

## JAMES J. BRUDNEY

**Fordham University School of Law**  
**150 West 62 Street**  
**New York, NY 10023**

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### EMPLOYMENT

**Joseph Crowley Chair in Labor and Employment Law**  
**Fordham University School of Law, New York, N.Y.**

Principal Subjects, labor law, employment law, international labor law,  
legislation and regulation

**The Ohio State University Moritz College of Law, Columbus, OH,**

1992-2011: Assistant Professor, Associate Professor, Professor of Law  
Newton D. Baker-Baker & Hostetler Chair in Law, 2003-2011

Visiting Faculty, Fordham Law School, Fall 2010

Visiting Faculty, Harvard Law School, Spring 2008

Visiting Faculty, Oxford University, St. Anne's College, Spring 2006

Visiting Fellow, Oxford University, Center for Socio-legal Studies, Fall 2000

**United States Senate Subcommittee on Labor, Washington D.C.**

1987 - 1992: Chief Counsel and Staff Director

**Georgetown University Law Center, Washington D.C.**

1989 - 1992: Adjunct Professor

**United States Senate Subcommittee on Labor, Washington D.C.**

1985 - 1986: Minority Counsel

**Bredhoff & Kaiser, Washington D.C.**

1981 - 1985: Attorney, labor and employment law practice.

**Justice Harry A. Blackmun, U.S. Supreme Court, Washington D.C.**

1980 - 1981: Law Clerk

**Judge Gerhard A. Gesell, U.S. District Court, Washington D.C.**

1979 - 1980: Law Clerk

### EDUCATION

**Yale Law School**

J.D.

Editorial Board Member, Yale Law Journal; Recipient, C. La Rue Munson Prize for excellence in clinical program (mental hospital legal services); Member, Legal Services Board of Directors.

**Oxford University, U.K.**

M.A., A.B.

“First Class” Degree in Philosophy, Politics, and Economics; St. Catherine’s College Book Prize.

**Amherst College**

B.A.

Phi Beta Kappa, summa cum laude in American Studies; Scholarship award for post-graduate study in U.K.; junior year abroad, Manchester University, U.K.

**PUBLICATIONS—BOOKS AND BOOK CHAPTERS**

CASES AND MATERIALS ON LEGISLATION AND REGULATION: STATUTES AND THE CREATION OF PUBLIC POLICY, Sixth Edition, 2020 (with William N. Eskridge Jr. and Josh Chafetz)

*Square Pegs and Round Holes: Shrinking Protections for Unpaid Interns under the Fair Labor Standards Act* in INTERNSHIPS, EMPLOYABILITY, AND THE SEARCH FOR DECENT WORK EXPERIENCE (Andrew Stewart et. al eds., ILO/Edward Elgar Press, forthcoming 2021)

*Reflections on Labor Standards in Global Supply Chains: Innovation and Scalability in POWER, PARTICIPATION, AND PRIVATE REGULATORY INITIATIVES: HUMAN RIGHTS UNDER SUPPLY CHAIN CAPITALISM* (Daniel Brinks et. al eds. U. Penn. Press, forthcoming 2021)

2018 SUPPLEMENT TO CASES AND MATERIALS ON LEGISLATION AND REGULATION: STATUTES AND THE CREATION OF PUBLIC POLICY, Fifth Edition, 2018 (with William N. Eskridge Jr. and Josh Chafetz)

*Evolution and Transformation of Sources of Labour Law in the Americas* in LABOUR LAW AND SOCIAL SECURITY IN THE AMERICAS (Giuseppe Casale & Vasco Torres De Leon eds., ITC-ILO publications 2018)

2016 SUPPLEMENT TO CASES AND MATERIALS ON LEGISLATION AND REGULATION: STATUTES AND THE CREATION OF PUBLIC POLICY, Fifth Edition, 2016 (with William N. Eskridge Jr. and Josh Chafetz)

*Decent Labour Standards in Corporate Supply Chains: The Immokalee Workers Model*, in TEMPORARY LABOUR MIGRATION IN THE GLOBAL ERA: THE REGULATORY CHALLENGES (Joanna Howe & Rosemary Owens eds., Hart Publishing, UK 2016)

