the International Conference of Symphony and Opera Musicians be further celebrated along with the other founders of ICSOM during the 50th anniversary celebration in Chicago in August 2012.

Resolution #11 – MSC [Motion #13 – ICSOM Governing Board] thanking ICSOM Orchestras and Individual Musicians, Player Conferences and Locals

Whereas, In the past few years orchestras around the country have been subjected to the difficulties of the financial recession and many of the results that followed which impacted orchestra budgets and the manner in which managers and boards have reacted to these difficulties; and

Whereas, Some orchestras have been forced to face far more severe actions by their managers and boards than simple belt-tightening that led to lockouts, strike, shutdowns and bankruptcies; and

Whereas, Since 2007 ICSOM Chairman Bruce Ridge has begun a series of Calls to Action that have asked orchestras to send financial assistance to help musicians who have suddenly had their health insurance cut off, their jobs attacked and their lives in flux; and

Whereas, These Calls to Action have raised nearly \$800,000 to benefit musicians in the Jacksonville Symphony, Columbus Symphony, Honolulu Symphony, Detroit Symphony, Syracuse Symphony, Louisville Orchestra; and

Whereas, ICSOM's orchestras have also assisted when ROPA issued a similar Call to Action on behalf of the New Mexico Symphony that has raised about \$40,000; and

Whereas, In addition to ICSOM's financial contributions, other Player Conferences and AFM Locals have also been extremely generous as well; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference express their gratitude and thanks to all those who assisted orchestras in need, allowing those musicians to continue their struggles to continue providing concerts to their communities while at the same time assuring financial assistance is available for their members in jeopardy.

Resolution #12 – MSC [Motion #14 – ICSOM Governing Board] to offer support for the success of the new Hawaii Symphony Orchestra

Whereas, The Honolulu Symphony had a long and storied history of more than 100 years as the state orchestra of Hawaii; and

Whereas, The board of the Honolulu Symphony chose to irrevocably destroy the Honolulu Symphony when they filed for Chapter 11 bankruptcy, and later Chapter 7 bankruptcy; and

Whereas, One of the actions of the bankruptcy was to sell the assets of the former Honolulu Symphony, including the musical library and musical instruments; and

Whereas, The musicians of the Honolulu Symphony continued to reach out to the community to identify community leaders who could buy these assets and take on the reins of a new orchestra to replace the Honolulu Symphony; and

Whereas, The musicians and exploratory committee were blessed to obtain the assistance of two respected experts in the symphonic field –Steve Monder, retired executive director of the Cincinnati Symphony, and JoAnn Falletta, music director of the Buffalo Philharmonic and the Virginia Symphony, and ICSOM’s great friend – to guide them in this new endeavor; and

Whereas, The combination of a newly dedicated board of directors and community leaders give musicians hope that, with truly supportive board members, staff and community, the belief that symphonic music is essential can cause wonderful things to happen; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference extend their best wishes and support for the success of the newly established Hawaii Symphony Orchestra, and offer their congratulations to the musicians of the former Honolulu Symphony for their steadfast and dedicated work to assure that a professional symphony orchestra continues to serve their communities and the State of Hawaii.

Steve Flanter (Honolulu) offered thanks to the delegates.

Resolution #13 – MSC [Motion #15 – ICSOM Governing Board] to thank the musicians of the Detroit Symphony Orchestra

Whereas, Detroit Symphony Orchestra (DSO) musicians recognized that negotiations for a successor agreement in 2010 would be difficult due to the financial meltdown that deeply affected Detroit, its suburbs, and the State of Michigan; and

Whereas, Rather than receiving proposals during negotiations that addressed the financial concerns faced by the Detroit Symphony, which the musicians were ready and willing to deal with, they were forced to deal with issues that included service conversion, a two-tiered payment system, withdrawal of pension, attempts to remove the librarians from the bargaining unit, removal of peer review which would effectively negate the tenure process, and other punitive proposals; and

