

## **Anne Marie Lofaso**

### **Professor of Law**

#### **University of Cincinnati College of Law**

2925 Campus Green Drive, Room 438, Cincinnati, OH 45221-0040  
[lofasoam@ucmail.uc.edu](mailto:lofasoam@ucmail.uc.edu) iPhone: 703-553-8751

### **EDUCATION**

#### **University of Oxford, D.Phil., Law, March 1997**

Fulbright Scholar and Franklin B. Gowen Memorial Fellowship

Thesis: *British and American Legal Responses to the Problem of Collective Redundancies*

Supervisor: Professor Sandra Fredman

Readers: Professor Mark Freedland (Oxford) and Professor Simon Deakin (Cambridge)

Somerville College Intramural Rowing Team

#### **University of Pennsylvania Law School, J.D., 1991**

The Herman Lazarus Prize for best student paper in comparative labor or employment law

Robert H. Jackson Award for best student writing on an international or comparative law topic  
(national competition awarded by Georgetown Law Center)

Research Assistant, Prof. Clyde Summers (labor and employment law)

Associate Editor, Comparative Labor Law Journal

Regional Administrator, Jessup International Law Moot Court Competition

#### **Harvard University, A.B., History and Science, *magna cum laude*, June 1987**

Katellborn Scholar for the most promising incoming student from Long Island

Harvard College Scholar, Elizabeth Cary Agassiz Scholarship

Harvard Women's Varsity Swim Team, Diver, 1984–86

**Syosset High School**, Valedictorian, New York State Regents Diploma, Newsday Scholar,  
All-Conference Diver, Vinny Vigliotti Scholar-Athlete, Linda Velsey Poetry-Prose Award

### **CLERKSHIP**

**The Honorable James L. Oakes, U.S. Court of Appeals for the Second Circuit**  
**Law Clerk**, July 1993–August 1994

### **ADMINISTRATIVE AND FACULTY APPOINTMENTS**

#### **University of Cincinnati College of Law**

**Professor of Law** (January 2025–present)

Advisor: Labor Law Society

Advisor: Immigration and Human Rights Law Review

Courses: Constitutional Law II, Labor Law, Employment Law, Employment Discrimination

#### **West Virginia University College of Law** (January 2007 to January 2025)

**Arthur B. Hodges Professor of Law** (2015–2025)

Professor of Law: July 2011–present (received sustained productivity raises in 2017, 2023)

Advisor: Labor and Employment Law Concentration, 2015–2025

Founder: United States Supreme Court Clinic, 2011–2025

Associate Dean for Faculty Research and Development: July 1, 2011–June 30, 2015

Associate Professor of Law: January 2007–July 2011

**West Virginia University College of Law Courses Taught**

**Labor and Employment Law:** Labor Law (includes public sector), Advanced Labor Law, Employment Law (includes public sector and employment discrimination), International and Comparative Work Law Seminar

**Jurisprudence:** Jurisprudence (Ancient, Analytical, Positivism, Natural Law, Formalism, Realism, Critical Legal Theory, Justice), Socioeconomics Seminar, Law & Economics

**First Year:** Constitutional Law, Civil Procedure—Jurisdiction

**Law Practice:** U.S. Supreme Court Clinic, Professional Responsibility, Appellate Advocacy

**West Virginia University Honors College (undergraduate seminars)**

**Courses**

U.S. History Through Black Eyes (fall 2023, 2020)

Mythology (fall 2022)

The U.S. Constitution (fall 2021)

Being Human in an Age of Artificial Intelligence (fall 2019)

**University of Oxford (on Sabbatical)**

Senior Academic Visitor, Faculty of Law, January 1, 2016–July 17, 2016

Keeley Visiting Fellow, Wadham College, January 1, 2016–July 17, 2016

**Oxford Human Rights Hub Blog**

Research Associate, 2016–2021 (Research Alumna 2021–present)

**New York University School of Law, Center for Labor and Employment**

Research Scholar, since 2014

**West Virginia University Research Office**

Leadership Fellow in the Office of the Associate Vice President for Creative and Scholarly Activities

May 15–December 31, 2015

**EMPLOYMENT POLICY RESEARCH NETWORK**

**Researcher**, May 2011–2016

**American University, Washington College of Law**

Associate Adjunct Professor, 2004–2006, Lecturer in Law, 2001–2004

**University of Oxford, St Hugh's College**, Tutor, Labour Law, Contracts, 1996

**SIGNIFICANT NONACADEMIC APPOINTMENTS**

**Labor Law Group**, Fellow since 2024

**American Bar Foundation**, Life Fellow since 2024

**Law360 Employment Authority Labor Editorial Board**, Board Member since 2023

**West Virginia State Advisory Committee to the United States Commission on**

**Civil Rights**, Vice Chair and Special Federal Government Employee, Nov. 18, 2019–Nov. 23, 2023 (second term); Nov. 18, 2015–Nov. 17, 2019 (first term)

**City of Morgantown Human Rights Commission**

Commissioner, 2012–2015 (*ex officio* member 2015–2016; WVU Law liaison 2017–2019)

**College of Labor and Employment Lawyers, Fellow since 2015**

**West Virginia University Women's Leadership Initiative, Member 2014–2025**

**SCHOLARSHIP/RESEARCH**

**Grants/Funding**

- University of Cincinnati College of Law Summer Grant, 2025
- Hodges Summer Scholarship Grants, 2007, 2008, 2011–2024
- Bloom Junior Faculty Summer Scholarship Grants, 2009, 2010
- 2015 Big XII Fellowship to present faculty colloquia and/or meet with law faculty at Baylor, University of Texas at Austin, Texas Tech, University of Oklahoma, and University of Kansas
- 2007 Grant from the Richard and Rhoda Goldman Fund to write *Religion in the Public Schools: A Road Map for Avoiding Lawsuits and Respecting Parents' Legal Rights* (2009)

**BOOKS**

NATIONAL LABOR RELATIONS ACT: LAW & PRACTICE (Matthew Bender Elite Publ'g, 2024) (updated twice a year since 2020)

DRAFTING THE UNION CONTRACT (Matthew Bender Elite Publ'g, Aug. 2024) (updated once a year since 2020)

PUBLIC SECTOR EMPLOYMENT: CASES AND MATERIALS (4th ed.) (West Acad. Publ'g, 2022) (with M. Malin, A. Hodges, J. Slater, J. Hirsch, M. Oswalt) and summer supplement 2023

TEACHER'S MANUAL TO PUBLIC SECTOR EMPLOYMENT: CASES AND MATERIALS (4th ed.) (West Acad. Publ'g, 2022) (with M. Malin, A. Hodges, J. Slater, J. Hirsch, M. Oswalt)

MODERN LABOR LAW IN THE PUBLIC AND PRIVATE SECTORS: CASES AND MATERIALS (3d ed.) (Carolina Acad. Press 2020) (with S. Harris, J. Slater, C. Garden, R. Griffin) with summer supplements 2022, 2023, 2024, and 2025

TEACHER'S MANUAL TO MODERN LABOR LAW IN THE PUBLIC AND PRIVATE SECTORS (3d ed.) (Carolina Acad. Press 2020) (with S. Harris, J. Slater, and C. Garden)

MODERN LABOR LAW IN THE PUBLIC AND PRIVATE SECTORS: CASES AND MATERIALS (2d ed.) (Carolina Acad. Press 2016) (with S. Harris, J. Slater, C. Garden) with annual summer supplements 2017–2019 (with S. Harris, J. Slater, C. Garden, R. Griffin)

TEACHER'S MANUAL TO MODERN LABOR LAW IN THE PUBLIC AND PRIVATE SECTORS (2d ed.) (Carolina Acad. Press 2016) (with S. Harris, J. Slater, and C. Garden)

TITLE VII OF THE CIVIL RIGHTS ACT AFTER 50 YEARS: PROCEEDINGS OF THE NEW YORK UNIVERSITY 67<sup>TH</sup> ANNUAL CONFERENCE ON LABOR (LexisNexis 2015)

MASTERING LABOR LAW (Carolina Acad. Press 2014) (with P. Secunda, J. Slater, and J. Hirsch)

MODERN LABOR LAW IN THE PUBLIC AND PRIVATE SECTORS: CASES AND MATERIALS (Lexis Publ'g 2013) (with S. Harris, J. Slater, and D. Gregory) and 2014 SUPPLEMENT

TEACHER'S MANUAL TO MODERN LABOR LAW IN THE PUBLIC AND PRIVATE SECTORS (Lexis Publ'g 2013) (with S. Harris, J. Slater, and D. Gregory)