*Recollections of a Supreme Court Community* (with Victor Brudney); in OF COURTIER AND KINGS: MORE STORIES OF SUPREME COURT LAW CLERKS AND THEIR JUSTICES (Peppers & Cushman eds., Univ. of Virginia Press, 2015)

CASES AND MATERIALS ON LEGISLATION AND REGULATION: STATUTES AND THE CREATION OF PUBLIC POLICY, Fifth Edition, 2014 (with William N. Eskridge Jr. and Elizabeth Garrett)

2012 SUPPLEMENT TO CASES AND MATERIALS ON LEGISLATION: STATUTES AND THE CREATION OF PUBLIC POLICY, Fourth Edition, 2012 (with William N. Eskridge Jr. and Elizabeth Garrett)

DOCUMENTS SUPPLEMENT TO CASES AND MATERIALS ON LEGISLATION: STATUTES AND THE CREATION OF PUBLIC POLICY, Fourth Edition, 2011 (with William N. Eskridge Jr.)

*The Story of Pepper v. Hart (1992): Examining Legislative History Across The Pond*, in STATUTORY INTERPRETATION STORIES (Eskridge, Frickey & Garrett eds., Foundation Press, 2010)

*Legislators' Freedom of Speech*, ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (2006)

*U.S. Job Security Law*, in John McMullen, BUSINESS TRANSFERS AND EMPLOYEE RIGHTS, (Butterworths, 2005 ed., U.K.)

## **PUBLICATIONS—JOURNAL ARTICLES**

*Forsaken Heroes: Covid-19 and Frontline Essential Workers*, forthcoming 48 FORDHAM URBAN L.J. \_\_\_\_ (2021)

*The Right to Strike as Customary International Law*, forthcoming 46 YALE J. INT'L L. \_\_\_\_ (2021)

*The Belt-and-Suspenders Canon*, 105 IOWA L. REV. 735 (2020) (with Ethan Leib)

*Two Roads Diverged: Statutory Interpretation by the Circuit Courts and Supreme Court in the Same Cases*, forthcoming 88 FORDHAM L. REV. 823 (2019) (with Lawrence Baum)

*Statutory Interpretation as "Interbranch Dialogue"?* 66 UCLA L. REV. 346 (2019) (with Ethan Leib)

*A Taxonomy of Striker Replacements*, 39 COMP. LAB. L. & POL'Y J. 559 (2018).

*The Internationalization of Sources of Labor Law*, 39 U. PA. J. INT'L LAW 1 (2017)

*Legislative Underwrites*, 103 VA. L. REV. 1487 (2017) (with Ethan Leib)

*Contextualizing Shadow Conversations*, 166 U. PA. L. REV. ONLINE 37 (2017)

*Protean Statutory Interpretation in the Courts of Appeals*, 58 WM. & MARY L. REV. 681 (2017) (with Lawrence Baum)

*Dictionaries 2.0: Exploring the Gap Between the Supreme Court and the Courts of Appeals*, 125 YALE L.J. FORUM 104 (2015) (with Lawrence Baum)

*Legislation and Regulation in the Core Curriculum: A Virtue or a Necessity?* 65 J. LEGAL EDUC. 3 (2015)

*Chevron and Skidmore in the Workplace: Unhappy Together*, 83 FORDHAM L. REV. 497 (2014)

*Oasis or Mirage: The Supreme Court's Thirst for Dictionaries in the Rehnquist and Roberts Eras*, 55 WM. & MARY L. REV. 483 (2013) (with Lawrence Baum)

*Faithful Agency versus Ordinary Meaning Advocacy*, 57 ST. LOUIS U. L. J. 975 (2013)

*Distrust and Clarify: Appreciating Congressional Overrides*, 90 TEX. L. REV. See Also 205 (2012)

*Envisioning Enforcement of Freedom of Association Standards in Corporate Codes: A Journey for Sinbad or Sisyphus?* 33 COMP. LAB. L. & POL'Y J. 553 (2012)

