

Martin H. Malin  
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## PRESENT POSITION

Chicago-Kent College of Law, Illinois Institute of Technology, Chicago, Illinois. Professor Emeritus (2021 to present) Professor of Law (1988-2021), Director, Institute for Law & the Workplace (1996-2021) (Norman & Edna Freehling Scholar (1990-93), Associate Professor (1984-88), Assistant Professor (1980-84)

On Leave Winter/Spring 2010: Visiting Professor, University of Michigan Law School, Ann Arbor, Michigan

Subjects Taught: Labor Law, Employment Discrimination, Employment Relationships, Public Sector Labor Law, Collective Bargaining, Arbitration, Contracts, and Justice and the Legal System. Recipient of the 2001-02 and 2004-05 Ralph Brill Award presented by the Student Bar Association to the “professor of the year.”

### Founding Director, Institute for Law and the Workplace (ILW):

- Led a team of specialized faculty in developing a certificate program for law students seeking to specialize in labor and employment law;
- Recruited and retained a diverse group of law firms, employers and unions as members of the Institute;
- Developed and maintained annual giving from ILW members, law school alumnae/i and friends that supports \$150,000- \$200,000 in annual scholarships for certificate program students;
- Secured four endowment funds;
- Established *Employee Rights and Employment Policy Journal*, arranged for funding and served as co-editor;
- Developed and maintained ILW as a national center for academic and professional conferences;
- Coordinated all of the school's labor law programs, including the annual continuing education program on Illinois Public Sector Labor Law (cosponsored with the Illinois Labor Relations Boards); the midwest arbitrators' symposium (cosponsored with the Federal Mediation & Conciliation Service); the continuing education program on Hot Topics in Contemporary Labor Relations Law (cosponsored with the National Labor Relations Board). the annual continuing education program on Federal Sector Labor Law; the annual Kenneth M. Piper Memorial Lecture in Labor Law; and the Distinguished Labor Leader Lecture (cosponsored with the Chicago Federation of Labor).

- March 2022, ILW was renamed the Martin H. Malin Institute for Law and the Workplace.

Federal Labor Relations Authority, Federal Service Impasses Panel, Washington, DC. Chairman, September 14, 2021 to date; Member, November 2009 to May 2017.

Serve by appointment of President Biden as Chairman of the Panel which resolves bargaining impasses between federal agencies and unions representing their employees. Served as a Member of the Panel by appointment of President Obama in 2009; reappointed in 2014; removed, with the other Obama appointees, by President Trump in 2017.

Arbitrator, Mediator & Hearing Officer: I have served part-time as a labor arbitrator and mediator; at times have served as a hearing officer for the Illinois State Board of Education in teacher dismissal and special education cases and for the Chicago Commission on Human Relations in discrimination cases. I have also served as a special hearing officer for the Illinois Human Rights Commission. 1984 to present.

## **PUBLICATIONS**

### Books:

*Public Sector Employment: Cases & Materials, 4th edition* (West 2022) (with A. Hodges, J. Slater, J. Hirsch, M. Oswald and A. Lofasso).

*Labor Law in the Contemporary Workplace, 3<sup>rd</sup> edition* (West 2019) (with K. Dau-Schmidt, C. Fisk, R. Corrada and C. Cameron).

*Public Sector Employment: Cases & Materials, 3<sup>rd</sup> edition* (West 2016) (with A. Hodges, J. Slater, and J. Hirsch).

*Labor Law in the Contemporary Workplace, 2<sup>nd</sup> edition* (West 2014) (with K. Dau-Schmidt, C. Fisk, R. Corrada and C. Cameron).

*Employment Discrimination: Cases and Notes* (West 2012) (with M. Player).

*Public Sector Employment: Cases & Materials, 2<sup>nd</sup> edition* (West, 2011) (with A. Hodges and J. Slater).

*Labor Law in the Contemporary Workplace* (West 2009) (with K. Dau-Schmidt, C. Fisk, R. Corrada and C. Cameron).

*Public Sector Employment: Cases & Materials* (West 2004) (with J. Grodin & J. Weisberger).

*Individual Rights Within the Union* (BNA Books 1988).

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*Legal Environment of Business* (Richard D. Irwin 1982, 2d ed. 1985, 3d ed. 1988, 4th ed. 1991, 5th ed. 1994) (with J. Blackburn & E. Klayman).

Editor of *Title VII at 25* (BNA Conference Book 1989).

Contributor to M. Player, *Employment Discrimination Law* (West Hornbook Series 1988)  
Contributed sections on statistics

Contributor to H. Eglit, *Age Discrimination* (Shepard's/McGraw-Hill 1982):

*Chapter 16 The Age Discrimination in Employment Act: Protections, Prohibitions & Exceptions*

*Chapter 17 The Age Discrimination in Employment Act: Enforcement Procedures* (with H. Eglit)

*Chapter 19 Other Federal Laws Covering Age Discrimination in Employment* (with H. Eglit)

Computer Program:

*National Labor Relations Board Procedures* (Chicago-Kent Electronic Course 1994, CALI 2009)(computer tutorial for teaching Labor Law students NLRB procedures).

Law Review and Related Journal Articles:

*Are Collective Bargaining Agreements Still Special?*, 37 ABA J. LAB. & EMP. L. \_\_\_\_ (2022).

*Janus and the First Amendment in the Workplace*, 24 EMP. RTS. & EMP. POL'Y J. 9 (2020).

*Alt Labor? Why We Still Need Traditional Labor*, 95 Chi-Kent L. Rev. 157 (2020) (invited contribution to special symposium).

*After Janus*, 107 CAL. L. REV. 1821 (2019) (w/ C. Fisk).

*Protecting Platform Workers in the Gig Economy: Look to the FTC*, 51 INDIANA L. REV. 377 (2018).

*The Motive Power in Public Sector Collective Bargaining*, 36 HOFSTRA LABOR & EMP. L.J. 123 (2018) (invited contribution to special symposium commemorating 50<sup>th</sup> anniversary of New York's Taylor Law).

*Flipping the Classroom to Teach Workplace ADR in an Intensive Environment*, 67 J. LEG. ED. 615 (2018) (w/ D. Ginsberg).

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14 Penn Plaza LLC v. Pyett *Oppression or Opportunity for U.S. Workers: Learning from Canada*, 2017 U. CHI. LEGAL FORUM 347 (w/ J. Werner) (invited contribution to special symposium; funded by a grant from the National Academy of Arbitrators Research & Education Foundation).

*Extending Mike Zimmer's Cross Border Comparative Work: The Role of Property Rights in U.S. and Canadian Labor Law*, 20 EMP. RTS. & EMP. POL'Y J. 417 (2016) (invited contribution to special symposium).

*Three Phases of the Supreme Court's Arbitration Jurisprudence: Empowering the Already Powerful*, 17 NEVADA L.J. 23 (2016).

*Education Reform and Labor Management Cooperation: What Role for the Law?*, 45 U. TOLEDO L. REV. 527 (2014) (invited contribution to special symposium).

*The Labor and Employment Law Decisions of the Supreme Court's 2012-13 Term*, 29 A.B.A. J. LAB. & EMP. L. 203 (2014) (invited paper).

*Constructing a Comprehensive Labor and Employment Law Curriculum*, 38 ST. LOUIS U. L. J. 111 (2013) (invited contribution to special symposium).