RELIGION IN THE PUBLIC SCHOOLS: A ROAD MAP FOR AVOIDING LAWSUITS AND RESPECTING PARENTS' LEGAL RIGHTS (Americans United for Separation of Church and State 2009)

**EDITED BOOKS AND BOOK CHAPTERS**

A PRACTITIONER'S GUIDE TO APPELLATE ADVOCACY 2D EDITION (eds. Anne Marie Lofaso and Lawrence D. Rosenberg) (ABA Publ'g forthcoming 2025)

*Case and Client Evaluation*, in EMPLOYEE RIGHTS LITIGATION (LexisNexis Publ'g 2019)

*Employee and Applicant Testing*, in WAGES AND HOUR: LAW AND PRACTICE (LexisNexis Publ'g 2018)

*State Wage-Hour Laws and Wage Orders*, in WAGES AND HOUR (LexisNexis Publ'g 2017)

*Sexual Harassment* in EMPLOYMENT LITIGATION IN NEW JERSEY (LexisNexis Publ'g 2016)

*ERISA Litig.* in EMPLOYMENT LITIGATION IN NEW JERSEY (LexisNexis Publ'g 2016)

REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR, GENDER, AND RACE IN 21ST CENTURY SPORTS LAW (with andré douglas pond cummings) (West Virginia University Press 2010)

Senior Editor, Keller & Darby, INTERNATIONAL LABOR & EMPLOYMENT LAWS, Vols. IIA, IIB, Third Edition (BNA Books 2008); Vol. II, Second Edition, & subsequent supplements (2006–17)

Contributing Editor, Hardin & Higgins, DEVELOPING LABOR LAW, Fifth Edition (BNA Books, 2006) & subsequent supplements (2007–17)

A PRACTITIONER'S GUIDE TO APPELLATE ADVOCACY 2D EDITION (ABA Publ'g 2010) (eds. Anne Marie Lofaso and Lawrence D. Rosenberg)

#### ARTICLES AND BOOK CHAPTERS

*Beyond Loper Bright: Iterative Construction at the National Labor Relations Board*, 77 U. Cal. L. J. \_\_\_\_ (forthcoming 2025) (with Fred Jacob)

*Playground Justice and The Lawyer's Role in Forming a More Perfect Union*, in DIVERSE ROLES FOR LITIGATORS (ed. Kenneth Wang) (ABA Publ'g (Section of Litigation) forthcoming 2025)

*Labor and Environment Entwined: A Radical Green New Deal and Just Transition in Appalachia*, 126 W. VA. L. REV. 723 (2025) (with Nicholas F. Stump)

*The Supreme Court, The First Amendment, and The Erosion of Public Employer Managerial Authority*, 101 DENVER L. REV. 521 (2024) (with Martin H. Malin)

*The Dobbs Effect on West Virginia*, 125 W. VA. L. REV. 857 (2023) (with Cameron Kiner)

*Reimagining Labor as a Public Good: De-privatizing Aspects of Work*, 16 ST. THOMAS J. L. PUB. POL'Y 43 (2023) (with Hallie Arena and Anna Williams)

*Alternatives to Mainstream Alternative Dispute Resolution: Eliminating Forced Arbitration Agreements as a Condition of Employment*, 2022 UTAH L. REV. 1015 (2022) (with Ashley Stephens)

*Empathy for the Vulnerable? The Fourth Circuit's Internal Struggle To Grapple with the Trump Administration's Immigration Policies: Part II*, 122 W. VA. L. REV. ON-LINE 13 (2021) (with Isabella Anderson, Anna Filatova, Blake Humphrey, McKenna Meadows, & Brice Phillips)

*Empathy for the Vulnerable? The Fourth Circuit's Internal Struggle To Grapple with the Trump Administration's Immigration Policies: Part I*, 122 W. VA. L. REV. ON-LINE 29 (2021) (with Isabella Anderson, Anna Filatova, Blake Humphrey, McKenna Meadows, & Brice Phillips)

*Employment Disputes*, in OUTBREAK LITIGATION: CIVIL DISPUTES IN THE AGE OF GLOBAL CONTAGION, chapter 6 (eds. Samuel L. Tarry Jr. and Davis M. Walsh) (ABA Publ'g (Section of Litigation) 2021)

*Say "No" to Discrimination, "Yes" to Accommodation: Why States Should Prohibit Discrimination of Workers Who Use Cannabis for Medical Purposes*, 43 SEATTLE L. REV. 955 (2020) (with Lakyn D. Cecil)

*Leveraging Secondary Activity Within and Outside Legal Boundaries* in REVIVING AMERICAN LABOR (eds. Richard Bales and Charlotte Garden) (Cambridge University Press 2019)

- Revisiting U.S. Labor Law as a Restriction to Works Councils: A Key for United States Global Competitiveness*, 66 DRAKE L. REV. 515 (2018) (with Neil Bucklew, Jeffery Houghton, and Nicholas DiGiovanni)
- De-essentializing Appalachia: Transformative Socio-legal Change Requires Unmasking Regional Myths*, 120 W.V. L. REV 823 (2018) (symposium) (with Nicholas F. Stump)
- Working for Recovery: How Civil Rights Laws Can Improve the Prospects for Successful Rehabilitation and Gainful Employment for Alcoholics and Drug Addicts*, 120 W.V. L. REV 891 (2018) (symposium) (with Samuel Brown Petsonk)
- Workers' Rights as Natural Human Rights*, 71 U. MIAMI L. REV. 565 (2017)
- Justice Scalia's Labor Law Jurisprudence—Justice Denied?*, 21 EMP. RTS. & EMP. POL'Y J. 13 (2017) (peer-reviewed journal)
- Deflategate: What's the Steelworkers Trilogy Got To Do with It?*, 6 BERKELEY J. SPORTS & ENTER. L. 48 (2017)
- Groomed for Exploitation! How Applying the Statutory Definition of Employee To Cover Division IA College Football Players Disrupts The Student-Athlete Myth*, 119 W.V. L. REV. 957 (2017)
- When Do College Athletes Become University Employees? The Case of Division IA College Football in WHO IS AN EMPLOYEE AND WHO IS THE EMPLOYER: PROCEEDINGS OF THE NEW YORK UNIVERSITY 68<sup>TH</sup> ANNUAL CONFERENCE ON LABOR* (LexisNexis 2016)
- We Are in This Together: The Rule of Law, the Commerce Clause, and the Enhancement of Liberty Through Mutual Aid*, in AMERICAN CONSTITUTION SOCIETY FOR LAW AND POLICY, TOWARD A MORE PERFECT UNION: A PROGRESSIVE BLUEPRINT FOR THE SECOND TERM (2013), [http://www.acslaw.org/sites/default/files/Lofaso\\_-\\_We\\_Are\\_in\\_this\\_Together.pdf](http://www.acslaw.org/sites/default/files/Lofaso_-_We_Are_in_this_Together.pdf)
- Ed Baker: A Tribute*, 115 W. VA. L. REV. 1 (2012)
- Baker's Autonomy Theory of Free Speech: His Final Thoughts on Freedom of Expression*, 115 W. VA. L. REV. 15 (2012)
- A Bakerian Response to Weinstein's Free Speech Theory*, 115 W. VA. L. REV. 39 (2012)
- System of Employee Representation at the Enterprise: The US Report*, (with Orly Lobel) in BULLETIN OF COMPARATIVE LABOUR RELATIONS (Blainpain ed., Wolters Kluwer 2012) (collection of papers presented at the 11th Tokyo Seminar, sponsored by THE JAPANESE INSTITUTE FOR LABOUR POLICY & TRAINING (JILPT)), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2218862](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2218862)
- What We Owe Our Coal Miners*, 5 HARV. L. & POL'Y REV. 87 (2011)
- In Defense of Public Sector Unions*, 28 HOFSTRA LAB. & EMP. L.J. 301 (2011), reprinted in THE CHALLENGE FOR COLLECTIVE BARGAINING—65<sup>TH</sup> ANNUAL PROCEEDINGS OF THE NYU CONFERENCE ON LABOR LAW (Lexis Publ'g 2014)
- Promises, Promises: Assessing the Obama Administration's Record on Labor Reform*, 20 NEW LABOR FORUM 65 (2011)
- The Vanishing Employee: Putting the Autonomous Dignified Union Worker Back To Work*, 5 FIU L. REV. 497 (2010), (solicited article for law review symposium: *Whither the Board? The National Labor Relations Act at 75*)
- Talking Is Worthwhile: The Role of Employee Voice in Protecting, Enhancing and Encouraging Individual Rights to Job Security in a Collective System* (A Tribute to Clyde Summers), 14 EMP. RTS. & EMP. POL'Y J. 55 (2010)