Whereas, Implementation of a second, even more destructive proposal that included all these controversial terms, guaranteed DSO musicians would strike rather than work under terms that would destroy the orchestra’s ability to attract top talent; and

Whereas, In order to achieve an effective dialogue, these proposals should have been withdrawn and serious, honest and meaningful attempts to bargain should have occurred, including when Senator Carl Levin and Governor Granholm called for mediation; and

Whereas, Musicians across the US and Canada recognized that DSO management’s proposals were yet another attempt to negatively impact orchestra operations and the terms and conditions of employment for musicians; and

Whereas, Rather than recognizing that changing to a “new orchestra model” will not address ineffective and bad management because it has been demonstrated time and again that successful orchestras, following the same well established operating model, do well because they are supported by dedicated community members and visionary managers and boards; and

Whereas, Even after settlement and ratification of a new agreement, DSO board and management fail to recognize the incredible damage they have inflicted and continue to inflict on their musicians, which has caused many to leave the orchestra for better working relationships and conditions than are evident in Detroit at this time; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference express their deep and heartfelt thanks to every musician of the Detroit Symphony Orchestra who stood against the heinous and egregious attempts by the management and board of the DSO to introduce and impose their seriously flawed “new orchestra model” proposals; and, be it further

Resolved, That the DSO board and management be condemned for their poor choices leading up to and causing a six-month strike rather than bargaining honestly and allowing the talented DSO musicians to continue to serve Detroit and its suburbs as they have for more than 100 years.

Brian Ventura thanked all ICSOM’s member orchestras, the ICSOM Governing Board, Local 5 with special thanks to President Gordon Stump and Secretary-Treasurer Susan Barna Ayoub, and expressed his wish that ICSOM continue to assist the New York City Opera, Louisville Orchestra, Syracuse Symphony and New Mexico Symphony musicians in the upcoming weeks and months.

Resolution #14 – MSC [Motion #16 – George Brown (Utah) and the ICSOM Governing Board] to offer support for the *Orquestra Sinfônica Brasileira*

Whereas, The *Fundação Orquestra Sinfônica Brasileira* (FOSB) of the *Orquestra Sinfônica Brasileira* (OSB) sought and procured a major increase of federal funding in 2010 to develop a world class destination orchestra for the purpose of substantially improving musician salaries; and

Whereas, In January, 2011, rather than increasing musicians' salaries, the FOSB ordered that every player submit to artistic re-evaluation by Music Director, Roberto Minczuk, who promised to dismiss everyone who refused; and

Whereas, The FOSB simultaneously scheduled auditions in New York, London and Rio to replace those dismissed musicians during a five months suspension of the OSB season and attempted to force the OSB Youth Orchestra to replace the suspended professional musicians (in other words, those students' teachers) during this transitional phase; and

Whereas, The FOSB ultimately sacked 33 from their complement of 82 musicians, including both officers of the local Rio Musicians' Union; and

Whereas, Following months of local and international outcry, and after the Brazilian Labour Ministry and Immigration Board refused to issue work permits to foreign musicians hired to replace those illegally terminated musicians, the FOSB finally began initiating steps to address this injustice when they announced a reduction of Roberto Minczuk's responsibilities from Artistic Director to that of Staff Conductor; and

Whereas, A new committee named by the FOSB to assume Roberto Minczuk's artistic authority has begun in earnest to negotiate with the local union to find a rational and amicable solution to the current crisis; and

Whereas, An agreement was reached and ratified in early August, to re-integrate all 33 musicians without re-audition, in a newly created Chamber Orchestra that is not under the direction of Minczuk; therefore, be it

Resolved, That the Delegates to the 2011 ICSOM Conference express their support for their colleagues in the *Orquestra Sinfônica Brasileira* and condemn and deplore the actions of the FOSB Chief Executive and former Music Director as a blatant attempt to destroy the rights and livelihoods of the musicians of the *Orquestra Sinfônica Brasileira*; and, be it further

Resolved, That, while recent negotiations between the FOSB's newly appointed Artistic Direction Committee and the local musicians' union resulted in a newly ratified agreement, a number of sensitive issues remain that should be handled in a fair, equitable and transparent manner; and be it further

Resolved, That the FOSB additionally investigate and consider implementation of the same audition, tenure and termination procedures commonly accepted by most major Western European and North American orchestras rather than the oligarchic and arbitrary termination practices demonstrated this year by the Music Director and board.