*Collective Representation and Employee Voice in the United States Public Sector Workplace: Looking North for Solutions?*, 50 OSGOODE HALL L.J. 903 (2013) (invited contribution to special symposium)

*Does Public Employee Collective Bargaining Distort Democracy? A Perspective from the United States*, 34 COMPARATIVE LAB. L. & POL'Y J. 277 (2013) (invited contribution to special international symposium)

*Two Models of Interest Arbitration*, 28 OHIO ST. J. DISPUTE RESOLUTION 145 (2013) (invited contribution to special symposium)

*Life After Act 10?: Is There a Future for Collective Representation of Wisconsin Public Employees?*, 96 MARQUETTE L. REV. 623 (2012)

*The Legislative Upheaval in Public Sector Labor Law: A Search for Common Elements*, 27 A.B.A.J. LAB. & EMP. L. 149 (2012) (invited contribution to special symposium)

*The Arbitration Fairness Act: It Need Not Be an All or Nothing Proposition*, 87 IND. L.J. 289 (2012) (invited contribution to special symposium)

*The Evolving Schizophrenic Nature of Labor Arbitration*, 2010 J. DISPUTE RESOL. 57 (2010) (invited contribution to special symposium)

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- The Canadian Auto Workers - Magna International, Inc. Framework of Fairness Agreement: A U.S. Perspective*, 54 ST. LOUIS U. L.J. 525 (2010) (invited contribution to special issue)
- The Paradox in Public Sector Labor Law*, 84 IND. L.J. 1369 (2009) (written by invitation and presented as the 2009 William R. Stewart Lecture in Labor and Employment Law at Indiana University-Bloomington)
- Do Cognitive Biases Infect Adjudication? A Study of Labor Arbitrators*, 11 PENN. J. BUS. L. 175 (2008) (with M. Biernat) (supported by a grant from the National Academy of Arbitrators Research & Education Foundation).
- Revisiting the Meltzer-Howlett Debate over External Law in Labor Arbitration: Time for Courts to Declare Howlett the Winner?*, 24 LAB. LAW. 1 (2008).
- Political Ideology and Labor Arbitrators Decision-making in Work-Family Conflict Cases*, 34 PERSONALITY & SOCIAL PSYCH. BULL. 888 (2008) (with M. Biernat) (supported by a grant from the National Academy of Arbitrators Research & Education Foundation).
- Charter Schools and Collective Bargaining: Compatible Marriage or Illegitimate Relationship?*, 30 HARV. J. L. & PUB. POL'Y 885 (2007) (with C. Kerchner) (supported by a grant from the Haynes Foundation).
- Due Process in Employment Arbitration: The State of the Law and the Need for Self-Regulation*, 11 EMP. RTS. & EMP. POL'Y J 363 (2007) (invited contribution to special issue).
- The Evolving Role of the Labor Arbitrator*, 21 OHIO ST. J. DISPUTE RESOL. 199 (2005) (invited contribution to special issue) (with J. Vonhof).
- Interference with the Right to Leave Under the Family & Medical Leave Act*, 7 EMPLOYEE RTS. & EMPLOYMENT POL'Y J. 329 (2003) (invited contribution to special issue).
- Ethical Concerns in Drafting Employment Arbitration Agreements After Circuit City and Green Tree*, 41 BRANDEIS L. REV. 779 (2003) (invited contribution to special issue).
- Privatizing Justice -- But By How Much? Questions Gilmer Did Not Answer*, 16 OHIO ST. J. DISPUTE RESOL. 589 (2001)(invited contribution to special issue).
- The NLRA in Cyberspace: Union Organizing in Electronic Workplaces*, 49 U. KANS. L. REV. 1 (2000) (w/ H. Perritt).
- Fathers and Parental Leave Revisited*, 19 N. ILL. U. L. REV. 25 (1998) (invited contribution to special issue).

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- On the Scope of Legitimate Authority*, 29 J. SOCIAL PHILOSOPHY 59 (Winter 1998) (with R. Ladenson).
- Unemployment Compensation in a Time of Increasing Work-Family Conflicts*, 29 U. MICH. J. L. REF. 131 (1996) (invited contribution to special symposium).
- Arbitrating Statutory Employment Claims in the Aftermath of Gilmer*, 40 ST. L. U. L. REV. 77 (1996) (invited contribution to special issue).
- Fathers and Parental Leave*, 74 TEXAS L. REV. 1047 (1994).
- Afterword: Labor Law Reform -- Waiting for Congress?*, 69 CHI-KENT L. REV. 277 (1994)(afterword for special symposium on labor law reform); the symposium, including my afterword, was republished as a book, *The Legal Future of Employee Representation* (Cornell Univ. ILR Press 1994).
- Privatizing Justice: A Jurisprudential Perspective on Labor and Employment Arbitration from the Steelworkers Trilogy to Gilmer*, 44 HASTINGS L.J. 1187 (1993)(with R. Ladenson).
- Public Employees' Right to Strike: Law and Experience*, 26 U. MICH. J. L. REF. 313 (1993).
- The Distributive and Corrective Justice Concerns in the Debate over Employment at Will: Some Preliminary Thoughts*, 68 CHI-KENT L. REV. 117 (1992).
- The Supreme Court and the Duty of Fair Representation*, 27 HARV. CIV. RTS. - CIV. LIB. L. REV. 127 (1992).
- Grievance Arbitration: Accommodating an Increasingly Diversified Work Force*, 42 LAB. L.J. 551 (1991)(with L. Stallworth).
- Labor Arbitration Thirty Years After the Steelworkers Trilogy*, 66 CHI-KENT L. REV. 551 (1990) (Symposium Editor and Author of Foreword).
- Affirmative Action Issues and the Role of External Law in Arbitration*, 20 SETON HALL L. REV. 745 (1990) (with L. Stallworth) (invited contribution to special symposium).
- The Evolving Law of Agency Shop in the Public Sector*, 50 OHIO ST. L.J. 855 (1989).
- The Legal Status of Union Security Fee Arbitration After Chicago Teachers Union v. Hudson*, 29 B.C.L. REV. 857 (1988).
- Implementing the Illinois Educational Labor Relations Act*, 61 CHI-KENT L. REV. 101 (1985).
- Protecting the Whistleblower From Retaliatory Discharge*, 16 U. MICH. J.L. REF. 727 (1983) (invited contribution to special symposium).

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*University Faculty Members' Right to Dissent: Toward a Unified Theory of Constitutional and Contractual Protection*, 16 CAL. DAVIS L. REV. 933 (1983) (with R. Ladenson) (invited contribution to special symposium).

*Comparing the Sherman Act and the Restrictive Trade Practices Act: The Trade Association Experience*, 59 U. DET. J. URB. L. 147 (1982) (with J. Lawniczak).

*Student Employees and Collective Bargaining*, 69 KY. L.J. 1 (1980).

*Real Estate Multiple Listing Services and the Sherman Act: A Reply to Miller and Shedd*, 15 AMER. BUS. L.J. 77 (1980).

*Title IV of the LMRDA -- Should Intervening Plaintiffs Be Permitted to Recover Attorney Fees?*, 48 U. CIN. L. REV. 345 (1979).

#### Other Publications:

*Arbitration's Catalyst for Empirical Studies*, in DISCUSSIONS IN DISPUTE RESOLUTION (ARTHUR HINSHAW, ANDREA KUPFER SCHNEIDER & SARAH RUDOLPH COLE eds. 2021).

*Focusing on an Often-Neglected Player in the Mandatory Arbitration Game*, JOTWELL.COM (Nov. 5, 2020), <https://worklaw.jotwell.com/focusing-on-an-often-neglected-player-in-the-mandatory-arbitration-game/> (Reviewing David Horton, *The Arbitration Rules: Procedural Rulemaking by Arbitration Providers*, 105 MINN. L. REV. (2020)).

*In Defense of Police Collective Bargaining*, CHI. SUN TIMES (Aug. 12, 2020) (w/J. Slater)

*Public Sector Innovations: Valuing Voice*, in THE CAMBRIDGE HANDBOOK OF U.S. LABOR LAW: REVIVING AMERICAN LABOR (R. Bales & C. Garden eds. 2019) (w/ A. Hodges).

*Coercion in Labor Law: A Fresh Perspective*, JOTWELL.COM (July 22, 2019), <https://worklaw.jotwell.com/coercion-in-labor-law-a-fresh-perspective/> (reviewing Michael Oswalt, *The Content of Coercion*, 52 U.C. DAVIS L. REV. 1585 (2019)).

*Human Rights Claims: Different Forums – Different Outcomes*, in ARBITRATION 2017 THE NEW WORLD OF WORK, PROCEEDINGS OF THE 70<sup>TH</sup> ANNUAL MEETING, NATIONAL ACADEMY OF ARBITRATORS 177 (S. Heyford, ed. 2018) (w/ J. Werner).

*Where Have All the Claims Gone*, JOTWELL.COM (Oct. 18, 2018), <https://worklaw.jotwell.com/where-have-all-the-claims-gone/> (Reviewing Cynthia Estlund, *The Black Hole of Mandatory Arbitration*, 96 N. C. L. REV. 679 (2018)).

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*The AFSCME – State of Illinois Negotiations: Traveling in Uncharted Waters*, 34 ILL. PUB. EMP. REL. REP. 2 (Winter 2017).