*The Relevance of the Wagner Act for Resolving Today's Job-Security Crisis*, LABOR AND EMPLOYMENT RELATIONS ASSOCIATION PROCEEDINGS OF THE 62ND ANNUAL MEETING (2010)

*The Persistence of Union Repression in an Era of Recognition*, 62 ME. L. REV. 199 (2010)

*The Appellate Court's Role in the Federal Judicial System* in A PRACTITIONER'S GUIDE TO APPELLATE ADVOCACY (ABA Publ'g 2010)

*Professionalism and Ethics in Appellate Advocacy*, in A PRACTITIONER'S GUIDE TO APPELLATE ADVOCACY (ABA Publ'g 2010)

*Reflections of a Former Athlete as a Young Woman: Growing up under Title IX*, in REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR, GENDER, AND RACE IN 21ST CENTURY SPORTS LAW (eds. andré douglas pond cummings and Anne Marie Lofaso) (West Virginia University Press 2010)

*Overview of Labor: How the Athlete Changes the Economic Playing Field*, in REVERSING FIELD

*Introduction to False/Positives: Debating the Merits of Drug Testing*, in REVERSING FIELD

*Overview of Gender: Progress Riddled with Disappointment* in REVERSING FIELD

*Approaching Coal Mine Safety from a Comparative Law and Interdisciplinary Perspective*, 111 W. VA. L. REV. 1 (2008)

*September Massacre: The Latest Battle in the War on Workers' Rights Under the National Labor Relations Act* (2008), <http://www.acslaw.org/node/6664>, reprinted in A FRESH START FOR A NEW ADMINISTRATION: REFORMING LAW AND JUSTICE POLICIES (American Constitution Society for Law and Policy 2008)

*Toward a Foundational Theory of Workers' Rights: The Autonomous Dignified Worker*, 76 UMKC L. REV. 1 (2007)

*Does Changing the Definition of Science Solve the Establishment Clause Problem of Teaching Intelligent Design as Science in Public Schools: Doing an End-run Around the Constitution*, 4 PIERCE L. REV. 219 (2006)

*Pre-termination Job Rights of British Workers Affected by Collective Redundancies*, [1996] Y.B. OF EUROPEAN LAW 277 (Clarendon Press, Oxford University Press, 1997)

*Pregnancy and Parental Care Policies in the European Community and the United States: What Do They Tell Us About Underlying Societal Values?*, 12 COMP. LAB. L.J. 458 (1991)

*America's Reception to Darwin's Theory of Evolution by Natural Selection*, vol. 5 SYNTHESIS, THE UNDERGRADUATE JOURNAL IN THE HISTORY AND PHILOSOPHY OF SCIENCE (1986) (journal ceased with vol. 6, no. 3 (summer 1987))

## **BOOK AND ARTICLE REVIEWS**

*Taking Political Analogies Too Far: Why Applying the Concept of Political Gerrymandering To the Labor Context Doesn't Work*, JOTWELL (Jan. 28, 2025), reviewing Joel Heller, *The Labor Gerrymander*, 77 VAND. L. REV. 401 (2024)

*Fitting a Square Peg Into a Round Hole: The Myriad Problems with Using Make-Whole Relief To Remedy Breaches of Labor Rights*, JOTWELL (Nov. 2023), reviewing Rita Trivedi, *Consequences of a Mismatch: Remedial Philosophy and Statutory Rights Under the National Labor Relations Act*, 27 ADVANCES IN INDUSTRIAL AND LABOR RELATIONS 23–63 (2023)

*Dueling Textualisms or Multimodal Analysis? Using Bostock To Show Why No One Is Really a Textualist*, JOTWELL (Nov. 30, 2022), reviewing Anuj C. Desai, *Text Is Not Enough*, 93 U. COLO. L.

REV. 1 (2022), <https://worklaw.jotwell.com/dueling-textualisms-or-multimodal-analysis-using-bostock-to-show-why-no-one-is-really-a-textualist/>

*Changing the Legal Baseline for Effecting Mass Economic Dismissals*, JOTWELL (Jan. 4, 2022), reviewing Rachel Arnow-Richman, *Temporary Termination: A Layoff Law Blueprint for the COVID Era*, 64 WASH. U. J.L. & POL'Y 1 (2021), <https://worklaw.jotwell.com/changing-the-legal-baseline-for-effecting-mass-economic-dismissals/>

*Machine Monitoring of Workers: A Brave New Workplace*, JOTWELL (Jan. 18, 2021), reviewing Richard A. Bales and Katherine V.W. Stone, *The Invisible Web at Work: Artificial Intelligence and Electronic Surveillance in the Workplace*, 41 BERKELEY J. EMP. & LAB. L. 1 (2020), <https://worklaw.jotwell.com/machine-monitoring-of-workers-a-brave-new-workplace/>

*What's Good for the Goose is Good for the Gander, Or Is It? The Pitfalls of Using the Court's Neoliberal Construction of the First Amendment To Protect Secondary Picketing*, JOTWELL (Dec. 13, 2019) (reviewing Richard Blum, *Labor Picketing, The Right To Protest, and the Neoliberal First Amendment*, 42 N.Y.U. REV. L. & SOC. CHANGE 595 (2019)), <https://worklaw.jotwell.com/whats-good-for-the-goose-is-good-for-the-gander-or-is-it-the-pitfalls-of-using-the-courts-neoliberal-construction-of-the-first-amendment-to-protect-secondary-picketing/>

*Will Conservative Justices Sound the Death Knell of State Action? Be Careful for What You Wish*, JOTWELL (Apr. 1, 2019) (reviewing Joseph E. Slater, *Will Labor Law Prompt Conservative Justices to Adopt a Radical Theory of State Action?*, 96 NEB. L. REV. 62 (2017)), <https://worklaw.jotwell.com/will-conservative-justices-sound-the-death-knell-of-state-action-be-careful-for-what-you-wish/>

*Union Improvisation: The Parent of Social Justice*, JOTWELL (July 5, 2018) (reviewing Michael M. Oswalt, *The Right to Improvise in Low-Wage Work*, 38 Cardozo L. Rev. 959 (2017)), <https://worklaw.jotwell.com/union-improvisation-the-parent-of-social-justice/>

*Connecting Nineteenth-century Antislavery and Labor Movements with Twenty-first-century Workers' Rights*, JOTWELL (Jan. 12, 2017) (reviewing Rebecca E. Zietlow, *A Positive Right to Free Labor*, 39 SEATTLE U. L. REV. 859 (2016)), <https://worklaw.jotwell.com/connecting-nineteenth-century-antislavery-and-labor-movements-with-twenty-first-century-workers-rights/>

*I'm Shocked, Shocked To Find that Politics Is Going on in Here*, JOTWELL (Dec. 3, 2013) (reviewing Charles J. Morris, *How the NLRA Was Stolen and How It Can Be Recovered: Taft-Hartley Revisionism and the NLRB's Appointment Process*, 33 BERKELEY J. EMP. & LAB. L. 1 (2012)), <https://worklaw.jotwell.com/im-shocked-shocked-to-find-that-politics-is-going-on-in-here/>

*Public-sector Unions, Public Employees: May You Live in Interesting Times*, JOTWELL (Nov. 20, 2012), (reviewing Joseph E. Slater, *Public Sector Labor Law in the Age of Obama*, 87 IND. L. J. 189 (2012)), <https://worklaw.jotwell.com/public-sector-unions-public-employees-may-you-live-in-interesting-times/>

*Just Notice: A Paradigm-Shifting Solution to Economic Dismissals*, JOTWELL (Oct. 30, 2011) (reviewing Rachel Arnow-Richman, *Just Notice: Re-Reforming Employment at Will*, 58 UCLA L. REV. 1 (2010)), <https://worklaw.jotwell.com/just-notice-a-paradigm-shifting-solution-to-economic-dismissals/>

*Judicial Amendments Treating Citizen and Immigrant Workers Equally . . . Badly: Labor Rights Without Effective Remedies*, JOTWELL (Nov. 1, 2010) (reviewing Ellen Dannin, *Hoffman Plastics as Labor Law—Equality at Last for Immigrant Workers?* 44 U. SAN FRANCISCO L. REV. 393 (2009)) <https://worklaw.jotwell.com/judicial-amendments-treating-citizen-and-immigrant-workers-equally-badly-labor-rights-without-effective-remedies/>



## GOVERNMENT PUBLICATIONS, WRITTEN CONGRESSIONAL TESTIMONY, AND WHITE PAPERS

*Written Testimony Before the U.S. House Committee on Education and the Workforce Subcommittee on Health, Education, Labor, and Pensions, Hearing on Confronting Union Antisemitism: Protecting Workers from Big Labor Abuses*, Jul. 9, 2025,