Resolution #15 – MSC [Motion #17 – George Brown (Utah) and the ICSOM Governing Board] to offer support for *Orquestra Sinfônica de Guayaquil* (Ecuador)

Whereas, There has been a great deal of unrest in orchestras in Brazil, Ecuador and Argentina at the end of 2010 and into the spring of 2011; and

Whereas, In a stunningly similar move to recent actions by the *Fundação Orquestra Sinfônica Brasileira* (FOSB), the Management of the *Orquestra Sinfônica de Guayaquil* (Ecuador) cited similarly unrelated federal laws pursuant to the regular re-evaluation of federal workers, and has ordered mandatory re-auditions of its entire orchestra this September; and

Whereas, Symphonic musicians in Ecuador work without either the rights guaranteed by a legally binding collective bargaining agreement or the benefits of a musicians' union to act as bargaining agent; and

Whereas, Union representation (from non-existent to strong) available to orchestra musicians throughout the Americas appears to be wide ranging and complex; and

Whereas, ICSOM and the other North American orchestral player conferences' core principle is to promote and support the rights and welfare of all orchestral musicians; and

Whereas, The American Federation of Musicians and ICSOM believe the rights of workers of all kinds to join together and act in concert for their mutual aid and protection should be considered inalienable; therefore, be it

Resolved, That the Delegates to the 2011 ICSOM Conference express their support for orchestral musicians throughout the Americas and the world, and condemn and deplore the actions of the management of the *Orquesta Sinfónica de Guayaquil* as a blatant attempt to abuse and destroy the rights of their musicians; and, be it further

Resolved, That because the players' conferences of the American Federation of Musicians – ICSOM, OCSM, ROPA, RMA and TMA – have proven to be such valuable resources for their members, that orchestras in other countries be offered encouragement, resources and support for their efforts to organize their own national conferences tailored to their own regional needs and cultural values.

Resolution #16 – MSC [Motion #18 – George Brown (Utah) and the ICSOM Governing Board] to offer support for *Orquesta Filarmónica de Buenos Aires* and *Orquesta Estable del Teatro Colón*

Whereas, The *Orquesta Filarmónica de Buenos Aires* and *Orquesta Estable del Teatro Colón* endured a three-month period when musicians and other staff employees performed without paychecks; and

Whereas, These employees, including 41 permanent musicians of the *Teatro Colón Orquesta*, were locked out by the Buenos Aires government-backed management; and

Whereas, In April, the management falsely and publicly accused those 41 musicians of inciting a strike and terminated the contracts of those 41 musicians; and

Whereas, In June, the General Director of the *Teatro Colón* attempted to sue the eight alleged “spokesmen” during the strike consisting of four orchestra musicians, three chorus members and the theater’s official photographer, for \$15 Million (US) for losses incurred by the *Teatro Colón* as a result of the ongoing ‘strike’; and

Whereas, The General Director’s suit was ultimately unsuccessful; therefore, be it

Resolved, That the Delegates to the 2011 ICSOM Conference express support for their colleagues in the *Teatro Colón Orquesta* and all staff employees of the *Teatro Colón*, and denounce these reprehensible actions by the management and General Director of the *Teatro Colón*; and, be it further

Resolved, That the management and General Director of the *Teatro Colón* be urged to identify responsible and amicable solutions to this disastrous situation that has unnecessarily wrought havoc upon the lives and livelihoods of these musicians who went unrecognized by that same management when the musicians and staff employees faithfully performed their duties without pay for three months before their illegal termination.