*A Framework for Thinking About Regulating Platforms*, JOTWELL.COM (Oct. 2017), <https://worklaw.jotwell.com/a-framework-for-thinking-about-regulating-platforms> (reviewing Orly Lobel, *The Law of the Platform*, 101 MINN. L. REV. 87 (2016)).

*Arbitration, Class Action Waivers and the National Labor Relations Act*, ARBITRATIONINFO.COM, <http://law.missouri.edu/arbitrationinfo/2016/09/13/arbitration-class-action-waivers-and-the-national-labor-relations-act/> (Sept. 15, 2016)

“Deflategate,” *Tom Brady and Labor Arbitration*, ARBITRATIONINFO.COM, <http://law.missouri.edu/arbitrationinfo/2016/05/31/deflategate-tom-brady-and-labor-arbitration-by-professor-martin-h-malin/> (May 31, 2016)

*A Brief Overview and Historical Background on Labor and Employment Arbitration, Parts I, II, III and IV*, ARBITRATIONINFO.COM, <http://law.missouri.edu/arbitrationinfo/2015/09/26/the-long-complicated-history-of-arbitration-in-the-music-industry/> (with James Oldham and Ted St. Antoine) (July 29 & September 25, 2015)

*An Empirical Comparison of the Handling of Statutory Human Rights Claims in Labour Arbitration and before the Human Rights Tribunal of Ontario*, in PROCEEDINGS OF THE 67<sup>TH</sup> ANN. MTG. NAT’L ACAD. OF ARBITRATORS Ch. 13 (Richard Block ed. 2015). (w/S. Slinn & J. Werner) (supported by a grant from the National Academy of Arbitrators Research & Education Foundation)

*The Art and Science of Labor Arbitration* (College of Labor and Employment Lawyers 2014) (w/ I.B. Helburn, J. Parker & B. Dobranski) (Instructor’s Guide to accompany video by the same title)

*The Anti-Social Network: Facebook, Smart Phones, and Other Social Media in the Workplace*, in ARBITRATION 2012 OUTSIDE IN: HOW THE EXTERNAL ENVIRONMENT IS SHAPING ARBITRATION: PROCEEDINGS OF THE 65<sup>TH</sup> ANNUAL MEETING, NATIONAL ACADEMY OF ARBITRATORS 155 (Nancy Kaufman & Matthew W. Franckiewicz eds. 2013) (w/ D. Nielsen, T. Hawks & J. Dunn).

*Is Arbitration Lawless?*, JOTWELL.Com (December 2012) (reviewing W. Mark C. Weidmaier, *Judging Lite: How Arbitrators Use and Create Precedent*, 90 N.C. L..REV. 1091 (2012))

*The Impairment of Public Sector Collective Bargaining Agreements*, JOTWELL.Com (October 2011) (reviewing Stephen F. Befort, *Unilateral Alteration of Public Sector Collective Bargaining Agreements and the Contracts Clause*, 59 BUFFALO J.REV. 1 (2011))

*In Honor of Clyde Summers: An Introduction to a Special Symposium*, 14 EMPL. RTS. & EMPL.

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POL'Y J. 1 (2010).

*The Diversity of Public Sector Labor Law Regimes*, JOTWELL.Com (November 2010)  
(reviewing Ann C. Hodges, *Lessons from the Laboratory: The Polar Opposites on the Public Sector Labor Law Spectrum*, 18 CORNELL J. L. & PUB. POL'Y 735 (2009)

Register Guard *and the Three Is: Ironic, Incoherent and (Largely) Irrelevant*, in WORKPLACE PRIVACY: PROCEEDINGS OF THE NEW YORK UNIVERSITY 58<sup>TH</sup> ANNUAL CONFERENCE ON LABOR 211 (Jonathan Remy Nash ed. 2010).

*Class Action Waivers in Arbitration Agreements: The Chaotic State of the Law*, in ARBITRATION 2008 U.S. AND CANADIAN ARBITRATION: SAME PROBLEMS, DIFFERENT APPROACHES, PROCEEDINGS OF THE 61<sup>ST</sup> ANNUAL MEETING, NATIONAL ACADEMY OF ARBITRATORS 111 (Patrick Halter & Paul D. Staudohar eds. 2009).

Reporter, THE ALRA NEUTRALITY REPORT (Ass'n of Labor Relations Agencies 2008) (served as reporter and principal drafter of this Restatement-like treatise on labor board and mediation agency impartiality for the organization of federal, state, provincial and local labor relations and mediation agencies in the U.S. and Canada)

*The Legal and Administrative Context of Work and Family Leaves and Related Policies in the United States, Canada, and the European Union*, in MANAGING THE WORK-HOME INTERFACE: A PSYCHOLOGICAL PERSPECTIVE ch. 2 (Fiona Jones et al. eds. Psychology Press, 2006) (invited contribution) (with R. Block, E. Kossek, and A. Holt).

*An Empirical Investigation of Factors Affecting Outcomes of Discipline Arbitrations Where Work and Family Responsibilities Conflict: Preliminary Results*, in ARBITRATION 2005: THE EVOLVING WORLD OF WORK: PROCEEDINGS OF THE 58<sup>TH</sup> ANNUAL MEETING, NATIONAL ACADEMY OF ARBITRATORS 132 (Stephen Befort & Paul F. Gerhardt eds. 2006) (with M. Biernat).

Book Review, Joseph Slater, *Public Workers: Government Employee Unions, the Law and the State, 1900-1962*, 46 LABOR HISTORY 264 (2005).

*What a Mess! The FMLA, Collective Bargaining and Attendance Control Plans*, ILLINOIS PUBLIC EMPLOYEE RELATIONS REPORT, Autumn 2004, at 1 (with Jeanne Vonhof).

*Work/Family Conflict Union Style: Labor Arbitrations Involving Family Care* (American University Washington College of Law Center for Work Life Law 2004) (with M. Still, M. Milligan & J. Williams), available at <[http://www.uchastings.edu/site\\_files/WLL/conflictunionstyle.pdf](http://www.uchastings.edu/site_files/WLL/conflictunionstyle.pdf)>.

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- Public Sector Labor Law Doctrine and Labor Management Cooperation*, in GOING PUBLIC: THE ROLE OF LABOR-MANAGEMENT RELATIONS IN DELIVERING QUALITY GOVERNMENT SERVICES 267 (Jonathan Brock & David Lipsky eds. 2003) (invited contribution to annual IRRA Research Volume).
- Public Sector Collective Bargaining: The Illinois Experience*, 2 POLICY PROFILES No. 2 (NIU Center for Government Studies, Jan. 2002), available at [http://www.cgsniu.org/portfolio/policy\\_profiles/pdf/policy\\_v2n1.pdf](http://www.cgsniu.org/portfolio/policy_profiles/pdf/policy_v2n1.pdf) .
- The Arbitration of Statutory Employment Claims*, in 2001 EMPLOYMENT LAW UPDATE 139 (Henry H. Perritt, Jr., ed., 2001).
- Policing Employer Promulgated Arbitration Systems*, 1 EMPLOYEE RTS. Q., Spring 2001, at 20.
- Book Review, Hauck, Arbitrating Race, Religion and National Origin Discrimination Grievances*, 52 INDUS. LAB. REL REV. 315 (1999).
- Legal Developments in Employment Arbitration*, in PROC. 23RD MEETING, SOCIETY OF PROFESSIONALS IN DISPUTE RESOLUTION (1996).
- Premium Pay or Comp Time? Plans Giving Workers a Choice Have Appeal, but Spur Concerns*, CHI. SUN-TIMES September 21, 1996, at 14.
- Conflicts Arising Out of Workforce Diversity*, in PROC. 46TH ANN. MTG, NAT'L ACAD. ARBITRATORS 104 (1994)(with L. Stallworth); also published as *Workforce Diversity: A Continuing Challenge to ADR*, 49 DISPUTE RESOL. J. 27 (June 1994).
- Book Note, Sheldon Leader, Freedom of Association: A Study in Labor Law & Political Theory*, 104 ETHICS 670 (1994).
- Cross Border Perspectives on the Use of External Law in Labor Arbitration*, in PROC. 22ND ANN. MTG. SOC. OF PROF. IN DISPUTE RESOL. 199 (1994)(with R. H. Abramsky).
- Labor & Employment Law in the Supreme Court's 1992-93 and 1993-94 Terms*, in PROC. 11TH ANNUAL CARL A. WARNS, JR. LABOR & EMPLOYMENT LAW INSTITUTE 147 (1994).
- Family Leave Act is for Fathers Too*, CHICAGO TRIBUNE (June 25, 1993).
- The Privatization of Justice: Ethical Issues in Employment Arbitration*, 12 PERSPECTIVES ON THE PROFESSIONS 7 (January 1993)(with R. Ladenson).
- Two Models of the Right to Strike*, 7 ILL. PUB. EMP. REL. REP. 1 (Autumn 1990).
- The Need for Alternative Methods of Resolving Federal Sector EEO Complaints*, in PROC. 17TH ANN. MTG. SOC. OF PROF. IN DISPUTE RESOL. (1989).