- Reluctance and Remorse: The Covenant of Good Faith and Fair Dealing in American Employment Law*, 32 COMP. LAB. L. & POL'Y J. 773 (2011)
- Gathering Moss: The NLRA's Resistance to Legislative Change*, 26 ABA J. LAB. & EMPL. L. 161 (2011)
- Private Injuries, Public Policies: Adjusting the NLRB's Approach to Backpay Remedies*, 5 FLA. INT'L L. REV. 645 (2011)
- Confirmatory Legislative History*, 76 BROOK. L. REV. 901 (2011)
- Canon Shortfalls and the Virtues of Political Branch Interpretive Assets*, 98 CAL. L. REV. 1199 (2010).
- Collateral Conflict: Employer Claims of RICO Extortion Against Union Comprehensive Campaigns*, 83 S. CAL. L. REV. 731 (2010)
- The Supreme Court as Interstitial Actor: Justice Ginsburg's Eclectic Approach to Statutory Interpretation*, 70 OHIO ST. L.J. 889 (2009)
- The Warp and Woof of Statutory Interpretation: Comparing Supreme Court Approaches in Tax Law and Workplace Law*, 58 DUKE L.J. 1231 (2009) (with Corey Ditslear)
- Liberal Justices' Reliance on Legislative History: Principle, Strategy, and the Scalia Effect*, 29 BERKELEY J. EMPL. & LAB. L. 117 (2008) (with Corey Ditslear)
- Intentionalism's Revival*, 44 SAN DIEGO L. REV. 1001 (2007)
- Below The Surface: Comparing Legislative History Usage by The House of Lords and The Supreme Court*, 85 WASH. U.L. REV. 1 (2007)
- Comment, *NLRB: 45 Days to Challenge Voluntary Recognition*, CCH Lab. Law Reports, Insight (October 2007)
- Recrafting a Trojan Horse: Thoughts on Workplace Governance in Light of Recent British Labor Law Developments*, 28 COMP. LAB. L. & POL'Y J. 193 (2007)
- Neutrality Agreements and Card Check Recognition: Prospects for Changing Labor Relations Paradigms*, American Constitution Society Issue Brief, available at <https://www.acslaw.org/publications/issue-briefs/neutrality-agreements-and-card-check-recognition-prospects-for-changing-la> (February 2007)
- The Decline and Fall of Legislative History? Patterns of Supreme Court Reliance in the Burger and Rehnquist Eras*, 89 JUDICATURE 220 (2006) (with Corey Ditslear)
- Book Review: *Workplace Justice Without Unions*, 61 REL. INDUSTR./INDUS. REL 359 (2006)
- Comment, *Neutrality Agreements Take Center Stage at the National Labor Relations Board*, 57 CCH L.J. 117 (Summer 2006)

*Canons of Construction and the Elusive Quest for Neutral Reasoning*, 58 VAND. L. REV. 1 (2005)  
(with Corey Ditslear)

*Foreseeing Greatness? Measurable Performance Criteria and the Selection of Supreme Court Justices*, 32 FLA ST. L. REV. 1015 (2005)

*Isolated and Politicized: The NLRB's Uncertain Future*, 26 COMP. LAB. L. & POL'Y J. 221 (2005)

*Neutrality Agreements and Card Check Recognition: Prospects for Changing Paradigms*, 90 IOWA L. REV. 819 (2005)

*Contractual Approaches to Labor Organizing: Supplanting the Election Paradigm?*, 57 LERA ANNUAL PROCEEDINGS 106 (2005)

*Recalibrating Federal Judicial Independence*, 64 OHIO ST. L.J. 149 (2003)

*Statutory Interpretation as Diplomacy*, 3 ISSUES IN LEGAL SCHOLARSHIP, art. 10 (2002) (faculty-edited electronic journal, published in connection with Berkeley School of Law) on line at <http://www.bepress.com/ils/iss3/art10>

*Designated Diffidence: District Court Judges on the Courts of Appeals*, 35 LAW & SOCIETY REV. 565 (2001) (with Corey Ditslear)

*Dispute Resolution and the Uniform State Law Process*, 8 DISP. RESOL. MAG. 3 (Summer 2002)

*The Influence of Appellate Judges' Social Backgrounds When Reviewing NLRB Decisions*, 2 EMPLOYEE RIGHTS Q. 13 (Spring 2002) (with Deborah J. Merritt)

*Dissing Congress*, 100 MICH. L. REV. 80 (2001) (with Ruth Colker)

