

Richard Michael Fischl

University of Connecticut School of Law
65 Elizabeth Street, Hartford CT 06105
860.670.7173
e-mail: Michael.Fischl@law.uconn.edu

Education

Harvard Law School, J.D. *cum laude* (1978)
University of Illinois at Champaign-Urbana, B.A. *cum laude* (1975)
Highest Distinction in Political Science; *Phi Beta Kappa*

Employment

Academic:

Professor of Law, University of Connecticut, Hartford CT, 2006-present
Associate Dean for Research and Faculty Development (2008-2010)

Professor of Law, University of Miami, Coral Gables FL
Associate Professor 1983-89; Professor 1989-2006
Associate Dean for Student Academic Affairs 1997-98

Visiting Professor
Northeastern University School of Law (Spring 2017)
Yale Law School (Spring 2011)
Benjamin N. Cardozo School of Law (Spring 2005)
University of Connecticut School of Law (Fall 2004)

Resident Faculty, Undergraduate Residential Colleges, University of Miami
Head of College, Pearson Residential College, 1999 to 2004
Resident Faculty, Eaton Residential College, 1998 to 1999

Law Practice:

Briefing Attorney, National Labor Relations Board, Washington D.C. (1978-1983)
Division of Enforcement Litigation, Appellate and Supreme Court Branches
Recipient of Certificates of Commendation from the General Counsel
for Outstanding Contribution to the Agency (1979, 1980, 1982)
Consultant from NLRB to California Agricultural Labor Relations Board
Sacramento, California (1982-83)

During Law School:

Research Assistant:
Professor Duncan M. Kennedy, Harvard Law School

Teaching Fellow:
Harvard College

Resident Pre-Law Tutor:
North House, Radcliffe College, Harvard University

Summer Associate:
Kramer Levin, New York
Schiff, Hardin & Waite, Chicago

(Current as of January 15, 2021)

Scholarship

Forthcoming & In Progress

Getting to Maybe: How to Excel on Law School Exams, Second Edition (co-author with Dean Emeritus Jeremy Paul of Northeastern University School of Law) (Carolina Academic Press, forthcoming 2021)

Serving in the Master's House: Legal Protection for In-Home Care Workers in the United States (N.Y.U. Press, forthcoming 2022)

Labor Law: Union Organizing and Collective Bargaining (co-author with Karl Klare, George J. and Kathleen Waters Matthews Distinguished University Professor of Law, Northeastern University School of Law) (cases and materials for teaching basic course in U.S. labor law)

Books and Book Chapters

Ideology and Argument Construction in Contract Law, in Emiliios Christodoulidis, Ruth Dukes, & Marco Goldoni, editors, *Research Handbook on Critical Legal Theory* (Edward Elgar) (2019)

Serving in the Master's House: Legal Protection for In-Home Care Workers in the United States, in Edoardo Ales, Francesco Basenghi, William Bromwich, & Iacopo Senatori, editors, *Employment Relations and Transformation of the Enterprise in the Global Economy* (Giappichelli, Turin) (2016)

New Oxford Companion to Law (commissioned entries for *Oliver Wendell Holmes, Jr.*, and the *Uniform Commercial Code*) (September 2008)

A Woman's World: What if care work were socialized and police & fire protection left to individual families? in Joanne Conaghan and Kerry Rittich, editors, *Women, Work, and Globalization: Critical and Comparative Perspectives* (Oxford 2005); an earlier version appears in 52 *Buffalo Law Review* 659 (2004)

Labour Law in an Era of Globalization: Transformative Practices & Possibilities (Oxford 2002) (paperback edition 2004)

- Co-editor with Profs. Joanne Conaghan of the University of Kent and Karl E. Klare of Northeastern University (collection of essays on international and comparative issues in labor and employment law by 26 scholars from Canada, Great Britain, Israel, Italy, Japan, Mexico, The Netherlands, South Africa, and the United States)
- Author of chapter, 'A domain into which the King's writ does not seek to run': *Workplace Justice in the Shadow of Employment-at-Will*

Getting to Maybe: How to Excel on Law School Exams (co-author with Dean Emeritus Jeremy Paul of Northeastern University School of Law) (Carolina Academic Press 1999)