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*Free Speech, Internal Union Democracy and an Elected Officer's Duties to the Union: Striking a Balance*, 1988-89 PREV. OF THE U.S. SUP. CT. CAS. 82.

*When a New Company Takes Over a Failed Company's Business, Does the Union Come with It?*, 1986-87 PREV. OF THE U.S. SUP. CT. CAS. 245.

*Fair Share Fees in Illinois Continued: The Supreme Court Decides Hudson*, 3 ILL. PUB. EMP. REL. REP. 8 (Spring 1986).

*Fair Share Fees Under the Illinois Labor Relations Acts*, 3 ILL. PUB. EMP. REL. REP. 1 (Jan. 1986).

*Managing Fair Share: The Line Between Supporting and Succumbing*, 1985-86 PREV. OF THE U.S. SUP. CT. CAS. 151 .

*Book Review, Cwiklo, Computers in Litigation Support*, 18 AMER. BUS. L.J. 426 (1980) (with T. L. Tappert).

#### **SELECTED PROFESSIONAL ACTIVITIES**

Association of American Law Schools, Labor Law Section (Chair 1993, Chair Elect 1992, Secretary 1991)

American Bar Association, Section on Labor & Employment Law, Secretary 2013-2014

Recipient, American Bar Association Arvid Anderson Award for Lifetime Contributions to Public Sector Labor Law, November 11, 2016.

Reporter, Neutrality Project, Association of Labor Relations Agencies (2003 - 2008). Served as Reporter for project of organization of federal, state, provincial and local labor relations boards and mediation agencies in the U.S. and Canada which produced a mini-Restatement like treatise on labor board and mediation agency impartiality.

Member, National Academy of Arbitrators

Strategic Adviser 2021 - date

Vice President (2015-17)

Member, Board of Governors (2006-09)

Member, Special Task Force to Draft a Code of Professional Responsibility for Employment Arbitrators (2011 - 14)

Chair, Amicus Committee 2019-present, committee member since 2015

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Chair Program Committee 2009 Annual Meeting

Co-chair, Committee on Statutory Disputes in Employment (2010-2016 )

Co-chair, Protocol Conference Planning Committee (2006-07)

Member, Committee of Professional Responsibility & Grievances (2021-date)

Member 2014 and 2017 Annual Meeting Program Committees

National Academy of Arbitrators Research & Education Foundation (member Board of Directors 2010 - 15)

Fellow, College of Labor & Employment Lawyers (Member Board of Governors, 2011 -16)

The Labor Law Group - (Member of the Executive Editorial Committee, 2000-2011)

International Society for Labour & Social Security Law, North American Branch - member of Board of Directors (2008 - date).

Member (by invitation), Cognitive Bias Study Group - member of this interdisciplinary study group funded by the Sloan Foundation and based at American University Washington College of Law, which examined social cognition, implicit biases and work-family conflicts and their treatment by employers and the law (2001-2004).

Instructor, FMCS Institute - co-teach Federal Mediation & Conciliation Service week-long course, Becoming a Labor Arbitrator (June or July 2012 - date).

Co-Editor, Employee Rights & Employment Policy Journal (1997 to present)

Editor, Illinois Public Employee Relations Report (1990 to present)

Contributing Editor, JOTWEL.com (2009 - 2014, 2017 - date)

Labor & Employment Relations Association (formerly Industrial Relations Research Association) (Chicago Chapter Pres. 1988-89, V.P. for Programs, 1986-88, Secretary 1985-86)

Admitted to Practice: Illinois, Michigan and federal courts

#### **SELECTED PROFESSIONAL PRESENTATIONS**

“The First 300 Days of the Biden FSIP,” Federal Mediation & Conciliation Service National Labor Management Conference, July 13, 2022.

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“Meet the Biden Federal Service Impasses Panel,” Society of Federal Labor & Employment Relations Professionals Annual Meeting, April 26, 2022.

“FSIP: What to Expect from the Biden Panel,” Society of Federal Labor & Employment Relations Professionals Webinar, Sept.19, 2021

“Police Reform and Labor Relations,” to ABA Section on labor and Employment Law, State and Local Government Bargaining and Employment Law Committee Midwinter Meeting (virtually), Jan. 28, 2021.

“Labor as Contingent as Free Speech,” to Annual Conference, Center for the Study of Collective Bargaining in Higher education and the Professions, Hunter College, CUNY, October 20, 2020.

“Labor Relations in the Age of Covid,” Northern Kentucky University ADR Center Annual Labor-Management Relations Conference, October 13, 2020.

“*Janus* Revisited: A Discussion of the Far Reaching Implications for Unions and Employers,” ABA Webinar, September 29, 2020

“Are Collective Bargaining Agreements Still Special?,” Federal Mediation & Conciliation Service National Labor-Management Conference, August 19, 2020.

“What Does the Day After Tomorrow Look Like?,” National Academy of Arbitrators Webinar, July 24, 2020.

“How Arbitration Really Works,” Jackson Lewis Webinar, June 11, 2020.

“If You Were the Arbitrator, How Would You Rule?,” Illinois Public Employers Labor Relations Association, Oakbrook Terrace, IL, Mar. 3, 2020.

“Interest Arbitration Update,” Illinois Public Employers Labor Relations Association, Oakbrook Terrace, IL, Mar. 3, 2020.

“Interest Arbitration in Illinois,” a seminar for Associated FireFighters of Illinois through the University of Illinois Labor Education Program, Belleville, IL (Sept. 13, 2019), Peoria, IL (Oct. 22, 2019), Burr Ridge, IL (Oct. 25, 2019), Rolling Meadows, IL (Nov. 1, 2019).

“The Motive Power in Public Sector Collective Bargaining,” to Colloquium on Scholarship in Employment and Labor Law, University of Nevada Las Vegas Law School, Oct. 11, 2019.

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- “The First Amendment in the Workplace After *Janus*,” Cornell University School of Industrial and Labor Relations conference on Labor and the Constitution, New York, Sept. 27, 2019.
- “Becoming a Labor Arbitrator,” a course offered by the Federal Mediation & Conciliation Service for arbitrators seeking admission to the FMCS Labor Arbitrator Roster, Glendale, CA, June 24-28, 2019.
- “An Introduction to Labor Arbitration: The Arbitrator’s Perspective,” to Baltimore Gas & Electric Co., Baltimore, MD, Mar. 28, 2019.
- “Protecting Workers in the Gig Economy: Look To the FTC,” to Northern Illinois University Law School Symposium on Lyft-ing the Veil: on a Worker’s Status in the Gig Economy, DeKalb, IL, April 12, 2019
- “A Forum on *Janus*,” Case Western Reserve University Law School, Cleveland, OH, February 5, 2019 (one of two speakers providing different perspectives on *Janus v. AFSCME Council 31*; the other speaker was Robert Alt, Buckeye Institute).
- “Recent Developments in Labor and Employment Law: Is the Law of the Workplace Drifting Rightward?” to College of Labor and Employment Lawyers, Fourth & Eleventh Circuits Regional Meeting, Charleston, SC, February 2, 2019.
- “After *Janus*” to Colloquium on Scholarship in Employment and Labor Law, University of South Carolina, Columbia, SC, September 28, 2018.
- Panelist, “The Future of Labor Arbitration,” at Federal Mediation & Conciliation Service National Labor-Management Conference, Chicago, August 22, 2018.
- “Becoming a Labor Arbitrator,” FMCS Institute, Seattle, WA, June 18-22, 2018.
- “The Motive Power in Public Sector Collective Bargaining,” to The New York Taylor Law at 50: Comparisons with Other Major States, Labor and Employment Relations Association Annual conference, Baltimore, MD, June 15, 2018.
- “Right to Work and More: Developments Affecting the Viability of Collective Bargaining as an Institution” to National Academy of Arbitrators Annual Meeting, Vancouver, BC, Canada, May 25, 2018.
- “*14 Penn Plaza LLC v. Pyett* – Oppression or Opportunity for U.S. Workers: Learning from Canada,” to Chicago Chapter, Labor and Employment Relations Association, May 22, 2018.
- “The Motive Power in Public Sector Collective Bargaining” To New York Public Employment Relations Board Conference on The Taylor Law at 50, Albany, NY, May 10, 2018.