Resolution #17 – MSC [Motion #19 – ICSOM Governing Board] to offer support for the musicians of the Philadelphia Orchestra

Whereas, The Philadelphia Orchestra has long been considered one of the world’s finest orchestras with an international reputation that has only grown since Walt Disney featured Leopold Stokowski and the Philadelphia Orchestra in the 1940 film *Fantasia*; and

Whereas, The Musicians of the Philadelphia Orchestra now find themselves faced with a board and management that have chosen to seek relief of a financial burden caused by their own administration’s poor business decisions; and

Whereas, Rather than continue to look for equitable solutions, the Philadelphia Orchestra Association chose to file for Chapter 11 bankruptcy in mid-April, 2011; and

Whereas, While the Philadelphia Orchestra Association claims the burden of their musicians’ pension obligations is a key impediment and reason to file for bankruptcy protection, the Philadelphia Orchestra Association is spending millions of dollars in legal fees which could be put to better use by shoring up those pension obligations; and

Whereas, The actions of the Philadelphia Orchestra Association’s board and management are incredibly damaging to the orchestra’s reputation, especially since it is well known that the Philadelphia Orchestra Association has endowment assets in excess of \$140 million; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference support the musicians of the Philadelphia Orchestra during a very difficult period in the orchestra’s history; and, be it further

Resolved, That the Philadelphia Orchestra Association board and management be condemned for their ill conceived, unnecessary and anti-musician bankruptcy filing whereby they are needlessly wasting millions of

dollars in legal and financial consultant expenses rather than using their assets and fund raising efforts to live up to their promises and contractual obligations to the musicians and retirees.

Resolution #18– MSC [Motion #20 – ICSOM Governing Board] to offer support for the musicians of the Louisville Orchestra

Whereas, The Louisville Orchestra is on the cusp of celebrating its 75th anniversary in 2011-12 as an illustrious organization that became known as a champion committed to new orchestral compositions; and

Whereas, This commitment was featured in the documentary “Music Makes a City” which celebrates the long history of commissioning new works that were recorded by the Louisville Orchestra; and

Whereas, The Louisville Orchestra, Incorporated (LOI) management and board showed a determination to disregard and ignore these landmark occasions, which were major fundraising opportunities, and chose to once again attempt to reduce the size of the orchestra; and

Whereas, Unlike LOI management, the musicians of the Louisville Orchestra refused to accept that Louisville was unwilling to support a full-time symphony orchestra and formed their own 501(c)3 organization “Keep Louisville Symphonic” to demonstrate that the city of Louisville would, and should, support a 71 member orchestra; and

Whereas, These same musicians reached out to educators and others to build new relationships that LOI management ignored; and

Whereas, The LOI board, believing it was the easy way out of their collective bargaining obligations, chose to file for Chapter 11 bankruptcy in December 2010; and

Whereas, Due to the persistence of the musicians of the Louisville Orchestra, their collective bargaining agreement was not set aside and the LOI was required to fulfill their obligations through the end of the season; and

Whereas, The musicians of the Louisville Orchestra have expressed gratitude for the wisdom and guidance of Liza Hirsch Medina as they have navigated throughout this ordeal; and

Whereas, Negotiations have become quite heated as the LOI has dug in its heels over contract terms; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference express their full support for the Louisville Orchestra musicians in their quest to retain the size of their orchestra, as they have in the past, even when the entire orchestra accepted painful concessions; and, be it further

Resolved, That these same Louisville Orchestra musicians be commended and applauded for the unique way they have continued to educate and engage their community in the fight to Keep Louisville Symphonic.

Trevor Johnson (Louisville) expressed his thanks on behalf of his Louisville Orchestra colleagues saying this would mean a lot to the musicians.