<https://www.congress.gov/118/meeting/house/117507/witnesses/HHRG-118-ED02-Wstate-LofasoA-20240709.pdf>

*West Virginia Advisory Committee Memorandum on the Interaction Between Individuals with Mental Health Issues and the Criminal Justice System in West Virginia, An Advisory Memorandum of the West Virginia Advisory Committee to the U.S. Commission on Civil Rights*, Nov. 13, 2019,

<https://www.usccr.gov/pubs/2019/11-14-WV-SAC-Mental-Health-Criminal-Justice-Report.pdf>

*Civil Rights Impacts from Collateral Consequences in West Virginia, A Report of the West Virginia Advisory Committee to the U.S. Commission on Civil Rights*, Sept. 25, 2019,

<https://www.usccr.gov/pubs/2019/09-25-Civil-Rights-Impacts-from-Collateral-Consequences-in-WV.pdf>

*Written Testimony Before the U.S. House Committee on Education and the Workforce Subcommittee on Health, Education, Labor, and Pensions, Hearing on Worker-Management Relations: Examining the Need to Modernize Federal Labor Law*, Apr. 26, 2018,

[https://edworkforce.house.gov/uploadedfiles/testimony\\_lofaso\\_revised\\_4.26.18.pdf](https://edworkforce.house.gov/uploadedfiles/testimony_lofaso_revised_4.26.18.pdf)

*Written Testimony Before the U.S. House Committee on Education and the Workforce Subcommittee on Health, Education, Labor, and Pensions Hearing on H.R. 3459 Protecting Local Business Opportunity Act*, Sept. 29, 2015, [https://edworkforce.house.gov/uploadedfiles/testimony\\_lafaso.pdf](https://edworkforce.house.gov/uploadedfiles/testimony_lafaso.pdf)

*Judicial Activism on the Roberts Court: Anti-union Ideology Driving the Analysis*, July 1, 2012,

<http://www.lerachapters.org/OJS/ojs-2.4.4-1/index.php/LERAMR/article/view/1766/1765>

*NLRB Primer and the Boeing Complaint*, EPRN and LERA Research Paper, July 15, 2011,

<http://www.lerachapters.org/OJS/ojs-2.4.4-1/index.php/LERAMR/article/view/1790/1788>.

*The Relevance of the Wagner Act for Resolving Today's Job-security Crisis*, EPRN and LERA Research Paper, 2010 <http://www.lerachapters.org/OJS/ojs-2.4.4-1/index.php/LERAMR/article/view/1821/1819>

*September Massacre: The Latest Battle in the War on Workers' Rights Under the National Labor Relations Act* (2008), <http://www.acslaw.org/node/6664>, reprinted in *A FRESH START FOR A NEW ADMINISTRATION: REFORMING LAW AND JUSTICE POLICIES* (American Constitution Society for Law and Policy 2008)

*The Constitutional Debate over Teaching Intelligent Design as Science in Public Schools*, Dec. 2005,

[http://www.acslaw.org/pdf/Intelligent\\_Design\\_White\\_Paper.pdf](http://www.acslaw.org/pdf/Intelligent_Design_White_Paper.pdf)

## TRADE JOURNAL ARTICLES

*What Standard of Proof Must Employers Satisfy To Demonstrate the Applicability of an FLSA Exemption?* 52(2) ABA SUPREME COURT PREVIEW 43 (Nov. 2024) (reviewing 51(7) ABA SUPREME COURT PREVIEW 43 (Apr. 2024) (reviewing *E.M.D. Sales, Inc. v. Carrera*, Docket No. 23-217)

*Must Courts Evaluate Preliminary Injunctive Relief Under the NLRA Using the Traditional Four-factor Test or Another Standard?* 51(7) ABA SUPREME COURT PREVIEW 43 (Apr. 2024) (reviewing *Starbucks Corporation v. McKinney*, Docket No. 23-367)

*Is the Statutory 60-Day Deadline for Filing a Petition for Review of a Final MSPB Order Jurisdictional?* 51(6) ABA SUPREME COURT PREVIEW 35 (Mar. 2024) (reviewing *Harrow v. Department of Defense*, Docket No. 23-21)



*Does Title VII Prohibit Discrimination in Transfer Decisions Only if They Cause Materially Significant Disadvantages for Employees?* 51(3) ABA SUPREME COURT PREVIEW 35 (Nov. 2023) (reviewing *Muldrow v. City of St. Louis, Missouri*, Docket No. 22-193)

*Under the Sarbanes-Oxley Act, Must Whistleblower–Employees Prove Their Employer Acted with Retaliatory Intent?* 51(1) ABA SUPREME COURT PREVIEW 18 (Sep. 2023) (reviewing *Murray v. UBS Securities LLC*, Docket No. 22-660)

*Does the National Labor Relations Act Preempt a State Tort Claim for Property Damage Arising from Workers’ Alleged Failure To Take Precautions To Protect Employer Property Before Going on Strike?* 50(4) ABA SUPREME COURT PREVIEW 10 (Jan. 2023) (reviewing *Glacier Northwest, Inc. v. International Brotherhood of Teamsters Local Union No. 174*, Docket No. 21-1449)

*Is a Highly Compensated Employee with Executive Duties Entitled to or Exempt from Overtime Pay Under the Fair Labor Standards Act Where That Employee Is Paid at a Daily Rate?* 50(1) ABA SUPREME COURT PREVIEW 35 (Oct. 2022) (reviewing *Helix Energy Solutions Group, Inc. v. Hewitt*, Docket No. 21-984)

*Is a Locomotive in Use and Therefore Subject to Locomotive Inspection Act Liability When It Makes a Temporary Stop?* 49(6) ABA SUPREME COURT PREVIEW 22 (Mar. 2022) (reviewing *Ledure v. Union Pac. R.R. Co.*, Docket No. 20-807)

*Understanding Labor Law Issues in Starbucks Union Win*, LAW360 EMPLOYMENT AUTHORITY, Expert Analysis, <https://www.law360.com/employment-authority/articles/1450656/understanding-labor-law-issues-in-starbucks-union-win>, Dec. 21, 2021

*Does the ADEA’s Federal-Sector Provision Require a Plaintiff to Prove that Age Was a But-For Cause of the Challenged Personnel Action?*, 47(4) ABA SUPREME COURT PREVIEW (Jan. 2020) (reviewing *Babb v. Wilkie*, Docket No. 18–882), [https://www.americanbar.org/groups/public\\_education/publications/preview\\_home/volume/47/issue-4/article-5/](https://www.americanbar.org/groups/public_education/publications/preview_home/volume/47/issue-4/article-5/)

*Tips for the First-Time Brief Writer in the U.S. Court of Appeals*, 32 APPELLATE PRACTICE Vol. 1 (ABA Publ’g Dec. 18, 2012) (with Nicholas Stump)

*Are Pharmaceutical Sales Representatives Exempted from the Overtime-pay Requirements of the Fair Labor Standards Act?* 39(7) ABA SUPREME COURT PREVIEW 260 (Apr. 2012) (reviewing *Christopher v. SmithKline Beecham Corp.*, Docket No. 11-204), [https://www.americanbar.org/content/dam/aba/administrative/public\\_education/preview/2011-2012\\_vol-39/issue-7.pdf](https://www.americanbar.org/content/dam/aba/administrative/public_education/preview/2011-2012_vol-39/issue-7.pdf)

*Calling for Comparative and Interdisciplinary Study of Coal Mine Safety*, ADMINISTRATIVE & REGULATORY LAW NEWS (ABA Publ’g Fall 2010)

*Did Congress Authorize the NLRB To Decide Cases with Only Two Sitting Board Members, Where the NLRA’s Statutory Language Provides for a Three-Member Board Quorum?*, 37(6) ABA SUPREME COURT PREVIEW 259 (Mar. 2010) (reviewing *New Process Steel, L.P. v. NLRB*, Docket No. 08-1457), [https://www.americanbar.org/content/dam/aba/administrative/public\\_education/preview/2009-2010\\_vol-37/issue-6.pdf](https://www.americanbar.org/content/dam/aba/administrative/public_education/preview/2009-2010_vol-37/issue-6.pdf)

## SCHOLARLY BLOGS

*If Frozen Embryos Are Unborn Children Then What Is IVF’s Future in the United States*, OXFORD HUMAN RTS. HUB BLOG, 19 Mar. 2024, <https://ohrh.law.ox.ac.uk/if-frozen-embryos-are-unborn-children-then-what-is-ivfs-future-in-the-united-states/>

*The End of Roe and Casey: A Human Rights Perspective* | OHRH (ox.ac.uk), OXFORD HUMAN RTS. HUB BLOG, 28 June 2022, <https://ohrh.law.ox.ac.uk/the-end-of-ro-and-casey-a-human-rights-perspective/>