*Stalking Secret Law: What Predicts Publication in the United States Courts of Appeals*, 54 VAND. L. REV. 71 (2001) (with Deborah J. Merritt)

*The Changing Complexion of Workplace Law: Labor and Employment Law Decisions of the Supreme Court's 1999-2000 Term*, 16 THE LABOR LAWYER 151 (2000)

*Judicial Hostility Toward Labor Unions? Applying the Social Background Model to a Celebrated Concern*, 60 OHIO ST. L.J. 1675 (1999) (with Sara Schiavoni & Deborah J. Merritt)

*To Strike or Not to Strike*, (Review of JULIUS GETMAN, THE BETRAYAL OF LOCAL 14: PAPERWORKERS, POLITICS, AND PERMANENT REPLACEMENTS) 1999 WIS. L. REV. 65 (1999)

*Congressional Accountability and Denial: Speech or Debate Clause and Conflict of Interest Challenges to Unionization of Congressional Employees*, 36 HARV. J. ON LEGIS. 1 (1999)

*Of Labor Law and Dissonance*, 30 CONN. L. REV. 1353 (1998)

*Mediation and Some Lessons from the Uniform State Law Experience*, 13 OHIO ST. J. ON DISP. RESOL. 795 (1998)

*Reflections on Group Action and the Law of the Workplace*, 74 TEX. L. REV. 1563 (1996)

*A Famous Victory: Collective Bargaining Protections and the Statutory Aging Process*, 74 N.C. L. REV. 939 (1996)

*Congressional Commentary on Judicial Interpretations of Statutes: Idle Chatter or Telling Response?* 93 MICH. L. REV. 1 (1994)

*Agency Shop in the Public Sector: Recent Developments in the Law*, 8 COLL. BARG. Q. No.1 (May 1985)

*Note, The Cost of Growing Old: Business Necessity and the Age Discrimination in Employment Act*, 88 YALE L.J. 565 (1979)

## **PRESENTATIONS (Selected)**

Int'l Society for Labor and Social Security Law, NY, NY September 2020: *The USMCA (the new NAFTA): Moving to Effective Enforcement of Labor Rights*

Yale Law School Legislation Roundtable, New Haven CT, Feb. 2020: *Congress's Bureaucracy and its Relation to Statutory Interpretation*

Cornell School of Industrial & Labor Relations, NY, NY September 2019: *Reverse Engineering: A More Robust Right to Strike in the U.S. Based on Customary International Law*

Int'l Symposium, Geneva, Switzerland, July 2019, How Internships and Traineeships are Challenging Labour Regulation: *Square Pegs and Round Holes: Shrinking Protections for Unpaid Interns Under the Fair Labor Standards Act*

Labor and Employment Relations Association, Cleveland, OH, June 2019: *The ILO Enters its Second Century: Integrating Public and Private Regulation in a Global Setting.*

Yale Law School Seminar on Statutory Interpretation, New Haven CT, March 2019: *Interbranch Dialogue; and The Belt-and-Suspenders Canon*

Penn Law School Seminar on Statutory Interpretation, Philadelphia, PA, October 2018: *Statutory Interpretation as "Interbranch Dialogue"?*

International Society for Labour and Social Security Law, World Congress, Turin, Italy, Sept. 2018: *Promises to Keep: National Regulation of Industrial Relations in the Global Economy*

Labor and Employment Relations Association, Baltimore, MD, June 2018: *Worker-Driven Social Responsibility in Global Supply Chains: Thoughts on Innovation and Scalability.*

Law & Society Association, Toronto, Canada, June 2018: *Fertile Ground: How Private Law Arrangements Can Offer Farmworkers Protection*

New York City Bar Association, New York, NY, Nov. 2017: *Employment Law in the Gig Economy*

South African Development Community, Johannesburg, SA, Sept. 2017: *Overview on ILO Convention 87; Unionization of Prison Services under Convention 87; Essential Services and the Right to Strike; Challenges under ILO Convention 144.*

University of Texas Law School, Austin TX, April 2017: *The Bangladesh Accord on Fire and Building Safety*

St. John's Law School Faculty Workshop, Queens, NY, February 2017: *The Evolution of Sources of Labor Law*