Articles and Essays

Efficiency and Its Discontents, in *Jurisprudence: An International Journal of Legal and Political Thought*, contribution to Book Symposium on Ruth Dukes, *The Labour Constitution: The Enduring Idea of Labour Law*) (online 11 May 2018), available at < <https://doi.org/10.1080/20403313.2018.1451440> >

- Teaching Law as a Vocation: Local 1330, Promissory Estoppel, and the Critical Tradition in Labour Scholarship*, contribution to Special Issue: Labour Law Research Methodologies, 33 *International Journal of Comparative Labour Law and Industrial Relations* 145 (2017)
- The Future of Labor Law Plenary Panel Discussion*, 50 *Journal of Catholic Legal Studies* 149, 166-73 (2012) ("Dignity and Dismissal"), available at < http://www.stjohns.edu/academics/graduate/law/journals_activities/catholiclegalstudies/issue/50_1_2.stj >
- "Running the Government Like a Business": Wisconsin and the Assault on Workplace Democracy, 121 *Yale L.J. Online* 39 (2011), available at < <http://yalelawjournal.org/forum/running-the-government-like-a-business-wisconsin-and-the-assault-on-workplace-democracy> >
- Labor Law, the Left, and the Lure of the Market*, 94 *Marquette Law Review* 947 (2011), available at < <http://scholarship.law.marquette.edu/mulr/vol94/iss3/7/> >
- Really Sticky Default Rules*, JOTWELL (December 2010) (reviewing Brishen Rogers, *Toward Third-Party Liability for Wage Theft*, 31 *Berkeley J. Emp. & Lab. L.* 1 (Winter 2010)), available at < <http://worklaw.jotwell.com/really-sticky-default-rules/> >
- Pedagogy and Critique: Values and Assumptions in the Law School Classroom*, 58 *Buffalo Law Review: The Docket* 1 (June 2010), available at < <http://www.buffalolawreview.org/docket/content/58/fischl.php> >
- The Other Side of the Picket Line: Contract, Democracy, and Power in a Law School Classroom*, 31 *New York University Review of Law & Social Change* 517 (2007)
- Rethinking the Tripartite Division of American Work Law*, 28 *Berkeley Journal of Employment & Labor Law* 163 (2007)
- Observations sur la Grève des Travailleurs Immigrés à L'Université de Miami*, *Revue de Droit du Travail* (October 2006) (translation by Sophie Robin-Olivier, Professeur à l'Université de ParisX-Nanterre)
- Beyond Right and Reason: Pierre Schlag, the Critique of Normativity, and the Enchantment of Reason*, 57 *University of Miami Law Review* 475-1039 (2003)
- Organizer and editor of 24-essay legal theory symposium
 - Author of introductory essay, *The Epidemiology of Critique*, 57 *University of Miami Law Review* 475
- Critical Legal Studies (Début de Siècle): A Symposium on Duncan Kennedy's Critique of Adjudication*, 22 *Cardozo Law Review* 701-1189 (2001)
- Co-organizer with Pierre Schlag of 21-essay legal theory symposium
 - Author of essay, *It's Conflict All the Way Down*, 22 *Cardozo Law Review* 773
- Clem's Lament, Reason's Hammer, and The Matrix* (review of Pierre Schlag, *The Enchantment of Reason*) <http://jurist.law.pitt.edu/lawbooks/revjun99.htm#Fischl> (on line at *Jurist: The Law Professors' Network—Books-on-Law*, Vol. 2, No. 6; June 1999)
- The Question That Killed Critical Legal Studies*, 17 *Law & Social Inquiry* 779 (1992)
- Privileged Positions*, 17 *Law & Social Inquiry* 831 (1992)

Self, Others, and Section 7: Mutualism and Protected Protest Activities under the National Labor Relations Act, 89 *Columbia Law Review* 789 (1989)

Labor, Management, and the First Amendment: Whose Rights Are These, Anyway?, 10 *Cardozo Law Review* 729 (1989)

Job Bias Barrage, *Legal Times* (Washington, D.C.), August 7, 1989, at S12-S13

Some Realism About Critical Legal Studies, 41 *University of Miami Law Review* 505 (1987)¹

The Proper Scope of Representation in Title VII Class Actions: A Comment on East Texas Motor Freight System, Inc. v. Rodriguez, 13 *Harvard Civil Rights-Civil Liberties Law Review* 175 (1978) (student article)