*Vaccine Mandates in the United States: Multi-level Actors and Rights in Tension: Private Employers*, OXFORD HUMAN RTS. HUB BLOG, 2 Feb. 2022, <https://ohrh.law.ox.ac.uk/vaccine-mandates-in-the-united-states-multi-level-actors-and-rights-in-tension-private-employers-part-i/>

*Vaccine Mandates in the United States: Multi-level Actors and Rights in Tension: State Mandates*, OXFORD HUMAN RTS. HUB BLOG, 3 Feb. 2022, <https://ohrh.law.ox.ac.uk/vaccine-mandates-in-the-united-states-multi-level-actors-and-rights-in-tension-state-mandates-part-ii/>

*Vaccine Mandates in the United States: Multi-level Actors and Rights in Tension: Federal Government Mandates*, OXFORD HUMAN RTS. HUB BLOG, 4 Feb. 2022, <https://ohrh.law.ox.ac.uk/vaccine-mandates-in-the-united-states-multi-level-actors-and-rights-in-tension-federal-government-mandates-part-iii/>

*The “Notorious R.B.G.”*, OXFORD HUMAN RTS. HUB BLOG, 5 Nov. 2020, <http://ohrh.law.ox.ac.uk/introduction-the-notorious-r-b-g-blog-series-the-legacy-of-u-s-supreme-court-justice-ruth-bader-ginsburg> (with Rachel Wechsler)

*Justice Anthony Kennedy’s Human Rights Legacy*, OXFORD HUMAN RTS. HUB BLOG, 24 Sept. 2018, <http://ohrh.law.ox.ac.uk/justice-anthony-kennedys-human-rights-legacy-introduction-to-the-blog-series/>

*What the Trump Presidency Means for Gender Discourse Development*, OXFORD HUMAN RTS. HUB BLOG, 8 Mar. 2017, <http://ohrh.law.ox.ac.uk/what-the-trump-presidency-means-for-gender-discourse-development> (with Nicholas F. Stump)

*Introduction to Labour Rights*, GLOBAL PERSPECTIVES ON HUMAN RIGHTS (4th Edition) (Oxford Human Rights Hub 2018) (eds. Tom Lowenthal and Victoria Miyandazi)

*Introduction to Chapter 13: Labour Rights*, GLOBAL PERSPECTIVES ON HUMAN RIGHTS (3rd Edition) (Oxford Human Rights Hub 2016) (eds. Richard Martin, Seham Areff and Victoria Miyandazi), <http://ohrh.law.ox.ac.uk/wordpress/wp-content/uploads/2015/08/OxHRH-Blog-Anthology.pdf>

*Introduction to Chapter 15: Legacies in Human Rights Practice*, GLOBAL PERSPECTIVES ON HUMAN RIGHTS (3rd Edition) (Oxford Human Rights Hub 2016) (eds. Richard Martin, Seham Areff and Victoria Miyandazi), <http://ohrh.law.ox.ac.uk/wordpress/wp-content/uploads/2015/08/OxHRH-Blog-Anthology.pdf>

*Scalia’s Record on Labor Rights as Human Rights: Justice Denied*, OXFORD HUMAN RTS. HUB BLOG, 8 Apr. 2016, <http://ohrh.law.ox.ac.uk/scalias-record-on-labour-rights-as-human-rights-justice-denied/>

Editor, *Blog Series: The Legacy of US Supreme Court Justice Antonin Scalia*, OXHRH BLOG, 4 Mar. 2016, <http://ohrh.law.ox.ac.uk/blog-series-the-legacy-of-us-supreme-court-justice-antonin-scalia/>

*U.S. Labor Relations Board Cowardly Punts Its Duties*, OXFORD HUMAN RTS. HUB BLOG, 31 Aug. 2015, <http://ohrh.law.ox.ac.uk/united-states-labor-relations-board-cowardly-punts-its-duties/>

*Judicial Activism on the Roberts Court: Anti-union Ideology Driving the Analysis*, EPRNBLOG (Jul. 2, 2012), <http://www.employmentpolicy.org/topic/578/blog/judicial-activism-roberts-court>

*Judicial Activism on the Roberts Court: Anti-union Ideology Driving the Analysis*, ACS BLOG (Jul. 2, 2012), <http://www.acslaw.org/acsblog/judicial-activism-on-the-roberts-court-anti-union-ideology-driving-the-analysis> (shorter version of EPRN piece)

*Bush Appointee Strikes down Dover ID Policy as Unconstitutional*, ACS BLOG (Dec. 21, 2005), <http://www.acsblog.org/cat-guest-bloggers.html>

**LECTURES, PRESENTATIONS, ROUND TABLES, WEBINARS, CONGRESSIONAL TESTIMONIES**

*Artistry and Advocacy: Labor Law as a Creative Force in Musical Theatre*, Keynote Speaker at the Thirtieth Annual Theatre Musicians Association International Conference hosted by the American Federation of Music, Playhouse Square, Cleveland, Oh, August 18, 2025

*Legal Challenges to the NLRA and NLRB: Inspiration from Rerum Novarum*, hosted by The Catholic Lawyers Guild of Chicago, Carpenters Counsellors Hall, Chicago, IL, June 12, 2025

*My Leadership Journey*, Women's Law Institute, West Virginia University, May 7, 2025

*The Autonomous Dignified Worker's Relationship to Socio-Economic Rights*, sponsored by the Nathaniel R. Jones Center for Race, Gender, and Social Justice, and the American Constitution Society, at the University of Cincinnati College of Law, Cincinnati, OH, April 7, 2025

*Loper Bright's Judicial Review Void and Its Effect on the Law of the Workplace*, 46<sup>th</sup> Annual Kenneth M. Piper Lecture, Martin H. Malin Institute for Law and the Workplace, Chicago-Kent College of Law, Chicago, Illinois, April 1, 2025, 11:30 – 1:00 PM, video available at <https://ckcle.ce21.com/Search>

*Make Appalachia Great Again: Investing in Labor, the Environment & Infrastructure*, Rural Appalachia: Perspectives & Solutions For Issues Facing Rural Americans, West Virginia Law Review Symposium, Morgantown, WV, Mar. 28, 2025, schedule available at <https://wvlawreview.wvu.edu/files/d/ac7b39e7-7874-41d8-b50d-f09a30241940/wvlr-reviving-rural-america-agenda.pdf>

*Comparing U.S. Law and Jewish Law: Selected Topics*, Jewish Law Students Association, West Virginia University College of Law, Morgantown, WV, Mar. 27, 2025

*Reconnecting: How to Have Difficult Conversations in Law School*, Civil Discourse Symposium, University of Cincinnati College of Law, Cincinnati, OH, Feb. 28, 2025

*The Role of Unions in Protecting University Professors*, Annual Meeting of the American Association of University Professors, Virginia Conference, Lynchburg, Va, via Zoom, Apr. 27, 2024

*The Supreme Court and the NLRA*, HOT TOPICS IN CONTEMPORARY LABOR RELATIONS LAW CONFERENCE, Hosted by Martin H. Malin Institute for Law and the Workplace, Chicago-Kent College of Law, Illinois Institute of Technology, Chicago, Ill, Apr. 25, 2024

*NextGen Bar*, presented to the ABA Section of Litigation Book Board via Zoom, Apr. 15, 2024

*Deference to the NLRB in a Post-Chevron World*, Law Faculty Presentation, West Virginia University College of Law, Morgantown, WV, Apr. 10, 2024

*The Supreme Court's Post-Garcetti Analysis of Public Employee Speech Rights: Erosion of Public Employer Managerial Authority or Varying Standards Based on Speech Type?*, Law Faculty Presentation, University of Cincinnati, Cincinnati, OH, Jan. 24, 2024

*Cutting University Faculty for Economic Reasons: The Role of Labor Law and Collective Bargaining as a Means of Protecting Academic Freedom and Promoting Democracy*, in *Contextualizing the Contemporary Assault on Knowledge Panel* at DEMOCRATIC EROSION AND THE CONTEMPORARY ASSAULT ON EDUCATION AND EXPERTISE, Drexel Law Review Symposium, Philadelphia, PA, Nov. 3, 2023 (invited speaker)

*Labor's Revival: An Interactive Discussion About the Most Recent Waves of Strikes and Concerted Activity*, American Constitution Society for Law and Public Policy, at Drexel University Thomas R. Kline School of Law, Philadelphia, PA Nov. 2, 2023