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Moderator, “Comparative Public Sector Unionism and Collective Bargaining,” at New York Public Employment Relations Board Conference on The Taylor Law at 50, Albany, NY, May 11, 2018.

Panelist, Hot Topics in Labor Arbitration, Edison Electric Institute Annual Meeting, Miami, FL, May 4, 2018.

“Speaking Out: How It Impacts Employment,” to Chicago Bar Association Conference, Free Speech and Assembly Meets Hate Crimes, Chicago, March 22, 2018.

“The Taylor Law and Public Sector Negotiations in Historical Context,” to The Taylor Law in Perspective at 50, Hunter College Roosevelt House, New York, NY, September 26, 2017.

“Exploring the Law of Franchising as an Alternative Model for Regulating the Gig Relationship,” to Colloquium on Scholarship in Employment and Labor Law, Texas A & M Law School, Fort Worth, TX, September 15, 2017.

“Exploring the Law of Franchising as an Alternative Model for Regulating the Gig Relationship,” to Labor Law Research Network, Third Biennial Conference, Toronto, Ontario, Canada, June 27, 2017.

“Canada: Human Rights Claims – Different Forums, Different Outcomes?:” to National Academy of Arbitrators Annual Meeting, Chicago, May 25, 2017.

“Law Enforcement Labor Relations and Arbitration and 21<sup>st</sup> Century Policing,” National Academy of Arbitrators Annual Meeting, Chicago, May 26, 2017 (program coordinator and moderator)

“Dealing with Difficult Attorneys in Arbitration,” American Arbitration Association Arbitrator Continuing Education Course, Chicago, May 24, 2017 (sole teacher).

“Inside the Arbitrator’s Mind,” a webinar for commissioners of the Federal Mediation & Conciliation Service, February 24 & March 24, 2017.

“*14 Penn Plaza LLC v. Pyett*: Lessons from Canada,” keynote address to ABA Labor and Employment Law Section Committee on State and Local Government Bargaining and Employment Law Midwinter Meeting, Puerto Vallarta, Mexico, January 27, 2017.

Commentator, “New and Emerging Voices in Workplace Law,” Association of American Law Schools Annual Meeting, San Francisco, January 4, 2016, provided senior scholar commentary on “After *Friedrichs v. California Teachers Association*: Sacrificing Agency Shop Agreements, Agency Fees, and the Political Agenda They Subsidize to Save the Public Union” by Courtlyn G. Rosser-Jones

“Public Sector Collective Bargaining After the Recession,” to ABA Labor and Employment Law Section Annual Meeting, Chicago, November 11, 2016

“The Role of Property Rights in Differentiating U.S. and Canadian Labor Law: Extending Michael Zimmer’s Comparative Analysis,” to symposium in memory of Michael

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- Zimmer, Seton Hall University Law School, Newark, NJ, October 21, 2016.
- “Hot Topics in Arbitration: Class Action Waivers and the Brady Deflategate Case,” to Federal Mediation & Conciliation Service, National Labor-Management Conference, Chicago, August 18, 2016
- “Impasse: A Pause between Two Good Ideas” to Federal Mediation & Conciliation Service National Labor-Management Conference, Chicago, August 17, 2016
- “Three Phases of the Supreme Court’s Arbitration Jurisprudence,” presented as Scholar in Residence at the ABA Section on Labor and Employment Law ADR Committee Midwinter Meeting, St. Pete Beach, Florida, February 14, 2016.
- “*14 Penn Plaza LLC v. Pyett* – Oppression or Opportunity for U.S. Workers: Learning from Canada – An Empirical Comparison of the Handling of Statutory Human Rights Claims in Labour Arbitration in Ontario and before the Human Rights Tribunal of Ontario,” presented as Scholar in Residence at the ABA Section on Labor and Employment Law ADR Committee Midwinter Meeting, St. Pete Beach, Florida, February 12, 2016.
- “The Controversy over *14 Penn Plaza v. Pyett*: What May We Learn From Canada?” presented to the Colloquium on Scholarship in Employment and Labor Law, Bloomington, Indiana. September 12, 2015.
- “An Empirical Comparison of the Handling of Human Rights Claims before Ontario Labour Arbitrators and the Human Rights Tribunal of Ontario,” part of a panel on the Privatization of Workplace Dispute Resolution, presented at the Biennial Meeting of the Labor Law Research Network, Amsterdam, Netherlands, June 26, 2015
- “FSIP and the FLRA: The Relationship Between the Impasse Procedures and Unfair Labor Practices,” to Federal Labor Relations Authority Office of General Counsel Staff Development, Chicago and Washington, DC, April 2, 2015.
- “Labor Law: The Status Quo and Prospects for Reform,” to AFL-CIO Next Up Summit, Chicago, March 20, 2015.
- “The Future of Public Sector Collective Bargaining,” to GAO Auditors and Analysts (IFPTE Local 1921) Annual Meeting, Chicago and Washington, DC, Nov. 13, 2014
- “Liberal Education, Legal Education and Reflections on Professor Zinman,” to ZinFest, a Two Day Celebration of the Career of Professor Richard Zinman on the Occasion of His Retirement from James Madison College, Michigan State University, East Lansing, MI, Oct. 11, 2014.
- “An Empirical Comparison of the Adjudication of Human Rights Claims in Labour Arbitration in Ontario and before the Human Rights Tribunal of Ontario,” to The Labor Law Group, Cornell University, Ithaca, NY, June 26, 2014.

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- “An Empirical Comparison of the Adjudication of Human Rights Claims in Labour Arbitration in Ontario and before the Human Rights Tribunal of Ontario: A Preliminary Report” to National Academy of Arbitrators Annual Meeting, Chicago, IL, May 23, 2014.
- Moderator, “New Frontiers in Union Organizing in the U.S. and Canada,” to National Academy of Arbitrators Annual Meeting, Chicago, IL, May 22, 2014.
- “The Labor and Employment Law Decisions of the Supreme Court’s 2012-13 Term,” to ABA Section on Labor and Employment Law Annual Meeting, New Orleans, Nov. 8, 2013.
- “Labor Management Cooperation and Education Reform,” to Symposium on Education Reform, University of Toledo Law School, Toledo, OH, Oct. 25, 2013.
- “Constructing a Comprehensive Labor and Employment Law Curriculum,” to conference on Teaching Labor and Employment Law, St. Louis University Law School, Feb. 15, 2013.
- “Does Public Sector Collective Bargaining Distort Democracy?” to international symposium cosponsored by International Society of Labour & Social Security Law, International Association of Labour Law Journals and Comparative Labor Law & Policy Journal, Philadelphia, July 2, 2012.
- The Anti Social Network: Facebook, Smart Phones and Other Social Media in the Workplace, National Academy of Arbitrators Annual Meeting, Minneapolis, MN, June 7, 2012.
- “The Arbitration of Work-Family Conflict Grievances: Empirical Findings,” National Academy of Arbitrators Annual Meeting, Minneapolis, MN June 9, 2012.
- “Sifting Through the Tsunami of the Wreckage that Hit Public Sector Collective Bargaining: Looking North for Solutions?” to Conference on Voice at Work, Osgoode Hall Law School, York University, Toronto, Canada, March 16, 2012
- “Collective Representation, Worker Voice and Democracy in the Public Sector Workplace: Looking North for Solutions?” to Conference on Democracy and the Workplace, UNLV Boyd School of Law, Las Vegas, NV, February 25, 2012.
- “Two Models of Interest Arbitration,” to Symposium on The Role of ADR Mechanisms in Public Sector Labor Disputes, Ohio State University, Columbus, OH, February 17, 2012.
- “Sifting through the Wreckage of the Tsunami that Hit Public Sector Collective Bargaining,” Association of American Law Schools Annual Meeting, Section on Labor Relations and Employment Law, Washington, DC, January 5, 2012
- Commentator, Freedom of Association, at Symposium on The Constitutionalization of Labor and Employment Law?, University of Wisconsin College of Law, Madison, WI, October 29, 2011.
- Arbitrator Disclosure Obligations: A Comparison of Labor and Employment Arbitration, National Academy of Arbitrators, Fall Education Conference, Miami, FL, September 17, 2011.