Lectures, Presentations, and Panels

“Intell and the Transformation of Critical Labor Law,” presentation on “Aftermath and Legacies” panel, “Critical Legal Studies: Intellectual History and the History of the Present” conference (Princeton University, February 2020)

Chair/Discussant, “Workplace Identity and Constitutional Perspectives” panel, 2019 Annual Meeting of the Law & Society Association (Washington D.C.; June 2019)

Chair, “The Extinct Jurist” panel, “Offices of the Jurist” conference, Cardozo Law School (New York, December 2018)

“Serving in the Master’s House: Legal Protection for In-Home Care Workers in the United States,” presentation on “Domestic Work and Workers” panel, Annual Meeting of the Law & Society Association (Toronto; June 2018); also presented on “Constructing Subordination: Critical Histories of Master/Servant Law” panel at the Third Labour Law Research Network Conference (Toronto; June 2017); 13th International Conference in Commemoration of Marco Biagi (Modena, Italy; March 2015)

“A Common Law for Labor Relations (Redux),” presentation on the “Liberty” panel of the “Philosophical Foundations of Labour Law” conference (University College London Faculty of Laws; 2016); also presented at faculty workshops at the University of Glasgow (June 2016); University of Connecticut (January 2014); Rutgers-Camden (October 2012); University of Tulsa (March 2012); and Cardozo Law School (November 2010)

“Efficiency and Its Discontents,” presentation on “Author Meets Reader” panel discussing Dukes, *The Labour Constitution: The Enduring Idea of Labour Law*, at the Second Labour Law Research Network Conference (Amsterdam; June 2015)

“Noel Canning and the Elephant in the Room: A Labor Lawyer’s Lament,” panel session on “The U.S. Constitution and Worker Rights,” 2015 Annual Meeting of the Law & Society Association (Seattle; May 2015)

¹ A portion of this article was reprinted in *The New York Times*, “The Week in Review,” August 30, 1987 (“Challenging the Law’s Unstated Assumptions”).

“Three Common Mis-impressions About the Role of Labor Law in Contemporary Union Organizing,” panel session on “Do We Still Need the NLRA? Protecting Individual and Collective Rights of Workers,” Cornell University ILR Worker Institute conference honoring the 80th Anniversary of the NLRA (New York; April 2015)

2014 Annual Meeting of the Law & Society Association (Minneapolis; June 2014)

- Chair/Discussant on “Employment Law Issues on the Cutting Edge” panel
- Presenter, “*Local 1330*, Legal Reasoning, and the Role of Ideology in Capital Mobility Disputes” on the “Mobility of Labor and Capital in the Global Economy” panel

Co-Chair, Roundtable on Teaching Labor Law, 2014 Annual Meeting of the AFL-CIO Lawyers Coordinating Committee (San Francisco; April 2014)

“Legal Theory and U.S. Labor Law: A View from the Radical Middle,” 12th International Conference in Commemoration of Marco Biagi (Modena, Italy; March 2014)

“*Noel Canning*, Selective Originalism, and the Elephant in the Room,” 2014 Mid-Winter Meeting of the American Bar Association Committee on Development of the Law under the National Labor Relations Act (Miami Beach; February 2014)

Panelist, “Labor and Employment: From Unions After 2010 to Employment Discrimination” at the American Constitution Society’s Northeast Regional Student Conference “The Future of Equality” Conference (Cambridge MA; November 2013)

Chair/Discussant at 2013 Annual Meeting of the Law & Society Association (Boston; May 2013)

- “Gender, Class, Poverty, and Power” panel
- “Interrogating Fundamental Assumptions About Labor and Employment Law” panel

Chair, “Employer and Employee Perspectives on Pensions” panel at conference on “The Challenge of Retirement in a Defined Contribution World,” organized by the Insurance Law Center at the University of Connecticut School of Law (April 2013)

“The Many Futures of Labor Law”

- Hofstra Labor & Employment Law Journal 30th Anniversary Symposium: “Past, Present, and Future: Thirty Years of Labor and Employment Law” (Hempstead NY, April 2013)
- Faculty Workshop Series, Wayne State University School of Law (January 2012)