*Ethics: Multistate Practice and Remote Work*, Moderator, MEETING THE MOMENT: LEGAL STRATEGY FOR A RISING LABOR MOVEMENT, Hosted by AFL-CIO Union Lawyers Alliance, Omni William Penn Hotel, Pittsburgh, PA, May 1, 2023

*Surfing the History of Women's Legal Rights Viewed Through Four Waves of Feminism: Part II*, SYMPOSIUM: FOR WOMEN, BY WOMEN, Hosted by The Defense Trial Counsel of West Virginia Women in the Law Committee, Oglebay Stonewall Resort, Wheeling, WV, Mar. 24, 2023

*Abortion: Post-Roe Discussion*, WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Lake View Resort, Morgantown, WV, Oct. 14, 2022

*Surfing the History of Women's Legal Rights Viewed Through Four Waves of Feminism*, SYMPOSIUM: FOR WOMEN, BY WOMEN, Hosted by The Defense Trial Counsel of West Virginia Women in the Law Committee, Stonewall Resort, Roanoke, WV, Mar. 25, 2022

*Abortion in West Virginia: Realities, Laws, and Impact*, sponsored by the WVU Women's Resource Center, Feb. 22, 2022

*The Bill of Rights: A 230-Year Retrospective*, Lunch with Books, The People's University at the Ohio County Public Library, Wheeling, WV, Dec. 15, 2021

*Reimagining Labor as a Public Good*, Symposium (by invitation), University of St. Thomas School of Law, Minneapolis, MN, ST. THOMAS J. L. & PUB. POL'Y, via Zoom, Nov. 12, 2021

*Labor as a Public Good*, WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Stonewall Jackson, WV, Oct. 22, 2021

*The Labor and Employment Law Career Path*, An Introduction to Careers in Labor and Employment Law from the State's Leading Attorneys, presented by COLLEGE OF LABOR AND EMPLOYMENT LAWYERS, WVU College of Law, Morgantown, WV (panel discussion with Robert Steptoe and Al Karlin), Oct. 15, 2021

*U.S. Supreme Court Review and Preview*, Constitution Day Celebration, WVU College of Law, Morgantown, WV, Sept. 17, 2021

*Maintaining Civility in the Practice of Law*, WV Bar Regional Meeting, Parkersburg, WV, Sept. 10, 2021

*Maintaining Civility in the Practice of Law*, WV Bar Regional Meeting, Wheeling, WV, Sept. 9, 2021

*The Struggle for Women's Rights—19th Amendment*, THE PEOPLE'S UNIVERSITY AT THE OHIO COUNTY PUBLIC LIBRARY, Wheeling, WV, Aug. 20, 2020

*My Employee Wants To Go On Vacation During the COVID Pandemic—What Are My Legal Responsibilities?*, AMERICA'S SMALL BUSINESS DEVELOPMENT CENTER—WEST VIRGINIA, Charleston, WV, via Zoom, Jul. 29, 2020

*Civility in the Practice of Labor and Employment Law*, COLLEGE OF LABOR AND EMPLOYMENT LAWYERS, Morgantown, WV (panel discussion with CLEL President David Borgen, former NLRB General Counsel Dick Griffin, and WV Supreme Court Justice Beth Walker), Jun. 9, 2020

*The Trump NLRB: 2017–??*, WEST VIRGINIA ALLIANCE FOR RETIRED AMERICANS: 15TH ANNUAL MEMBERSHIP CONVENTION, Cedar Lakes, West Virginia, Nov. 22, 2019

*Impeachment: History, Process, Examples*, WEST VIRGINIA UNIVERSITY COLLEGE OF LAW, Morgantown, WV, Nov. 20, 2019

*The Rule of Law & the Separation of Powers: Relationship to Impeachment*, THE WHEELING ACADEMY OF LAW AND SCIENCE FOUNDATION, The First State Capitol, Wheeling, WV, Nov. 12, 2019

*The Trump NLRB: Damaging Workers' Section 7 Rights*, WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Chief Logan, Chapmanville, WV, Nov. 1, 2019

*Mind the Gap: How Law Can Address Income Inequality in America*, SERVICE EMPLOYEES INTERNATIONAL UNION and AMERICAN CONSTITUTION SOCIETY FOR LAW AND PUBLIC POLICY, Washington, DC, Oct. 23, 2019

*The Once and Future Female Worker: Legal Rights Then and Now*, THE PEOPLE'S UNIVERSITY AT THE OHIO COUNTY PUBLIC LIBRARY, Wheeling, WV, Aug. 31, 2019

*You're a Grand Old Rag*, La Mirada Theatre for the Performing Arts, La Mirada, CA, June 30, 2019

*Looking at the 2018 Wave of Teacher Strikes Through the Lens of Civil Disobedience*, at UNIVERSITY OF ST. THOMAS LAW JOURNAL SYMPOSIUM (by invitation), University of St. Thomas School of Law, Minneapolis, MN, Nov. 16, 2018

*US Constitution and Bill of Rights Viewed as a Human Rights Achievement*, THE PEOPLE'S UNIVERSITY AT THE OHIO COUNTY PUBLIC LIBRARY, Wheeling, WV, Nov. 13, 2018

*Worker Centers: Amplifying Worker Voice in an Era of Union Repression*, at WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, at Hawks Nest State Park, Ansted, WV, Oct. 12, 2018

*Worker Centers: Amplifying Worker Voice in an Era of Union Repression*, at BELMONT LAW REVIEW SYMPOSIUM (invited), Nashville, TN, Oct. 5, 2018

*Back to Basics: Why Our Constitution Is as Important Today as It Was Yesteryear*, Taylor County Constitution Day and Citizenship Day Celebration, International Mother's Day Shrine, Grafton, WV, Sept. 17, 2018

*The Constitutional Right To An Education*, AMERICAN CONSTITUTION SOCIETY FOR LAW AND PUBLIC POLICY, Sept. 17, 2018

*The Silencing of Pearl S. Buck*, BIENNIAL PEARL S. BUCK CONFERENCE, WV Wesleyan College, Buckhannon, WV, Sept. 14, 2018 (presented with Dr. Melanie Page)

*The Supreme Court Confirmation Process: What Just Is at Stake?*, AMERICAN CONSTITUTION SOCIETY FOR LAW AND PUBLIC POLICY, at WVU College of Law, Morgantown, WV Sept. 10, 2018

Participant, Invitation-only Symposium: *Rebalancing Economic and Political Power: A Clean Slate for the Future of Labor Law*, Harvard Law School, co-sponsored by Harvard Law School and Harvard Law School Labor & Work Life Program, Cambridge, MA, July 24, 2018

Lecturer, *Employment Discrimination*, KAPLAN BAR REVIEW, Pennsylvania Bar, University of Pennsylvania School of Law, June 15, 2018

*What Do Corporations Have that Animals, Aliens, and Robots Don't? Basic Rights in the Workplace*, Faculty Colloquium, Villanova University Charles Widger School of Law, Villanova, PA, Apr. 11, 2018

*Political Speech or Concerted Activity: The Case of Colin Kaepernick*, in *PLAYER ACTIVISM: MORE THAN JUST AN ATHLETE*, West Virginia University College of Law, Morgantown, WV (co-sponsored by WVU Black Law Student Association, WVU Sports and Entertainment Law Society, and WVU Labor Law Society), Apr. 4, 2018

*The Impact of Title IX on Women and Society: Two Steps Forward, One Step Backward*, Amicus Curiae Lecture Series on Constitutional Democracy, Simon Perry Center for Constitutional Democracy, Marshall University, Huntington, WV, Mar. 1, 2018

*African Americans in West Virginia*, in West Virginia Law Review Symposium: Appalachian Justice, at West Virginia University College of Law, Morgantown, WV, Feb. 24, 2018 (Moderator)

*Working for Recovery: How Civil Rights Laws Can Improve the Prospects for Successful Rehabilitation and Gainful Employment for Alcoholics and Drug Addicts*, in West Virginia Law Review Symposium: Appalachian Justice, at West Virginia University College of Law, Morgantown, WV, Feb. 23, 2018

*What Is Concerted Activity and Why Is It Legally Significant?*, at WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Lake View Resort, Morgantown, WV, Oct. 6, 2017

Participant, Invitation-only Symposium: *Could Experiments at the State and Local Levels Expand Collective Bargaining and Workers' Collective Action?*, Harvard Law School, co-sponsored by Harvard Law School Labor & Work Life Program, Economic Policy Institute, and Harvard Law & Policy Review, Cambridge, MA, Sept. 19, 2017

Lecturer, *Employment Discrimination*, KAPLAN BAR REVIEW, Pennsylvania Bar, University of Pennsylvania School of Law, July 5, 2017