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- “Sifting through the Wreckage of the Tsunami that Hit Public Sector Collective Bargaining,” to Conference on the Future of Public Sector Employment, University of Richmond College of Law, Richmond, VA, September 9, 2011.
- “Value Added or Subtracted? How Charter Schools and Teacher Evaluation Square with Student Achievement and Collective Bargaining,” Association of Labor Relations Agencies Annual Meeting, Jersey City, NJ, July 25, 2011 (panel moderator).
- “Worker Voice: The Impact of Collective Bargaining on Democracy, Innovation and Public Service,” to Conference on The War Against Public Services and Public Employee Unions, Albert Shanker Institute, Washington, DC, June 9, 2011.
- Moderator, “What’s Happening in Wisconsin?”, College of Labor and Employment Lawyers, Chicago, June 1, 2011.
- Moderator, A Debate on Public Employee Collective Bargaining, Newberry Library. Chicago, April 28, 2011 (cosponsored by Federalist Society, American Constitution Society and Illinois Labor History Society).
- “The Arbitration Fairness Act: It Need Not Be an All or Nothing Proposition,” to Symposium on Labor and Employment Law in the Obama Administration, Indiana University, Bloomington, IN, November 12, 2010.
- Moderator, “Let There Be Peace on Earth – International Frameworks for Dispute Resolution,” ABA Section on Labor and Employment Law 4<sup>th</sup> Annual Conference, Chicago, November 4, 2010.
- “ A Potpourri of Hot Issues in Public Sector Labor Law,” a seminar for State of Illinois Attorneys cosponsored by Offices of the Illinois Governor and Attorney General, Chicago, September 29, 2010 and Springfield, October 28, 2010.
- “Mandatory Card Check Recognition in the Public Sector,” to The Labor Law Group, Lake Arrowhead, CA, June 4, 2010.
- “The CAW-Magna Framework of Fairness Agreement,” to National Academy of Arbitrators Annual Meeting, Philadelphia, May 28, 2010.
- “The Role of the Constitution in the Public Sector Workplace,” to Michigan State University, James Madison College, East Lansing, MI, April 19, 2010.
- “Who Speaks for Retirees,” to University of Michigan Law School Ann Arbor, MI, March 17, 2010.
- “The Evolving Schizophrenic Nature of Labor Arbitration,” to Symposium on Creeping Legalism in Labor Arbitration, University of Missouri, Columbia, MO, October 9, 2009.
- “Negotiability in Public Sector Labor Law: Thinking Outside the Box,” to University of Louisville Carl Warns Institute on Labor and Employment Law, Louisville, KY, June 19, 2009.

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- Moderator, "Going for the Gold: The Inside Story of the Role of Labor Relations in Chicago's Bid for the 2016 Olympics," National Academy of Arbitrators Annual Meeting, Chicago, May 22, 2009.
- "The Evolving Role of Arbitrators and the Parties," to Wisconsin Employment Relations Commission Annual Conference on Wisconsin Public Sector Labor Relations, Madison, WI, April 30, 2009.
- "The Paradox in Public Sector Labor Law," presented as the Third Annual Stewart Lecture in Labor and Employment Law, Indiana University, Bloomington, IN, April 15, 2009.
- "The Canadian Auto Workers - Magna International Framework of Fairness Agreement: A Perspective from U.S. Law," to Symposium on Competition in the Global Workplace, St. Louis University Law School, April 3, 2009
- "The Paradox in Public Sector Labor Law," to Third Annual Colloquium on Current Scholarship in Labor and Employment Law, San Diego, CA, Oct. 25, 2008.
- "A U.S. Perspective on the CAW-Magna Agreement," commentary on "Innovative Approaches to Improving Union Density," by Buzz Hargrove, President, Canadian Auto Workers, Association of Labor Relations Agencies Annual Meeting, Burlington, VT, July 21, 2008.
- Presenter and Panel Chair, "Union Activities in the Electronic Workplace," Association of Labor Relations Agencies Annual Meeting, Burlington, VT, July 21, 2008.
- "The Chaotic State of the Law Governing Class Action Waivers in Arbitration Agreements," National Academy of Arbitrators Annual Meeting, Ottawa, Ontario, May 22, 2008.
- "*Register Guard* and the Three I's," to ABA Section on Labor and Employment Law Technology Committee Midyear Meeting, Chicago, May 2, 2008.
- Moderator, "Teaching Beyond Our Borders: The Pedagogy of International and Comparative Workplace Law," Conference on the Global Workplace (cosponsored by Thomas Jefferson Law School, Seton Hall University Law School and Louisiana State University Law School, San Diego, CA, February 16, 2008.
- "Due Process in Employment Arbitration: The State of the Law and the Need for Self-Regulation," and "The Meltzer-Howlett Debate Over External Law in Labor Arbitration: Is it Time for Courts to Declare Howlett the Winner?" presented as the Scholar in Residence, ABA Section on Labor & Employment Law, Committee on ADR Midwinter Meeting, Playa del Carmen, Mexico, February 9-13, 2008.
- "Developments in the Law Governing the Public Sector Workplace: What to Watch for and What to Watch Out for," to Midwestern Legislative Service Agency/Research Directors' Group, October 20, 2007.
- "Work-Family Conflict Issues in Arbitration," to Labor and Employment Research Ass'n Wisconsin Chapter, Milwaukee, October 12, 2007.

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- “The Ethics of After Acquired Arbitral Knowledge,” to National Academy of Arbitrators, Fall Education Conference, Miami, Florida, September 29, 2007.
- “The Arbitration of Work-Family Conflict Issues,” to AFL-CIO Lawyers Coordinating Committee National Conference, Chicago, April 26, 2007.
- “Due Process in Employment Arbitration: The State of the Law and the Need for Self-Regulation,” to National Academy of Arbitrators Conference, Beyond the Protocol: The Future of Due Process in Workplace Dispute Resolution, Chicago, April 14, 2007.
- “Do Cognitive Biases Infect Adjudication?,” to DePaul University College of Law, March 12, 2007.
- Panelist, Public Sector Labor Law, The Labor Law Group Conference, Saratoga Springs, NY, June 26, 2006.
- “But We’ve Always Done it this Way: The Use and Abuse of Past Practice in Labor Arbitration,” to Wisconsin Employment Relations Commission Second Annual Conference on Wisconsin Public Sector Labor Relations, Madison, WI, April 26, 2006.
- “Liberal Education and Legal Education,” to Michigan State University, James Madison College. Convocation in Memory of Professor John Paynter, East Lansing, MI, March 25, 2006.
- “Charter Schools and Collective Bargaining,” to Conference on A Labor Law for 21st Century Teachers, Claremont Graduate University School of Educational Studies, Claremont, CA, March 17, 2006.
- “The Arbitration of Grievances Involving Work-Family Conflicts,” to AFL-CIO Lawyers Coordinating Committee Midwest Regional Meeting, Chicago, March 7, 2006.
- “The Evolving Role of the Labor Arbitrator,” to University of Nevada - Las Vegas William S. Boyd School of Law, February 10, 2006.
- “The Arbitration of Grievances Involving Work-Family Conflicts,” to ABA Section on Labor and Employment Law, Committee on State and Local Government Bargaining and Employment Law Midwinter Meeting, San Juan, PR, January 28, 2006.
- "An Empirical Investigation of Factors Affecting the Outcome of Discipline Arbitrations Where Work and Family Responsibilities Conflict," to National Academy of Arbitrators Annual Meeting, Chicago, IL, May 28, 2005.
- "The Evolving Role of the Labor Arbitrator," to Symposium, A Collision of Two Ideals: Ethics and the World of Alternative Dispute Resolution, Ohio State University College of Law, January 20, 2005.
- "What a Mess: The FMLA, Collective Bargaining and Attendance Control Plans," to Federal Mediation & Conciliation Service National Labor Management Conference, Chicago, June 4, 2004.