“Workplace Equality and the Challenge to Public Sector Collective Bargaining: Some Lessons from Wisconsin”

- Plenary Presentation, New England Consortium of State Labor Relations Agencies 12th Annual Conference, Western New England University School of Law (Springfield MA; July 2012)
- Panel on “Collective Labor Law and Worker Participation” at 2012 Annual Meeting of the Law & Society Association (Honolulu; June 2012)

Chair/Discussant, “Labor Governance at the Intersection among Global, Transnational, and National Levels” panel at 2012 Annual Meeting of the Law & Society Association (Honolulu; June 2012)

“Dignity and Dismissal,” Remarks on Plenary Panel at conference on “The Theology of Work and the Dignity of Workers,” Center for Labor and Employment Law at St. John’s University School of Law (New York, March 2011)

“Local 1330: Promissory Estoppel and Critical Law Teaching,” presented at “Local 1330 v. U.S. Steel: Thirty Years Later,” a conference sponsored by Unbound: The Harvard Journal of the Legal Left (Cambridge, February 2011)

Moderator, “Revitalizing the Labor Movement: The Lawyer’s Role” panel at the 17th Annual Rebellious Lawyering Conference at Yale Law School (New Haven, February 2011)

“How to Succeed on Law School Exams,” presented at the Northeast Black Law Students Association Academic Retreat, Harvard Law School (Cambridge, October 2010)

“Labor Law, the Left, and the Lure of the Market,” presented at a conference on “Promoting Employee Voice in the New Economy,” sponsored by Marquette Law Review (Milwaukee, September 2010)

Chair/Discussant, “Good Governance, Bad Governance, or No Governance: Structuring the Law of Work and of Labor Markets” panel at 2010 Annual Meeting of the Law & Society Association (Chicago, May 2010)

Chair, “Rights and Redress for the Undocumented Worker” panel at Connecticut Public Interest Law Journal Symposium, “Undocumented Immigrants in the Workplace: Exploring Rights and Reforms of America’s Shadow Labor Force” (Hartford, March 2010)

“How to Succeed on Law School Exams,” presented at the Northeast Black Law Students Association Academic Retreat, University of Connecticut School of Law (October 2009)

“Pedagogy and Critique: *Values and Assumptions* in the Law School Classroom,” presented at “James B. Atleson, *Values and Assumptions in American Labor Law: A 25th Anniversary Retrospective*,” the Baldy Center for Law & Social Policy at SUNY Buffalo Law School (Amherst NY, September 2008)

“The Miami Janitors’ Campaign and the Strategic Deployment of Law,” on the “Labor Rights: Making Law—Using Law” panel at 2008 Annual Meeting of the Law & Society Association (Montreal, May 2008)

“Interrogating Left Pure-ism,” presented on the “Teaching with a Conscience” panel at 2008 Society of American Law Teachers Teaching Conference: *Teaching for Social Change* (Berkeley CA, March 2008)

Moderator, “Updates for Street Activists” panel at 2007 SEIU Lawyers Conference: *Campaigns for Social Justice* (Washington D.C. October 2007)

“The Other Side of the Picket Line: Contract, Democracy, and Power in a Law School Classroom,” presentation at the Second Annual Colloquium on Current Scholarship in Labor & Employment Law, University of Colorado Law School and University of Denver Sturm College of Law (September 2007)