Fordham Law School Faculty Workshop, New York, NY, January 2017: *Legislative Underwrites*  
Association of American Law Schools, San Francisco, CA, January 2017: *Commentary on Legislating in the Shadows* by Christopher Walker

International Society for Labour and Social Security Law, Regional American Congress, Panama City, Panama, Sept. 2016: *The Evolution and Transformation of Sources of Labor Law*

- Yale Law School Seminar on Statutory Interpretation, New Haven CT., March 2016: *Statutory Interpretation Divergence: the Supreme Court and Courts of Appeals*
- New York City Bar Association, New York, NY, Nov. 2015: *Unpaid Internships in the Aftermath of Glatt v. Fox Searchlight*
- International Institute for the Sociology of Law, Onati, Spain, June 2015: *Regulating Supply Chain Labor Standards Through Agreements with Buyers*
- Association of American Law Schools, Washington D.C., January 2015: *Legislation and Regulation in the Core Curriculum*
- International Law Assn. Conference—"International Law in a Time of Chaos," New York, NY, October 2014: *A Domestic Model for Transnational Labor Standards Enforcement*
- Fordham Law Review Symposium on *Chevron* at 30, New York, NY, March 2014: *Chevron and Skidmore in the Workplace: Unhappy Together?*
- NYU Annual Survey of American Law Symposium on The Continuing Vitality of Unions, New York, NY, February 2014: *The Future of the NLRB*
- Friedrich Ebert Stiftung Roundtable Meeting of the UN Commission on Economic Social and Cultural Rights and the ILO Committee of Experts, Geneva CH, November 2013: *Examining Business Enterprise Responsibilities to Respect Human Rights*
- Columbia Law School Global Justice Forum, October 2013: *Protecting Workplace Standards in the Global Supply Chain*
- Yale Law School Seminar on Statutory Interpretation, New Haven CT., October 2013: *The Supreme Court, Dictionaries, and Ordinary Meaning*
- American Constitution Society Convening on Worker Voice, Washington DC, April 2013, *Thoughts on the Potential Role of Corporate Governance in Strengthening Worker Voice*
- St. Louis University Law School, St. Louis, MO, Oct. 2012, *Faithful Agency and Ordinary Meaning: Ships Passing in the Night*
- Fordham European Alumni Chapter Conference, Barcelona, Spain, June 2012: *Developments in U.S. Labor Law*
- NYU Law School Seminar on Transnational Labor and Employment Law, New York, N.Y., April 2012: *Guest Presenter—Corporate Codes of Conduct*
- Yale Law School Conf. on Interpreting Federal Statutes, New Haven, CT, March 2012 *Framing the Debate: The Dysfunctional Dialogue Between The Courts and Congress*
- Voices At Work, North American Workshop, Toronto, Ontario, March 2012: *Worker Voice and the Regulation of Multinationals*
- Service Employees International Union Lawyers Conference, Wash. DC, Nov 2011: *Plenary Panel—Keeping the Faith at the NLRB*
- Fordham Law Roundtable, presented by The National Law Journal, November 2011: *The Future of Unions and Collective Bargaining Rights* (Webinar Presentation)
- Yale Law School Seminar on Statutory Interpretation, New Haven CT., November 2011: *Branch Warfare in Interpretive Theory and Practice*
- Queen's Univ. Faculty of Law, Kingston, Ontario, Oct. 2011: *Enforcing Freedom of Association Commitments in Private Transnational Law: Corporate Codes of Conduct*
- The Ohio State Univ. Moritz College of Law and the Ohio Statehouse, April 2011, *Teaching Legislative Constitutionalism to Law Students*
- Chicago-Kent College of Law, Chicago, IL, February 2011: *Canons v. Legislative History: The Virtues of Political Branch Interpretive Assets*
- Brooklyn Law School, NY, NY, November 2010: *Statutory Interpretation: How Much Work Does Language Do?*
- George Washington Univ. Law School, Washington DC, October 2010: *Why the National Labor Relations Act Resists Legislative Change*
- Fordham Law School, NY, NY, October 2010: *Canon Shortfalls and the Virtues of Political Branch Interpretive Assets*