*Leadership Now: Tools and Strategies for Leading in the Twenty-First Century*, 2017 GRADUATE AND PROFESSIONAL STUDENT LEADERSHIP CONFERENCE, sponsored by the BLACK GRADUATE STUDENT ASSOCIATION and the GRADUATE AND PROFESSIONAL STUDENT SENATE, Rhododendron Room, Mountainlair, WVU, Morgantown, WV, Feb. 25, 2017

*Black History and Employment Law*, BLACK HISTORY MONTH PANEL sponsored by the BLACK STUDENT LAW STUDENT ASSOCIATION, WVU College of Law, Morgantown, WV, Feb. 23, 2017

*The Intersection of Human Trafficking and Healthcare Providers: How Should the Law Respond?*, *Human Trafficking Awareness Panel*, WVU School of Medicine, Health Sciences Center, Morgantown, WV, Jan. 13, 2017

*Deflategate: What's Labor Law Got To Do with It?*, West Virginia University College of Law Sports and Entertainment Law Society, Oct. 18, 2016

*Global Business Communications: The Legal Environment*, Lecture to Business School students, West Virginia University College of Business and Economics, Morgantown, WV, Oct. 11, 2016

*Brexit's Potential Effect on Labor Rights in Britain*, at WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Shepherdstown, WV, Oct. 8, 2016

*Workers' Rights as Natural Human Rights: Regaining Autonomy & Dignity at the U.S. Workplace*, Law Faculty Colloquium, Illinois Institute of Technology Chicago-Kent College of Law, Chicago, Illinois, Sept. 6, 2016

*Rematerializing the Vanishing Employee: Protecting the Autonomous Dignified Worker's Human Right to Freedom of Association*, Labour Law Discussion Group and Oxford Human Rights Hub Seminar Series, Hertford College, Lower Senior Common Room, University of Oxford, Oxford, England, May 13, 2016

*Does the Autonomous Dignified Worker Have the Right to Engage in Civil Disobedience or Uncivil Obedience*, Labour Law Discussion Group and Oxford Human Rights Hub Seminar Series, Hertford College, Lower Senior Common Room, University of Oxford, Oxford, England, May 13, 2016

*Labour Rights as Human Rights: The Autonomous Dignified Worker*, Oxford Human Rights Hub Seminar Series, University of Oxford, Oxford, England, May 11, 2016

*Labour Rights as Human Rights*, Law Faculty Colloquium, National University of Ireland, Maynooth University Department of Law, Co. Kildare, Ireland, Feb. 4, 2016

*Labour Rights as Human Rights*, Law Faculty Colloquium, University College Dublin, Sutherland School of Law, Dublin, Ireland, Feb. 3, 2016



Discussant, *Norma Rae*, CECILIA ROLLINS LUNCH, FILM, AND DISCUSSION SERIES, Gluck Theatre, Mountainlair, West Virginia University Office of Multicultural Programs, Morgantown, WV, Dec. 8, 2015

*Global Business Communications: The Legal Environment*, Lecture to Business School students, West Virginia University College of Business and Economics, Morgantown, WV, Nov. 19, 2015

*Procedural Issues in Federal Litigation: The Case of Faulkner Literary Rights, LLC v. SONY Pictures Classics, Inc.*, Guest Lecturer in Prof. Cam Riley's Cyber Law course, West Virginia University College of Law, Morgantown, WV, Nov. 12, 2015

*Appeal an Administrative Order to the U.S. Court of Appeals*, Lecture to U.S. Appellate & Supreme Court Clinic, West Virginia University College of Law, Morgantown, WV, Nov. 11, 2015

*The Case Against Government-Mandated DNA Collection for the Purpose of Solving Future Crimes, Identifying Dead Bodies, and Identifying Amnesiacs*, Debate with Professor Arnold Loewy, Federalist Society, West Virginia University College of Law, Morgantown, WV, Nov. 6, 2015

*Labor Rights as Human Rights*, Law Faculty Colloquium, West Virginia University College of Law, Morgantown, WV, Oct. 23, 2015

*Labor Rights as Human Rights*, Law Faculty Colloquium, University of Kansas School of Law, Lawrence, Kansas, Oct. 15, 2015

*Labor Rights as Human Rights*, Law Faculty Colloquium, University of Oklahoma College of Law, Norman, Oklahoma, Oct. 13, 2015

*Labor Rights as Human Rights*, Law Faculty Colloquium, Texas Tech University School of Law, Lubbock, Texas, Oct. 9, 2015

*Labor Rights as Human Rights*, Law Faculty Colloquium, Baylor Law School, Waco, Texas, Oct. 6, 2015

Oral Testimony, Before the U.S. House Committee on Education and the Workforce, Subcommittee on Health, Education, Labor, and Pensions, Hearing on H.R. 3459, Protecting Local Business Opportunity Act, Washington, DC, Sept. 29, 2015

*Labor Rights as Human Rights*, Law Faculty Colloquium, The University of Akron School of Law, Akron, Ohio, Sept. 21, 2015

*Recent Developments in Labor Law—Who's an Employee, Who's an Employer, and What's Social Media Got To Do With It?*, at WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Stonewall Resort, Roanoke, WV, Sept. 18–19, 2015

Panelist, *Labor Rights as Human Rights*, Colloquium on Scholarship in Employment and Labor Law, Indiana University Mauer School of Law, Bloomington, Indiana, Sept. 11, 2015

Guest Lecturer, *Labor Rights as Human Rights*, International Human Rights Law, West Virginia University College of Law, Morgantown, WV, Sept. 3, 2015

Panelist, *Engaging Students for Deeper Learning*, New Faculty Orientation, Erikson Alumni Center, West Virginia University, Morgantown, WV, Aug. 11, 2015

Lecturer, *Employment Discrimination*, KAPLAN BAR REVIEW, Pennsylvania Bar, University of Pennsylvania School of Law, July 10, 2015

Moderator/Panelist, ABA Roundtable Discussion: *King v. Burwell*, June 30, 2015

*Are College Athletes Employees under the NLRA?*, NEW YORK UNIVERSITY 68th Annual Conference on Labor: *Who is an Employee and Who is the Employer?*, New York University, NYC, NY, June 4, 2015



Panelist, *Outstanding Tips from Outstanding Teachers*, CELEBRATE 2015, Mountainlair, West Virginia University, Morgantown, WV, May 13, 2015

Moderator, *Oral Argument* (with Beth Brinkmann, Deputy Assistant Attorney General, Department of Justice; Irv Gornstein, Executive Director of the Supreme Court Institute, Georgetown University Law Center; Elaine Kaplan, Judge, United States Court of Federal Claims), National Labor Relations Board, Washington, DC, Apr. 30, 2015

*Labor Rights as Human Rights*, Mon River Tri-Faculty Colloquium-Duquesne/Pitt/WVU, Pittsburgh, PA, Apr. 19, 2015

*Fair Housing: It's Your Right!* 2015 WEST VIRGINIA FAIR HOUSING CONFERENCE, Morgantown, WV, Apr. 16, 2015

*Labor Rights as Human Rights*, Faculty Colloquium, Florida International University School of Law, Mar. 31, 2015

*Understanding LGBT Rights: Federalism Issues*, 2015 WEST VIRGINIA HUMAN RIGHTS FORUM, Stonewall Resort, Roanoke, WV, Mar. 26, 2015

*Knox, Harris v. Quinn, and the Breakdown of Union Security in the Public Sector: The Sky Is Falling . . . or at least Cracking*, at WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Canaan Valley, WV, Nov. 8, 2014

*Are College Athletes Employees under the NLRA?*, ELON LAW REVIEW Symposium, Elon, NC, Nov. 7, 2014

*U.S. Occupational Safety & Health Law: Gradual Recognition of the Worker's Right to a Safe Workplace*, The Forum on Occupational Safety and Health, China University of Mining & Technology, Jiangsu, China, Nov. 1, 2014

*Appeal an Administrative Order to the U.S. Court of Appeals*, Lecture to U.S. Appellate & Supreme Court Clinic, West Virginia University College of Law, Morgantown, WV, Oct. 21, 2014

*Attacks on Exclusive Representation and Agency Fee*, at National Organization of Lawyers for Educational Associations Conference, Washington, DC, Oct. 9, 2014

Lecturer, *Employment Discrimination*, KAPLAN BAR REVIEW, Pennsylvania Bar, University of Pennsylvania School of Law, July 9, 2014

*Corporate Codes of Conduct*, in *Labor and Employment Law Hot Topics & Global Issues*, a webinar hosted by the KNOWLEDGE CONGRESS WEBCAST SERIES, Apr. 21, 2014

*The Autonomous Dignified Worker*, Claude Worthington Benedum University Lecture, West Virginia University, Morgantown, WV, Apr. 8, 2014