- “How to Succeed on Law School Exams” (with Jeremy Paul), presented at the Northeast Black Law Students Association Academic Retreat, Harvard Law School (November 2006)
- “The Right of Self-Organization and the Strategic Deployment of Law,” presented on “Getting Organized: Wal-Mart and Labor” Panel at *Wal-Mart Matters* conference, University of Connecticut School of Law (October 2006)
- Facilitator, “Labor Rights in the Global Economy” Workshop, Peggy Browning Fund National Law Students Workers’ Rights Conference, National Labor College (Silver Spring MD, October 2006)
- “Rethinking the Tripartite Division of American Work Law,” presentation to Annual Meeting of the Labor Law Group (Saratoga Springs NY, June 2006)
- “The Other Side of the Picket Line: Contract, Democracy, and Power in a Law School Classroom,” presentation on opening plenary panel at Teaching from the Left conference, Harvard Law School (March 2006)
- “Rethinking the Tripartite Division of American Work Law,” presented to the faculty workshop at Quinnipiac College School of Law (April 2005)
- “Same as the Old Boss: New Governance and Legal Liberalism Reconsidered,” *New Governance in a Globalized World: A Critical Evaluation of Soft Law and Non-State Norms and Regulation*, Harvard Law School (February 2005)
- “Fear & Loathing on the Shop Floor: Labor Law and the Social Dimension of Workplace Organizing,” presented to faculty workshops at University of Connecticut School of Law and Florida International College of Law (October 2004)
- “Misunderstanding American Labor and Employment Law: A Critique of the Tripartite Division of Our Field,” Panel on U.S. and British Approaches to Antidiscrimination Law, Austrian Trade Union Conference on Antidiscrimination Law (Vienna, June 2004)
- “A Woman’s World: What if care work were socialized and police & fire protection left to individual families?” Panel on Discrimination and Work Structure, 2004 Annual Meeting of the Law & Society Association (Chicago, May 2004)
- “Boundary Disputes: The Legality of Employer Restrictions on Employee E-mail Organizing,” ABA Section of Labor and Employment Law, Technology Committee Mid-year Meeting (Miami Beach, April 2004)²
- “A Thought Experiment: Exposing the Hidden Social Subsidy in Care Work,” Panel on Unpaid Labor at the Sixth Conference of the International Network for Transformative Employment and Labour Law (Catania, Sicily, July 2002)
- “A Critique of the Labor Law Curriculum,” Panel on Intersections of Welfare Law, Employment Law, and “Family-Friendly” Policies, at A Conference On Women And The Law – Transgressing Borders: Women’s Bodies, Identities, and Families, In Memory of Mary Joe Frug (Boston, March 2001)

² These remarks were reported in “Changing Nature of Workplace, E-Mail Access Require New Look at Solicitation, Distribution,” *The Daily Labor Report* (Bureau of National Affairs), April 23, 2004.

“Employment Equity, Job Security, and High-Velocity Labor Markets,” Transatlantic Perspectives on Labour and Employment Law, University College Dublin (July 2000) and Fourth Conference of the International Network for Transformative Employment and Labour Law (Cape Town, March 1999)

“Comment on Dannin, Singh, and Stabile,” Panel on Unions and Work in the Modern World, 2000 Annual Meeting of the Law & Society Association (Miami, May 2000)

“Why Johnny Can’t Argue,” Faculty seminar with Jeremy Paul, University of Connecticut School of Law, presented at University of Miami School of Law (February 2000) and Brooklyn Law School (April 1999)

“Law Professors Are from Mars, Law Students Are from Venus,” Distinguished Scholar Address at St. Thomas Law Review Annual Banquet (May 1999)

“Labor Law and the Social Dimension of Workplace Protests,” 1997 Annual Meeting of the Law & Society Association (St. Louis, June 1997)

“Henry Carr’s Lessons: What We Know and Don’t Know About the Post-Job, Post-Industrial, Post-Solidarity Workplace,” Second Conference of the International Network for Transformative Employment and Labour Law (Canterbury, July 1996)

“The Demographics of Public Sector Labor Law,” 1995 Annual Meeting of the Law & Society Association (Toronto, June 1995)

The Politics of Class & the Construction of Identity: A Crit Network Conference, sponsored by the Conference on Critical Legal Studies, the American University Washington College of Law, and Georgetown University Law Center (March 1995):

- Organizer and Chair, *Diversity, Solidarity, and the Contemporary Labor Movement* panel
- Organizer and Chair, *Gender, Power, and the Workplace* panel

“Law vs. Collective Action in Workplace Dispute Resolution,” First Conference of the International Network for Transformative Employment and Labour Law, Harvard Law School (October 1994)

Organizer and Chair, *(Re)presenting Structures of Racial Domination* panel, 1994 Annual Meeting of the Law & Society Association (Phoenix, June 1994)

“Missing Pieces: Comment on Estreicher and Rogers,” University of Miami School of Law Legal Theory Workshop: Labor Day in February (February 1994)

Chair, Law panel, Conference: Law and the Post-Modern Mind, Benjamin N. Cardozo School of Law (September 1993)