- Max Planck Institute for Comparative and International Private Law, Hamburg, GER, July 2010: *Good Faith and Fair Dealing in American Employment Law*
- American Constitution Society, Washington DC, May 2010: *The National Labor Relations Act at Seventy-Five*
- Florida International Law School, Miami, FL, March 2010: *Rethinking the NLRB's Approach to Backpay Remedies;*
- Univ. of Wisconsin Institute for Legal Studies, Madison, WI, Oct. 2009, panel on *Misunderstanding Congress: Toward a New Legal Realist Theory of Statutory Interpretation;*
- The Ohio State Univ. Moritz College of Law, April 2009, *Justice Ginsburg's Eclectic Approach to Statutory Interpretation;*
- Berkeley Law School, Berkeley, CA, April 2009: *Phil Frickey, the Canons, and Judicial License;*
- Duke Law School, Durham, NC, February 2009, *Measuring Supreme Court Reasoning: Tax and Workplace Statutes;*
- Association of American Law Schools, Annual Meeting, San Diego, CA, January 2009, *Legislating the Curriculum: The Ohio State Experience;*
- University of California, Hastings College of the Law, San Francisco, CA, November 2008, *Supreme Court Reasoning and Statutory Interpretation: The Tax Law Story;*
- University of Melbourne Law School, Faculty Seminar, Melbourne, Australia, June 2008, *Employee Majority Bargaining Systems: Comparing Developments in the United States and Australia*
- Harvard Law School Labor and Worklife Program, Conference of African-American Labor and Religious Leaders, Cambridge, MA, May 2008, *The Moral Imperative of Reforming Our Labor Laws;*
- Duke Law School Judicial Behavior Seminar, Durham, N.C., March 2008, *Legislative History and Judicial Reasoning in the Supreme Court;*
- Yale Law School Seminar on Theories of Statutory Interpretation, New Haven, CT, March 2008, *Supreme Court Use of Interpretive Resources: Canons v. Legislative History;*
- Harvard Law School Labor and Worklife Program, Trade Union Certificate Course, Cambridge, MA, Feb. 2008, *Bargaining to Organize: Unions and Neutrality Agreements;*
- American Association of Retired Persons, Washington, DC, December 2007, *The Age Discrimination in Employment Act at 40—Where Has it Been? Where Is it Going?;*
- The College of Labor and Employment Lawyers (Ohio chapter), Columbus, OH, May 2007, *The Past, Present, and Future of Labor Law;*
- Harvard Law School, Labor and Worklife Program, Cambridge, MA, Dec. 2006, *Abandoning the Current NLRB System: The Board is Not the Only Way;*
- Vanderbilt Univ. Law School Faculty Workshop, Nashville, TN, Nov. 2006, *Comparing Legislative History Usage by the House of Lords and the Supreme Court;*
- Central Arbitration Committee, Conference of Judges, London, UK, May 2006, *Unfair Labor Practices During U.S. Union Recognition Campaigns—Possible Lessons for the CAC*
- Georgetown University Law Center Faculty Workshop, Washington, DC, Dec. 2005, *The Decline and Fall of Legislative History?*
- Cleveland-Marshall Employment and Labor Law Lecture, Cleveland, OH, Sept. 2005, *The Future of Union Organizing: Labor Board Elections or Private Neutrality Agreements?;*
- American Rights at Work, Washington, DC, Sept. 2005, Briefing on *Neutrality and Card Check for Congressional and Agency Staffs*
- Int'l Assn. of Editors of Labor Law Journals, Toronto, Canada, May 2005, *The Strange Case of the NLRB;*
- University of Georgia Law Faculty Workshop, Athens, GA, Feb. 2005, *Neutrality Agreements and Card Check Recognition: Prospects for Changing Paradigms;*

Industrial Relations Research Association, Annual Meeting, Philadelphia, PA, Jan. 2005, *Contractual Approaches to Labor Organizing: Supplanting the Election Paradigm*;

Law and Society Association Annual Conference, Chicago, IL, May 2004, *Religion and Judicial Outcomes: Unionization of the Workplace*;

Association of American Law Schools Annual Meeting, Atlanta, GA, Jan. 2004, *Routine Oversight: Congress and the GAO in Recent Times*;