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- "Mandatory Arbitration in the Public Sector," to Federal Mediation & Conciliation Service 18<sup>th</sup> Annual Mid-America Labor/Management Conference, Lake Geneva, WI, July 2, 2003.
- "Public Sector Labor Law: Issues and Lessons," to University of Toledo Law School Conference on Labor Law, Toledo, OH, April 3, 2003.
- "Public Sector Labor Law Doctrine and Labor Management Cooperation," to Industrial Relations Research Association Annual Meeting, Washington, DC, January 5, 2003.
- "Visions of Employment Arbitration," the inaugural Cleveland-Marshall Lecture in Labor Law, Cleveland State University, Cleveland, OH, October 23, 2002.
- "The NLRA in Cyberspace," to AFL-CIO Lawyers Coordinating Committee, Midwest Meeting, Chicago, IL, October 18, 2002.
- "Ethics in Arbitration After *Circuit City*," to 19<sup>th</sup> Annual Carl A. Warns, Jr. Labor & Employment Law Institute (University of Louisville), Louisville, KY, June 6, 2002.
- "Technological Developments in the Workplace: Understanding How Cyberspace Issues Have Changed the Legal Landscape," to AFL-CIO Lawyers Coordinating Committee Annual Meeting, San Francisco, May 17, 2001.
- "The NLRA in Cyberspace," to First Midwinter Meeting, ABA Section on Labor & Employment Law, Committee on Technology, Chicago, March 16, 2001.
- "Public Sector Labor Law Doctrine and Labor Management Cooperation," to Conference on the Future of Public Sector Labor Relations (cosponsored by Chicago-Kent, University of Washington and Cornell University), April 14, 2000.
- "Developments in the Arbitration of Statutory Employment Claims," to The Labor Law Group, Scottsdale, AZ, December 1999.
- "The Future of Labor Relations," to Federal Labor Relations Authority Conference Commemorating the 20th Anniversary of the Civil Service Reform Act of 1979, Washington, D.C., June 15, 1999.
- "The NLRA in Cyberspace," Workshop on Work, Workers and the Law in the 21st Century, Association of American Law Schools Annual Meeting, New Orleans, January 7, 1999.
- "The Evolving Role of External Law in Labor Arbitration," to National Academy of Arbitrators, Fall Education Conference, New Member Orientation, Kansas City, Missouri, November 6, 1998.
- "The Impact of External Law on Traditional Arbitration Issues," to Graduate School of Labor & Industrial Relations, Michigan State University, East Lansing, Michigan, May 1, 1998.
- "The Impact of External Law on Traditional Arbitration Issues," to Federal Mediation & Conciliation Service, National Labor-Management Conference, Chicago, April 8, 1998.

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- "Arbitrating Statutory Employment Claims: Evolving Law and Ethical Concerns," to Joint Meeting, Chicago Chapter, Industrial Relations Research Association & Chicago Chapter, Society of Professionals in Dispute Resolution, February 19, 1998.
- "Fathers and Parental Leave Revisited," to the Association of American Law Schools, Section on Family Law and Section on Labor Relations and Employment Law, AALS Annual Meeting, San Francisco, January 9, 1998.
- "The Arbitration of Statutory Employment Claims," to Wisconsin State Bar, Labor Law Section, March 20 (Milwaukee) and 21 (Madison), 1997.
- "New Trends in Discipline and Discharge," to conference on Discipline and Discharge in the Unionized Workplace, Center for Labor-Management Development, Dec. 11, 1996.
- "Family and Medical Leave and Absenteeism Issues in Labor Arbitration," to Federal Mediation & Conciliation Service Arbitration Symposium, University of Minnesota, Minneapolis, April 12, 1996.
- "Using Computer-Assisted Instruction in the Labor Law Course," to the Section on Labor Relations and Employment Law, Association of American Law Schools Annual Meeting, San Antonio, January 1996.
- "Legal Developments in Arbitration in the Employment Sector," to Society of Professionals in Dispute Resolution, 23rd Int'l Conference, Washington, D.C., September 15, 1995.
- "Using Computers to Make Your Agency More Accessible," to the Association of Labor Relations Agencies, Annual Meeting, Chicago, July 25, 1995.
- "On the Scope of Legitimate Authority," to the Third International Conference on Ethics in the Public Service, Jerusalem, Israel, June 27, 1995 (with R. Ladenson).
- "Arbitrating Statutory Employment Claims in the Aftermath of *Gilmer*," to Annual Meeting, Region 11, National Academy of Arbitrators, Milwaukee, Wisconsin, April 8, 1995.
- "Arbitrating Statutory Employment Claims in the Aftermath of *Gilmer*," to Current Critical Issues in Labor and Employment Law, St. Louis University Law School, April 7, 1995.
- "Unemployment Compensation in a Time of Increasing Work-Family Conflicts," to Symposium, Unemployment Compensation: Continuity and Change, sponsored by Advisory Council on Unemployment Compensation and the University of Michigan Law School, Ann Arbor, Michigan, March 30-31, 1995.
- "Fathers and Parental Leave," to Industrial Relations Research Association, Chicago Chapter, November 7, 1994.
- "Labor & Employment Law in the Supreme Court's 1992-93 and 1993-94 Terms," to 11th Annual Carl A. Warns, Jr. Labor & Employment Law Institute, University of Louisville, School of Law, June 1, 1994.

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- Moderator, "ADR in the Workplace After *Gilmer*," Association of American Law Schools, Annual Meeting, Orlando, Florida, Jan. 7, 1994.
- "Cross Border Perspectives on the Use of External Law in Labor Arbitration," to Society of Professionals in Dispute Resolution 22nd International Conference, Toronto, Ontario, Canada, October 21, 1993.
- "*Gilmer*, Alternate Dispute Resolution: Privatizing Justice?" to Association of Labor Relations Agencies, 42nd Annual Conference, Portland, Oregon, July 28, 1993.
- "The Family & Medical Leave Act: Anticipating the Issues," to Wisconsin State Bar Convention, Oshkosh, Wisconsin, June 18, 1993.
- "Experience with the Right to Strike in the Public Sector," to Industrial Relations Research Association, Chicago Chapter, March 9, 1993.
- "The Distributive and Corrective Justice Concerns in the Debate Over Employment at Will," to Northern Illinois University College of Law Faculty Development Workshop," December 8, 1992.
- "The Evolution and Future of Public Employees' Collective Bargaining Rights," to the Annual Meeting, American Society for Public Administration, Chicago, April 13, 1992.
- "What Is So Different About Grievance Arbitration in the Public Sector?" to Federal Mediation & Conciliation Service Midwest Arbitration Symposium, Feb. 21, 1992.
- "The Supreme Court and the Duty of Fair Representation," to Chicago Bar Association Labor Law Section, Oct. 9, 1991.
- "Current Developments in Grievance Arbitration," to American Arbitration Association Seminar, June 11, 1991.
- "Grievance Arbitration: Accommodating an Increasingly Diverse Workforce," to Industrial Relations Research Association Spring National Meeting, April 27, 1991.
- "Presentation Skills: Direct & Cross-Examination," to American Arbitration Association Conference on Arbitration Case Preparation and Presentation, Oct. 29, 1990.
- "Effective Presentation at Level II Special Education Appeals," to Chicago Bar Association, Young Lawyers Section on School Law, Oct. 3, 1990.
- "Collective Bargaining Laws in Ohio and Illinois: An Analysis of the Six-Year History of the Newest Public Sector Labor Laws," Association of Labor Relations Agencies 39th Annual Conference, Cincinnati, July 23, 1990.
- "The Need for Alternative Methods of Resolving Federal Sector EEO Complaints" to Society of Professionals in Dispute Resolution 17th International Conference, Washington, D.C., Oct. 21, 1989.

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"Affirmative Action Issues in Arbitration" to Chicago Bar Association, Labor Law Section, April 10, 1989.

"Threshold Issues of Arbitrability" to American Arbitration Association, Advanced Arbitration Advocacy Institute, April 10, 1989.

"Public Sector Impasse Resolution: A Comparison of Midwestern States" to Industrial Relations Research Association National Meeting, Dec. 30, 1987.

"Arbitrating Union Security Fee Disputes" to Society of Professionals in Dispute Resolution 14th International Conference, Chicago, Oct. 17, 1986.