1993 Annual Meeting of the Law & Society Association (Chicago, June 1993):

- Organizer and Chair, *Power, Culture, and the Workplace* panel
- Paper, “Power and the Partial Strike”

Policy in the Nineties: A Conference, sponsored by the Conference on Critical Legal Studies at Harvard and Northeastern Law Schools (April 1992):

- Organizer and Chair, *The Politics of Legal Semiotics* panel
- Speaker, *Collective Bargaining in the Post Cold War Era* panel

- Speaker, *Creative Avenues for Labor Speech* panel
- “The Rhetoric of Racism,” Symposium: The Civil Rights Act of 1991, sponsored by the University of Miami Black American Law Students Association and the Miami Black Lawyers at the University of Miami School of Law (February 1992)
- “Critical and Feminist Perspectives on American Labor Law,” Business Issues panel, Duke Law School Symposium, The Frontiers of Legal Thought (January 1990)
- “Labor Law and Conceptions of Work,” Eleventh Annual Conference on Critical Legal Studies (Washington DC, October 1988)
- “Labor and the Common Law – A Reply to Professor Reynolds,” Fourth Annual Stetson Conference, Labor and Employment Law in the United States: Specific Issues for 1988 (February 1988)³
- “Labor, Management, and the First Amendment: Whose Rights Are These, Anyway?” University of Miami Faculty Lecture Series, Bicentennial Reflections on the Constitution (December 1987)
- “The Authoritarian Style in Law School Teaching,” Annual Conference of the American Legal Studies Association (Philadelphia, November 1986)
- “Some Realism About ‘Crit’-icism,” *New Developments in Legal Education* panel, Annual Conference of the Southwest Association of Pre-Law Advisors (Dallas, October 1986)
- “Which Side Are You On? The Hierarchical and Boundary Exclusions of Employees from the National Labor Relations Act,” University of Miami School of Law Symposium, The Possibility of Transformative Argument: Labor, Law, and Value (February 1985)
- “Changing Work and Changing Workers,” Annual Conference on State and Federal Regulation of Employment, Center for Labor-Management Dispute Resolution, Stetson University School of Law (November 1984)⁴

Teaching

Labor and Employment Law Courses

Domestic:

Courses:

Labor Law: Union Organizing and Collective Bargaining
American Work Law

Seminars:

The Crisis in American Labor Law
Readings in Contemporary Labor Law Scholarship
Work, Workers, and American Film
Labor Law, Work, and Family

³ These remarks were reported in “Florida Conference Debates Impact of Unions on Economy,” *The Daily Labor Report* (Bureau of National Affairs), February 26, 1988.

⁴ This lecture was reported in “New Work Forms Pose Challenge to Future of NLRA Exemptions,” *Labor Law Reports* (Commerce Clearing House), No. 667, December 1984.

Abroad:

Comparative Labor Law (University College London, Summer 1992, 2001 & 2005)
(course on U.S. and comparative labor/employment law for U.S. law students enrolled in University of Miami/U.C.L. London Summer Program)

American Labor Law and Political-Economic Structure (Internationales Zentrum, Eberhard-Karls-Universität Tübingen, July 1994) (two-week intensive seminar on U.S. work law for scholars from former Eastern Block nations)

Other Courses

Contracts

Sales

Evidence

The Canon of American Legal Thought

- Upper-Level Law School Elective (Fall 2011 & Fall 2020)
- Undergraduate Honors Seminar (Spring Semesters 2012-2017, 2020)

Significant Institutional Governance Activities

University of Connecticut

Associate Dean for Research and Faculty Development (2008-10)

Dean Search Committee (elected position, 2012-13; elected position, 2019-2020)

Faculty Appointments Committee (elected position, 2007-08; 2011-12; 2013-14;
Chair Fall Semester 2013)

Law School Representative to University of Connecticut Faculty Senate
(second three-year term ends June 30, 2021)

Faculty Advisor, Connecticut Law Review (current)

Chair, Educational Policy Committee (2016-2017)

University of Miami

Associate Dean for Student Academic Affairs (July 1997-August 1998) (responsible for developing, integrating, and supervising various academic support programs)

Chair, Faculty Curriculum Committee (1990-92) (engineered substantial reform of first-year curriculum)