UCLA Institute of Industrial Relations and Labor & Employment Section of Los Angeles County Bar Association, Los Angeles, CA, The Benjamin Aaron Lecture, Oct. 2001, *Two Statutes Two Cultures: Comparing U.S. and U.K. Approaches to Employee Protection During Redundancies and Business Transfers*;

National Organization of Lawyers for Education Associations, Annual Conference, New Orleans, LA, May 2001, *Eleventh Amendment Immunity and Local School Districts*;

Oxford University Seminar Series at Centre for Socio-Legal Studies, December 2000, *Employee Protections During Redundancies and Transfers of Undertakings: the United Kingdom and the United States*;

Oxford University Series on Administrative Governance, Courts, and the Limits of the Law, November 2000, *The Influence of Social Background on Judicial Behaviour: Seeking Middle Ground Between Doctrine and What Judges Eat for Breakfast*;

ABA Labor and Employment Law Section, Annual Meeting, New York, NY, July 2000, *Labor and Employment Law Decisions of the Supreme Court's 1999-2000 Term*;

University of Texas, Austin, Texas, February 2000, *Extra-doctrinal Influences on Judicial Decisionmaking*;

American Bar Association Committee on Development of the Law Under the National Labor Relations Act, February 2000, *The Role of Extra-Doctrinal Judicial Decisionmaking*;

AFL-CIO Lawyers Coordinating Committee National Conference, New Orleans, LA, May 1999, *Selected Empirical Findings on the Relationship Between Judicial Background and Opposition or Support for Union Legal Claims in the Courts of Appeals*;

University of Texas, Austin, TX, November 1998, Principal Commentator on THE BETRAYAL OF LOCAL 14: PAPERWORKERS, POLITICS, AND PERMANENT REPLACEMENTS (1998) by Professor Julius Getman;

University of Texas Law Faculty Workshop, Austin, TX, November 1998, *An Empirical Perspective on Judicial Hostility to Labor Unions*;

Nelson A. Rockefeller Center, Dartmouth College, Lecture as Scholar in Residence, May 1998, *A Year in the Life of A Supreme Court Law Clerk*;

New York University Law School Faculty Workshop, New York, NY, November 1995, *Collective Bargaining Protections and the Statutory Aging Process*;

University of Texas Law Review Symposium on Employment Law, Austin, TX, November 1995, *Reflections on Group Action and the Law of the Workplace*;

Ohio Legal Theory Workshop, University of Dayton Law School, Dayton, OH, March 1994, *Congressional Commentary on Judicial Interpretation of Statutes*;

*The WARN Act: Past, Present and Future*, Keynote Address at Sugar Law Center Conference on Worker Adjustment Retraining Notification Act (WARN), Chicago, IL, Oct. 1993;

Workshop on Regulatory Law Enforcement, Ohio State Univ. College of Law Socio-Legal Center, May 1993, *Overview on Enforcement Strategies Under the Occupational Safety and Health Act (OSHA)*;

## **AWARDS AND GRANTS (selected)**

### **Awards**

Fordham Law School Dean's Distinguished Research Award, 2016-17

Voted Professor of the Year by Fordham Law School students, April 2014,  
Ohio State University Alumni Award for Distinguished Teaching, from University President and Provost, April 2008;  
Quid Pro Quo Award, from Moritz College of Law student bar association for contributions and service to the student body, March 2004;  
Simson Faculty Excellence Award at Moritz College of Law, for initiation and fostering of programs to benefit scholarship of others in areas of legislation and law and social science, November 2002;  
Fulbright Distinguished Scholar Award, for research and lecturing at Oxford University, Oxford, England, August-December 2000;  
Visiting Scholar, Wolfson College, and Visiting Fellow, Centre for Sociolegal Studies, Oxford University, August-December 2000;  
Voted Outstanding Professor by Moritz College of Law 1996 graduating class.