Resolution #19 – MSC as amended [Motion #21 – ICSOM Governing Board; Motion #22 – Warren Powell (Florida)/ Karen Hall (Fort Worth)] to offer support for the musicians of the Syracuse Symphony

Whereas, The musicians of the Syracuse Symphony have served the community of Central New York for 50 years; and

Whereas, The Syracuse Symphony grew to be recognized as one of America’s greatest orchestras; and

Whereas, The board and the interim management of the Syracuse Symphony made the destructive decision to shut down the orchestra by filing for Chapter 7 liquidation bankruptcy instead of continuing to work together with the musicians to achieve workable solutions; and

Whereas, This permanent response to a temporary problem for the orchestra will deprive the citizens of Syracuse of one of their most cherished cultural institutions, as well as deprive these musicians of the opportunity to continue serving their community as members of the Syracuse Symphony; and

Whereas, The musicians of the former Syracuse Symphony have banded together to form a new organization, known as Symphony Syracuse, that has continued to present great music to the citizens of Central New York throughout the summer months during the 50th anniversary of the former Syracuse Symphony; and

Whereas, Musicians across the country hope that the courage and commitment of the musicians who formed Symphony Syracuse will inspire their community to restart a permanent AFM affiliated orchestra with a collective bargaining agreement; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference condemn the Chapter 7 bankruptcy filing made by the board; and, be it further

Resolved, That the musicians of Symphony Syracuse receive accolades and praise, and that the great city of Syracuse be called upon to invest in its future by once again building and supporting a full-time professional symphony orchestra.

* * *

Motion to amend final “Whereas” to encourage that the new orchestra be an AFM orchestra with a CBA: “Whereas, Musicians across the country hope that the courage and commitment of the musicians who formed Symphony Syracuse will inspire their community to restart a permanent AFM affiliated orchestra with a collective bargaining agreement”

Victoria Krukowski (Syracuse- alternate) offered thanks on behalf of her orchestra and said she had been quite moved by the concern expressed by the delegates for her orchestra.

Resolution #20 – MSC as amended [*Motion #23 – ICSOM Governing Board; Motion #24 – Paul Gunther (Minnesota)/ Paul Frankenfeld (Cincinnati)*] **to offer support for the musicians of the New Mexico Symphony**

Whereas, The New Mexico Symphony was founded to serve the citizens of New Mexico in 1932, and has grown to become recognized as a great orchestra and one of New Mexico’s most respected institutions; and

Whereas, The board and management moved this year to liquidate nearly 80 years of history and community investment in the New Mexico Symphony when they took the orchestra into Chapter 7 liquidation bankruptcy; and

Whereas, The musicians of the New Mexico Symphony were informed through media accounts and emails that they were suddenly unemployed, ~~which followed discovery, after the fact, that their health insurance had been cancelled~~; and

Whereas, The musicians of the former New Mexico Symphony have now chosen to continue service to their great community with the founding of the New Mexico Philharmonic; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference praise the musicians of the former New Mexico Symphony for their commitment and dedication to their community, and wish them many years of great success as the New Mexico Philharmonic.

* * *

Motion to amend third “Whereas” to make resolution more clear: “Whereas, The musicians of the New Mexico Symphony were informed through media accounts and emails that they were suddenly unemployed, ~~which followed discovery, after the fact, that their health insurance had been cancelled~~;”

Carla Lehmeier-Tatum (ROPA President and member New Mexico Symphony) thanked the delegates.