Ad Hoc Committee on Calendar Reform (1987) (developed compromise that convinced skeptical colleagues to accept changes in law school calendar long-sought by students and long-resisted by faculty)

Academic Standards Committee (1986-87) (author of successful proposal to replace Law School's 3.0 grading system with a 4.0 scale)

Admissions, Scholarships, and Financial Aid Committee (1984-86) (a principal architect of aggressive minority admissions and financial aid program)

Other Institutional Service and Honors

Finalist, Perry Zirkel '76 Distinguished Teaching Award (2020)
Recipient, Richard A. Hausler Golden Apple Award (2006) (for teaching and student service at the University of Miami); Finalist (1995, 1996, 2003)
Senior Yearbook Dedication (1996)
Faculty Advisor, *Labor and Employment Law Society* (1994-1998)
Faculty Advisor, *National Moot Court Team* (1989-1995)
Omicron Delta Kappa (national university leadership honor society) (inducted 1995)

Other Professional Activities

International Network for Transformative Employment and Labor Law ("Intell"), a network of approximately 150 scholars of labor law and related fields from twenty nations that has met for conferences in Cambridge and Andover, Massachusetts (1994); Canterbury, England (1996); Coral Gables, Florida (1998); Cape Town, South Africa (1999); Toronto (2000); Catania (July 2002); Kyoto (March 2004); Cuernavaca, Mexico (July 2006)

- Co-Secretary of organization (with Joanne Conaghan and Karl Klare, 1998-2004; with Kerry Rittich and Lucy Williams as well since 2004))
- Host and principal organizer of Third Intell Conference (Coral Gables, March 1998)
- Intell publications project: Co-editor of and contributor to first collection of essays (Conaghan, Fischl & Klare, *Labour Law in an Era of Globalization: Transformative Practices & Possibilities* (Oxford 2002)); contributor to second collection (Conaghan & Rittich, *Women, Work, and Globalization: Critical and Comparative Perspectives* (Oxford 2005))

Kaplan Bar Preparation Course

- Principal Lecturer on Contracts for Kaplan Complete Bar Preparation Course (2009-11)
- Lecturer on Contracts, Torts, and Evidence for Kaplan/PMBR Multistate Exam Preparation Course (2007-09)

Florida Bar Labor & Employment Law Section Activities:

Academic Commentator, "Ethics, Civility, and Employment Litigation," Section-sponsored CLE program (Miami, February 1999)

Co-Chair and Moderator, "Employee Benefits for Beginners: What Every Labor Lawyer Needs to Know," Section-sponsored CLE program (Miami, February 1997)

Host and Organizer, *Labor and Employment Law "Issue-Focus" Dinners* (1995-1997) (semi-annual dinners sponsored by the Section for law students, practitioners, and public officials to discuss current labor issues and to encourage the development of mentoring relationships)

Academic Commentator, Advanced Topics Seminars, Section-sponsored CLE programs at Longboat Key (April 1995) and Amelia Island (April 1996)

Law Practice

Admitted to the Bar: District of Columbia Court of Appeals (1978). Also admitted in the United States Supreme Court and the Courts of Appeals for the First, Fourth, Fifth, Sixth, Seventh, Ninth, and Tenth Circuits

Division of Enforcement Litigation, Appellate Court and Supreme Court Branches, National Labor Relations Board (Washington DC) (represented agency in enforcement proceedings in the United States Supreme Court and Courts of Appeals; also represented agency in emergency litigation matters in federal district court; a principal architect of Board's successful Supreme Court and appellate litigation strategy in *Wright Line*, "confidential employees," and post-*Connell* construction industry proviso cases; awarded Certificates of Commendation for Outstanding Contribution as a Briefing Attorney (1979, 1980, 1982))

Significant cases:

Wright Line cases (approving Board's allocation of burdens of persuasion in discriminatory discharge and discipline cases):

NLRB v. Transportation Management Corp., 462 U.S. 393 (1983) (petition for certiorari and brief on the merits)

NLRB v. Fixtures Manufacturing Corp., 669 F.2d 547 (8th Cir. 1982) (briefs and oral argument)

Statler Industries, Inc. v. NLRB, 644 F.2d 902 (1st Cir. 1981) (brief and oral argument)

"Confidential employees" cases (approving Board's narrow "labor-nexus" definition of confidential employees, who are excluded from bargaining rights under the Labor Act):