### **Grants**

2017 Fordham University Faculty Fellowship, Fall 2017  
2012 Fordham University Faculty Fellowship, Fall 2012  
2008 Center for Interdisciplinary Law and Policy Studies, grant to conduct archival research in Blackmun Papers, Library of Congress, Washington, DC;  
2006 Center for Interdisciplinary Law and Policy Studies, grant to conduct empirical research on Supreme Court tax law decisions;  
2004 Center for Law, Policy & Social Science, grant to conduct empirical research on judicial reasoning by Supreme Court;  
2001 Center for Law, Policy & Social Science, grant to study Supreme Court's reliance on text, legislative history, and other interpretive sources in Court opinions;  
1996-97 Fund for Labor Relations Studies grant to study effect of pre-judicial background on federal appellate court decision-making; Grant for earlier stage of same project received from same Fund for 1994-95;  
1996 Commission for Labor Cooperation, North American Agreement on Labor Cooperation, grant to study federal appellate court decisions addressing plant closings and threat of plant closings in unionization context. Research Report incorporated into PLANT CLOSINGS AND LABOR RIGHTS (1997), published by Commission;

## **ADMISSIONS AND MEMBERSHIPS**

### **Bar Admissions**

Ohio Supreme Court (1995); U.S. Supreme Court (1985); U.S. Court of Appeals for Eleventh Circuit (1985), U.S. Court of Appeals for Federal Circuit (1984); U.S. Court of Appeals for Sixth Circuit (1983); U.S. Courts of Appeals for Third and Fourth Circuits (1982); U.S. District Court for District of Maryland (1984); U.S. District Court for District of Columbia (1982); District of Columbia Court of Appeals (1981).

### **Member**

American Bar Association; American Association of University Professors; Labor and Employment Relations Association; International Society for Labor and Social Security Law; District of Columbia Bar Association; Ohio State Bar Association (inactive);

**COMMUNITY SERVICE (Selected)**

- Member and Co-Chair, Public Review Board, International Union, United Automobile Workers of America*, from January 2001 (Co-Chair from January 2009). The Public Review Board is a four-person independent agency charged with adjudicating individual complaints involving the conduct of UAW leadership in the administration of internal union affairs;
- Member, Committee of Experts on the Application of Conventions and Recommendations, International Labor Organization (ILO)*, from June 2010. The Committee of Experts is an integral part of the ILO's monitoring and assessment system, independently reviewing member countries' progress in implementing ILO Conventions they have ratified. The Committee is composed of 20 distinguished jurists, academics, and lawyers, with at most one member from a given country.
- Member, U.S. Exec. Board, Int'l Society for Labor and Social Security Law*, from May 2018
- Chair, Association of American Law Schools Section on Legislation and Law of the Political Process*, January 2014 to January 2015.
- Member, Service Employees International Union Commission on Ethics and Standards*, September 2008 to January 2009. The Commission, composed of SEIU officers and prominent outside experts, was charged with improving union-wide ethics guidelines, practices, enforcement, and education efforts. The Commission report and recommendations were delivered to SEIU International Executive Board in January 2009.
- Member, Committee on Litigation, American Association of University Professors*, 1998 to 2016. The Committee on Litigation advises the Association about litigation around the country in which AAUP is considering filing amicus briefs;
- Member, Editorial Board, CCH Labor Law Journal*, from May 2002. The Labor Law Journal, begun in 1949, is published quarterly and features articles by scholars and practitioners on labor and employment issues;
- Member, Editorial Advisory Board, Comparative Labor Law & Policy Journal*, from January 2007. This is the leading comparative law journal addressing issues of workplace law in Europe, Asia, and other transnational settings;
- Member, Board of Directors, Worker Rights Consortium*, July 2002 to April 2006. The WRC is a non-profit organization created by university administrators, students, and labor rights experts. The WRC's purpose is to monitor compliance with, and help to enforce, University Codes of Conduct designed to promote socially responsible working conditions for the manufacture of collegiate apparel;
- Secretary, Section of Labor and Employment Law, American Bar Association*, 1999-2000. Presented major address on Supreme Court decisions in Labor and Employment Law area at Annual Meeting in 2000;
- Organizer and Inaugural Director, Oxford Semester Abroad Program*, January to April 2006, operated jointly by Ohio State University and Univ. of Georgia law schools, (extensive planning and coordination 2002-05; program now well into its second decade)
- Director, Oxford Summer Law Program*, 2002 and 1998, Faculty Member 2009; operated by Ohio State University;