Resolution #21 – MSC [*Motion #25 – ICSOM Governing Board*] **to offer support for the musicians, singers and other artists of the New York City Opera**

Whereas, In its heyday, the New York City Opera, which was founded in 1943, produced as many as 20 different operas in each season; and

Whereas, The board of the New York City Opera’s engagement of Gerard Mortier as general manager in 2007, its decision to renovate the David H. Koch Theater (formerly the New York State Theater) and its decision to allow cancellation of much of the season caused severe financial difficulties and dissipation of the endowment; and

Whereas, Mr. Mortier’s resignation before formally taking over as general manager caused further turmoil; and

Whereas, The past two years have been reduced to a paltry five opera productions per season; and

Whereas, In May it was announced that the New York City Opera would leave Lincoln Center and the David H. Koch Theater and perform in various venues; and

Whereas, Musicians, singers, unions and opera stars, including Catherine Malfitano, Plácido Domingo, José Carreras, Carlisle Floyd, Sherrill Milnes, Samuel Ramey, Hal Prince and Frederica von Stade, have publicly criticized the move and are openly criticizing the company's stewardship; and

Whereas, Julius Rudel, the previous company director and principal conductor from 1957 to 1979, who was solicited by the company to support the move from Lincoln Center, condemned the action; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference show their solidarity and support for the musicians, singers, and other artists of the New York City Opera in their valiant struggle, and condemn the egregious decision by the board and general manager of the New York City Opera to leave Lincoln Center and destroy the long and historic accomplishments of "The People's Opera."

Gail Kruwand (New York City Opera) thanked the delegates.

Resolution #22 – MSC [Motion #26 – ICSOM Governing Board] to thank Phil Ayling for his service to the RMA

Whereas, Phil Ayling stepped down in December 2010 after nine years of dedicated service as President of the Recording Musicians Association (RMA); and

Whereas, Phil's term as President was on the heels of an additional twenty-five years of distinguished service in various other offices of the RMA; and

Whereas, Phil's vast and remarkable knowledge of the recording industry, its musicians and contracts, has made him a valuable asset; and

Whereas, Even after stepping down as President, Phil has remained an incredible resource to the RMA's constituents; and

Whereas, During his tenure as President of the RMA, he helped solidify a strong bond of friendship and understanding with the International Conference of Symphony and Opera Musicians; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference take this opportunity to thank Phil Ayling for all his many contributions to the recording field, which have benefited both RMA and ICSOM members, and to wish him many years of success in his future endeavors as a recording musician and advocate for musicians everywhere.

Resolution #23 – MSC [Motion #27 – ICSOM Governing Board] to thank Vicky Smolik for her service to the TMA

Whereas, Vicky Smolik has served the Theater Musicians Association (TMA) for many years as a tireless advocate during her tenure as President of the TMA; and

Whereas, Vicky has now taken up a new task as an Executive Board member of the TMA; and

Whereas, Vicky continues to serve as President of Local 2-197 in St. Louis MO; and

Whereas, Over the years Vicky has been a friend to ICSOM and colleague as a leading member of the Player Conferences Council; therefore, be it

Resolved, That the Delegates and Officers to the 2011 ICSOM Conference acknowledge and thank Vicky Smolik for her support of and assistance to her colleagues in orchestra pits and stages across the U.S., and offer her their best wishes and continued success in her continued efforts on behalf of musicians in St. Louis and elsewhere.

Resolution #24 – MSC [Motion #28 – Emily Watkins Freudigman (San Antonio)/Peter de Boor (Kennedy Center)] to reinforce support for the formulation of a Travel and/or Residency Code of Ethics

Whereas, The 2005 ICSOM Delegates adopted a resolution urging the Governing Board to form a committee with representatives of ICSOM, ROPA and OCSM, to discuss, debate and to come to a consensus on recommendations to the IEB for the creation and implementation of a "Code of Ethics" for touring and/or residencies to which musicians, Boards and managements of symphony, opera and ballet orchestras may look in order to inform, and influence, their plans for travel to and/or residencies in certain cities at critical times in the lives of the local orchestras in said cities; and

Whereas, Many orchestra musicians currently face formidable challenges as they fight to survive the rash of bankruptcy filings by managers and boards around the country; and