NLRB v. Hendricks County REMC, 454 U.S. 170 (1981), *rev'g* 627 F.2d 766 (7th Cir. 1980); 603 F.2d 25 (7th Cir. 1979) (appellate level: all briefs and arguments; in the Supreme Court: petition for certiorari and all briefs)

NLRB v. Los Angeles New Hospital, 640 F.2d 1017 (9th Cir. 1981) (reply brief and oral argument)

Post-*Connell* construction industry proviso cases (establishing legality of union signatory subcontracting clauses negotiated in context of collective-bargaining agreement and union picketing to obtain same)

Woelke & Romero Framing, Inc. v. NLRB, 456 U.S. 645 (1982) (opposition to certiorari)

Donald Schriver, Inc. v. NLRB, 635 F.2d 859 (D.C. Cir. 1980), *cert. denied*, 451 U.S. 976 (1981) (opposition to certiorari)

Metropolitan Edison cases (prohibiting disparate punishment of union stewards who refuse to cross picket lines)

Metropolitan Edison Co. v. NLRB, 460 U.S. 693 (1983) (opposition to certiorari)

Hammermill Paper Co. v. NLRB, 658 F.2d 155 (3rd Cir. 1981), *cert. denied*, 460 U.S. 1080 (1983) (opposition to certiorari)

Westinghouse Electric Corp., 243 N.L.R.B. 306 (1979), *enf'd mem. sub nom. IUE v. NLRB*, 107 L.R.R.M. 2704 (D.C. Cir. 1980), *cert. denied*, 452 U.S. 967 (1981) (brief, oral argument, and opposition to certiorari)

Litigation testing validity of Board rules protecting secrecy of ballots cast in union representation elections:

NLRB v. Manhattan Corp., 620 F.2d 53 (5th Cir. 1980), *cert. denied*, 452 U.S. 916 (1981) (petition for certiorari)

Sioux Products, Inc. v. NLRB, 703 F.2d 1010 (7th Cir. 1983) (brief and oral argument)

Gissel cases (appropriateness of Board order requiring employer to bargain with union in light of employer's unfair labor practices during union election campaign):

Standard-Coosa-Thatcher Carpet Yarn Div. v. NLRB, 691 F.2d 1133 (4th Cir. 1982) (brief, oral argument, and opposition to petition for rehearing *en banc*)

Chromalloy Mining and Minerals Alaska Div., Chromalloy American Corp. v. NLRB, 620 F.2d 1120 (5th Cir. 1980) (brief and oral argument)

Other matters:

Graves Trucking, Inc. v. NLRB, 692 F.2d 470 (7th Cir. 1982) (grant of back-pay against employer for worktime lost by employee due to injuries sustained on account of employer's unfair labor practice) (brief and oral argument)

A & R Transport, Inc. v. NLRB, 601 F.2d 311 (7th Cir. 1979) (validity of Board's rules with respect to employer interrogation of employees in preparation for Board hearing on unfair labor practices) (brief and oral argument)

Rockford Redi-Mix Co. v. Zipp, 482 F. Supp. 489 (N.D. Ill. 1979), *aff'd*, 632 F.2d 30 (7th Cir. 1980), *cert. denied*, 450 U.S. 929 (1981) (availability of judicial review of General Counsel's decision not to issue complaint and of Board's decision not to certify representation election results pending resolution of outstanding unfair labor practice charges) (all motions, briefs, and arguments)

Litigation Unit, California Agricultural Labor Relations Board (Sacramento, California) (served for five months as consultant from NLRB, assisting in the preparation of briefs and arguments in review proceedings and special litigation matters in California courts of appeal)

Significant cases:

Sam Andrews v. ALRB, 162 Cal.App.3d 923 (1984) (directing modification of remedial order imposed by ALRB), *on remand*, 11 A.L.R.B. No. 29 (modifying remedial order), *remanded*, 190 Cal.App.3d 1467 (1987) (reinstating original remedial order) (lead case on union representatives' access to employees living in employer-owned labor camps) (brief only)

J. R. Norton Co. v. ALRB, 192 Cal.App.3d 874 (1987) (numerous unfair labor practice, remedial, and constitutional issues) (brief only)