"The Developing Law of Employment Termination" to American Bar Association Annual Convention, New York, Aug. 13, 1986.

"Witness Utilization" to American Arbitration Association's Advanced Arbitration Advocacy Institute, Chicago, April 30, 1986.

"Police & Firefighter Interest Arbitration" to Illinois State Labor Relations Board training session for arbitrators, Chicago, Feb. 28, 1986.

"Arbitrating the Poor Work Performance Grievance" to American Arbitration Association Peoria Labor Relations Conference, Dec. 11, 1985.

"Strikes & Bargaining Under the Illinois Educational Labor Relations Act" to Illinois Community College Trustees Association Annual Meeting, Chicago, Nov. 15, 1985.

"Public Sector Collective Bargaining in Illinois" to Administrative Office of the Illinois Courts Seminar, Itasca, Ill., Feb. 6, 1985.

"Recent Developments in the Duty to Bargain" to Labor Relations Update, sponsored by NLRB Region 13, Nov. 16, 1984.

"Employment at Will in Illinois" to Illinois Employment Law Seminar, John Marshall Law School, Nov. 8, 1984.

"The Continuing Erosion of the At Will Rule" to a seminar for U.S. Merit System Protection Board presiding officials, June 4, 1984.

"Legal Protection for Whistleblowers" to Second National Conference on Ethics in Engineering, National Science Foundation, Mar., 1982.

#### **SELECTED MEDIA INTERVIEWS AND ROUNDTABLES**

Interviewed on ABC7 Eyewitness News about the Fraternal Order of Police's resistance to the City of Chicago's requirement that employees report their Covid vaccinations status, Oct. 18, 2021.

Interviewed on CBS 2 Chicago 6:00 pm News about whether employers may require employees to be vaccinated against Covid-19, May 7, 2021.

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- Interviewed on WGN Midday News about whether employers may require employees to be vaccinated against Covid-19, October 7, 2020.
- Interviewed on WGN Midday News about workers compensation for employees who get Covid-19, July 14, 2020.
- Interviewed on WGN Midday News about legal issues in employees returning to work during the Covid-19 pandemic, April 24, 2020.
- Interviewed on Fox News concerning Illinois Governor Bruce Rauner's executive order on fair share fees, February 20, 2015.
- Interviewed concerning President Obama's call for revision of FLSA white collar overtime-exemption regulations, WLS-TV Channel 7 (Chicago ABC affiliate) Eyewitness News, March 14, 2014
- Interviewed concerning Northwestern University football players' petition to NLRB for an election to determine whether they would be represented by a union, MSNBC, Feb. 18, 2014.
- Interviewed concerning Supreme Court's grant of certiorari in Harris v. Quinn, Fox 32 9:00 News (Chicago Fox affiliate), October 7, 2013.
- Guest on Chicago Tonight, WTTW Channel 11 (Chicago PBS affiliate), member of panel discussing Chicago Teachers Union Strike, September 18, 2012,
- Guest on WMAQ-TV, Channel 5 (Chicago NBC affiliate) morning news, discussing the controversy in Wisconsin over public employee collective bargaining rights, February 28, 2011
- Interviewed concerning FLSA class nation-wide action against Bank of America, First Business News, June 8, 2010
- Interviewed concerning Supreme Court's decision in Lewis v. City of Chicago, WLS-TV, Channel 7 (Chicago ABC affiliate), May 24, 2010
- Interviewed concerning the UAW negotiations with G.M., Ford and Chrysler, First Business Morning News, August 14, 2007 (shown locally on WMAQ-TV, Channel 5 and WFOTV, Channel 23).
- Interviewed concerning the City of Chicago "Big Box" ordinance, WMAQ-TV, Channel 5 (Chicago NBC affiliate), August 3, 2006.
- Interviewed concerning the firing of the chair of the Cook County Republican Party after he offered a reward of \$10,000 for information leading to the conviction of Mayor Daley for corruption, Fox News, July 29, 2005.
- Interviewed concerning union use of sickouts, ABC World News Tonight, February 13, 1999.

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Interviewed concerning the labor relations implications of General Motors' spinoff of Delphi Parts into a separate corporation, MSNBC, February 5, 1999.

Guest on Newsmakers, WCIU-TV, Channel 26; discussed state of organized labor, August 31, 1998.

Interviewed concerning Teamsters - U.P.S. strike on Ten O'Clock News, WMAQ-TV, Channel 5, August 6, 1997.

Interviewed concerning proposals to allow substitution of comp. time for overtime pay on Ten O'Clock News, WMAQ-TV, Channel 5, February 27, 1997.

Interviewed concerning Mitsubishi's hiring of former Secretary of Labor Lynn Martin as an independent consultant, Nightly Business Report, PBS, May 15, 1996.

Interviewed concerning Mitsubishi demonstration against the EEOC's sexual harassment case on Eyewitness News, WLS-TV, Channel 7, April 22, 1996 (10 p.m.) and April 23, 1996 (6 a.m.)

Guest on Business Newsmakers, WFBT-TV, Channel 23; discussed the U.A.W. strike at two General Motors Dayton, Ohio brake plants, March 20, 1996

Interviewed concerning U.A.W. strike against General Motors Inland Fisher Guide Plant in Anderson, Indiana, Moneyline, CNN, August 25, 1994.

Interviewed concerning the major league baseball strike, Nine O'Clock News, WGN, Channel 9, August 13, 1994.

Discussed the Family & Medical Leave Act; guest on CLTV (Chicago Tribune's cable t.v. station) Evening Edition, February 3, 1993.

Interviewed concerning the major league baseball lockout, Chicago Tonight with John Calloway, WTTW Channel 11, Chicago, March 9, 1990.

Discussed drug testing in football and the Richard Dent controversy; guest on Chicago Tonight with John Calloway, WTTW, Channel 11, Chicago, October, 1988.

Discussed the NFL strike; guest on Chicago Tonight with John Calloway, WTTW, Channel 11, Chicago, October 5, 1987.

Quoted frequently on radio, in newspapers and in specialized legal and labor relations press concerning various labor and employment law and labor relations issues.

#### **OTHER PROFESSIONAL EXPERIENCE**

Illinois State, Local & Educational Labor Relations Boards: I served as a consultant to the three Illinois state agencies that regulate public employee collective bargaining and drafted the regulations implementing the state's public employee labor relations statutes (1984-86). I also consulted with the Illinois Educational Labor Relations Board, assisting it with its

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decision in *DuQuoin Education Association*, the agency's first union security fee case (1988).

Ohio State University, Columbus, Ohio. Assistant Professor of Business Law. Taught undergraduate and MBA-level courses in government regulation of business, contracts, torts, labor and employment law. Served as faculty adviser to O.S.U.'s student team which competed in the General Motors Corporation's Intercollegiate Business Understanding Competition. The team wrote a book on the roles of government and business and made an oral presentation. The team placed second in this national competition. Fall 1978-Spring 1981 (on leave 1980-81).

Law Clerk to the Hon. Robert E. DeMascio, U.S. District Judge, Detroit, Michigan:  
Responsibilities included: research; drafting memoranda on matters pending before the court; drafting and editing opinions, orders, findings of fact and conclusions of law; managing the judge's motions docket; and assisting the judge on pending cases, including *Bradley v. Milliken* (the Detroit school desegregation case). June 1976-June 1978

Michigan State University, James Madison College, East Lansing, Michigan. Adjunct Instructor. While serving a judicial clerkship, I developed and taught a course called "The American Adversary System" for M.S.U.'s residential social sciences college. Spring 1977, Spring 1978.

## **EDUCATION**

George Washington University, Washington, D.C.

J.D. with highest honors, June, 1976; GPA 86.2 (85-100 = A) ; Class Rank 5th/374

### Selected Honors & Activities:

Geo. Wash. Law Rev., Topics Editor, vol. 44; staff, vol. 43

Order of the Coif; Trustees Scholarship all three years

John Ordronaux Award for scholarship in second year

Jennie Hassler Walburn Award for Civil Procedure

Michigan State University, James Madison College, E. Lansing, Mi.,

B.A. with high honors 1973, GPA 3.65/4.0

### Selected Honors & Activities:

Phi Beta Kappa; Phi Kappa Phi; MSU Debate Team; Kinney Nat'l Service Corp. Scholarship; American Univ. Field Staff Scholarship for study in S.E. Asia