Whereas, Article 14, Section 3 of the AFM Bylaws still contains the following relevant language:

“...in order to prevent unfair competition, the IEB shall have the authority to establish policies and regulations affecting an orchestra ‘in residence’ outside the home jurisdiction of that orchestra or to restrict an orchestra from performing ‘in residence’ in the home jurisdiction of another orchestra.”; and

Whereas, There still exists a need for guidelines to protect orchestras, musicians and their communities from the undesirable effects of touring and residencies from outside orchestras; therefore, be it

Resolved, That the Delegates to the 2011 ICSOM Conference restate their support and desire for advocacy in regard to establishing a set of guidelines to protect musicians who are fighting to maintain locally based professional orchestras in their communities, and urge the Governing Board to take action to accomplish the goals set forth in the 2005 resolution to form a committee to discuss and formulate recommendations for a Code of Ethics for touring and/or residencies.

Emily Watkins Freudigman (San Antonio) explained that her intention was to assure a way to protect orchestras trying to rebuild and to prevent traveling orchestras from being used as tools against them.

Bruce Ridge expressed thanks to Paul Castillo for his assistance as Parliamentarian.

Site Selection

2012 – Chicago – Rachel Goldstein (Chicago) expressed her hope that the orchestras hosting in Chicago (Chicago, Lyric and Grant Park) can do as terrific a job as the musicians and Local in Detroit did during this conference. Dates for the 2012 ICSOM Conference – August 22-25, 2012 – were announced.

2013 – Kansas City - MSC [*Motion #29 – Steve Multer (Kansas City)/Chris Woehr (St. Louis)*] to accept Kansas City MO as the site of the conference in 2013.

2014 – Los Angeles - MSC [*Motion #30 – John Lofton (Los Angeles)/Paul Frankenfeld (Cincinnati)*] to accept Los Angeles CA as the site of the conference in 2014.

Michael Moore spoke in favor of the Los Angeles motion.

Good & Welfare:

Bruce Ridge thanked everyone at Local 5, Gordon Stump & Susan Barna Ayoub, the musicians of the Detroit Symphony Orchestra and those who performed at the Mixer on Wednesday evening; ICSOM delegate Dave Everson who began back on Labor Day 2011 assisting ICSOM with their search for a conference hotel; both conference coordinators, assistant Tom Reel and local coordinator and host Brian Ventura; and Eric Arbiter (Houston) for the wonderful photographs he took at the 2010 and 2011 conferences.

Brian Ventura thanked his DSO colleagues for having confidence in him; Laura Ross, Bruce Ridge and the governing board; and all the delegates and orchestras that assisted the DSO during the past season.

Steve Multer (Kansas City) expressed his appreciation for all the conference had to offer to a first time attendee, and he thanked the officers of ICSOM for their work on everyone’s behalf. He said he looked forward to sharing this information with his colleagues in Kansas City.

Brian Rood thanked Steve Multer for stepping in to serve as conference delegate at the very last minute.

Richard Levine reminded delegates he had extra Directories.

Laura Ross thanked Gordon Stump and Susan Barna Ayoub at Local 5 for going beyond the fray to assist the DSO musicians this past year and citing them as model local officers everyone wishes for. She also thanked the delegates for making her efforts worth the work.

Paul Gunther said we, as musicians are lucky to do what we love; he thanked the delegates, guests and the AFM.

Susan Martin thanked everyone for the warm welcome she received at the conference, saying she was inspired by the delegates’ actions this week. She also recognized the efforts of the governing board officers.

Bruce Ridge thanked Susan Martin for her work this past year. He expressed his gratitude to all in attendance and promised to work even harder next season.

Brian Rood expressed best wishes to Bruce Ridge on behalf of everyone in attendance for the incredible work he does on ICSOM's behalf.

MSC [*Motion #31 – Matt Comerford (Lyric)/Leslie Shank (St. Paul)*] to adjourn.

[12:02PM]