Convenor, Buffalo Creek Disaster Symposium: A Retrospective Forty-Two Years Later, morning session, West Virginia University College of Law, Feb. 6, 2014

Moderator, Patricia Begne, *The Mexican Legal System*, Mexico Week at West Virginia University College of Law, McDougall Lecture Series, Oct. 28, 2013

*Government in Crisis: A History of the Politicization of the National Labor Relations Board*, at 28<sup>th</sup> West Virginia AFL-CIO Convention, Charleston, WV, Oct. 23, 2013

*Government in Crisis: A View from Labor*, at WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Stonewall Resort, Roanoke, WV, Oct. 12, 2013

Commentator on paper presented by Meredith R. Miller, *Global Supplier Codes of Conduct—Accountability through Transparency in Private Ordering*, BUSINESS AND HUMAN RIGHTS: MOVING FORWARD, LOOKING BACK, West Virginia University, Morgantown, WV, Sept. 24, 2013

*Report on Fisher v. University of Texas*, 2013 Constitution Day Celebration, TRENDS IN THE U.S. SUPREME COURT'S CONSTITUTIONAL JURISPRUDENCE: THOUGHTS ABOUT THE 2012–2013 SUPREME COURT TERM AND BEYOND, Sept. 17, 2013

Lecturer, *Employment Discrimination*, KAPLAN BAR REVIEW, Pennsylvania Bar, University of Pennsylvania School of Law, July 9, 2013

*Worker Voice Summit*, AMERICAN CONSTITUTION SOCIETY FOR LAW AND POLICY, Apr. 5, 2013

*The Nature of the Law of the Workplace: Reflections on Concerted Activity*, hosted by West Virginia University Philosophy Department, Feb. 19, 2013

*Corporate Codes of Conduct*, in *International Employment Law: A 2012 Perspective*, a webinar hosted by the KNOWLEDGE CONGRESS WEBCAST SERIES, Dec. 5, 2012

*Social Media and Labor Law*, at WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Adaland, Phillipi, WV, Nov. 10, 2012

*When the Law is Not the Law: The Role of Unions in Paving the Way for Civil Disobedience*, in Building Power Beyond the Frontiers of U.S. Labour Law, UNION FUTURES: INNOVATIONS, TRANSFORMATIONS, STRATEGIES CONFERENCE hosted by INTERNATIONAL RESEARCH CENTRE ON GLOBALIZATION AND WORK (CRIMT), Montreal, Quebec, Oct. 25, 2012

Lecturer, *Family Law*, KAPLAN BAR REVIEW, WV Bar, West Virginia University College of Law, July 9, 2012

*Raising the Floor of Rights at Work in a Globalizing Economy*, 16TH WORLD CONGRESS OF THE INTERNATIONAL LABOUR AND EMPLOYMENT RELATIONS ASSOCIATION, Philadelphia, PA, July 2–5, 2012

*The Modern Employment Relationship: The Case for a Rights-Based Legal Status of the Working Class*, in Beyond Master and Servant, at THE 2010 WORKING CLASS STUDIES ASSOCIATION CONFERENCE: HOW CLASS WORKS, SUNY–Stony Brook, Stony Brook, NY, June 7–9, 2012

*Lessons from the Boeing Case: What You Can and Can't Do About Union Activity*, BNA-sponsored webinar, Apr. 4, 2012

*The Role of Law in Creating the Good Employer*, presented at SUBTERRANEAN FIRE: THE LABOR MOVEMENT IN HARDTIMES, 2012 UNITED ASSOCIATION FOR LABOR EDUCATION (UALE) CONFERENCE, Mar. 23, 2012, Pittsburgh, PA

*Labor Rights as Human Rights: Regaining Autonomy and Human Dignity at the American Workplace*, presented on panel, *Comparative Human Rights in the Workplace*, at FAULTLINES AND BORDERLINES IN LABOUR LAW: THE FUTURE OF THE WAGNER ACT IN CANADA AND THE UNITED STATES, University of Western Ontario, London, Ontario, Canada, Mar. 3, 2012

*System of Employee Representation at the Enterprise: The US Report*, presented at THE JAPANESE INSTITUTE FOR LABOUR POLICY & TRAINING (JILPT), TOKYO COMPARATIVE LABOR LAW SEMINAR, Feb. 28–29, 2012, (with Orly Lobel)

*Civil Disobedience: Peaceful Solutions to Attaining Dignity and Human Autonomy at Work*, in THE ROLE OF ADR MECHANISMS IN PUBLIC SECTOR LABOR DISPUTES: WHAT IS AT STAKE, WHERE CAN WE IMPROVE, & HOW CAN WE LEARN FROM THE PRIVATE SECTOR? OHIO STATE JOURNAL ON DISPUTE RESOLUTION SYMPOSIUM, The Ohio State University, Michael E. Moritz College of Law, Columbus, Ohio, Feb. 17, 2012

*Testimonial from a Former NLRB Attorney*, Peggy Browning Fund Panel Discussion, University of Pittsburgh School of Law, Pittsburgh, PA, Feb. 11, 2012

*The Role of Law: Using Technology to Promote Coal Mine Safety*, at LABOR AND EMPLOYMENT RELATIONS ASSOCIATION 64TH ANNUAL MEETING, EMPLOYMENT RELATIONS AND WORKPLACE REPRESENTATION IN THE RECOVERING ECONOMY, Chicago, IL, scheduled for Jan. 6–8, 2012

*The Problem of Social Cost Revisited*, WVU Law Classics Workshop, Dec. 2, 2011

*An Inconvenient Truth: Boeing's Decision to Move Jobs from Washington to South Carolina and the Rule of Law*, WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Morgantown, WV, Oct. 27, 2011

*Ed Baker's Autonomy Theory of Free Speech: His Final Thoughts on Freedom of Expression*, paper presented at the Inaugural C. EDWIN BAKER LECTURE ON LIBERTY, EQUALITY, AND DEMOCRACY, Morgantown, WV, Oct. 10, 2011

*A Bakerian Reply to Weinstein's Critique*, paper presented at the Inaugural C. EDWIN BAKER LECTURE ON LIBERTY, EQUALITY, AND DEMOCRACY, Morgantown, WV, Oct. 10, 2011

*Testimony on Proposed NLRB Election Rule Amendments*, NLRB Public Hearing, July 18, 2011

*Ensuring a Fair Vote in the Workplace: The Facts on the Proposed NLRB Rule on Union Elections*, A CONGRESSIONAL BRIEFING SPONSORED BY AMERICAN RIGHTS AT WORK, Washington, DC, June 30, 2011

*Exploring How Access to Education and Safe, Affordable Energy Contribute to Create a More Just Workplace.*, in *Class, Politics, and Public Policy*, at THE 2011 WORKING CLASS STUDIES ASSOCIATION CONFERENCE: WORKING CLASS ORGANIZATION AND POWER, University of Illinois, Chicago, IL, June 25, 2011

*Religion in the Public Schools: A Presentation to the Mt. Vernon City School Teachers*, Mount Vernon, Ohio, May 25, 2011

*The Academic Perspective: Labor Law Update from Professor Lofaso*, at STEPTOE & JOHNSON LABOR DEPARTMENT TRAINING DAY, at Stonewall Jackson Resort, WV, May 6, 2011

*Citizens United: Implications for Labor*, at WEST VIRGINIA UNIVERSITY AMERICAN CONSTITUTION SOCIETY FOR LAW AND POLICY, Morgantown, WV, Apr. 21, 2011

*Leadership Panel*, at WEST VIRGINIA UNIVERSITY INSTITUTE FOR LABOR STUDIES AND RESEARCH in partnership with the WV AFL-CIO, Lakeview Resort, WV, Apr. 15, 2011

*The Employment Non-Discrimination Act: Which Way Should We Go?*, discussion group focusing on transgender equality at WEST VIRGINIA UNIVERSITY OUTLAW, Morgantown, WV, Apr. 13, 2011

*Looking Forward: Entrepreneurship, Innovation, and Job Creation*, at WEST VIRGINIA SESQUICENTENNIAL SYMPOSIUM: CELEBRATING WEST VIRGINIA ENTREPRENEURSHIP, West Virginia University, Morgantown, WV, Apr. 6, 2011

*Just Cause and a Living Wage for All: The Case for Dignity*, at THE THEOLOGY OF WORK AND DIGNITY OF WORKERS, St. John's School of Law, Queens, NY, Mar. 18–19, 2011

*Labor Under Obama*, paper presented at Breakfast Forum at the JOSEPH S. MURPHY INSTITUTE, CENTER FOR LABOR, COMMUNITY & POLICY STUDIES, City University of New York, NY, NY, Jan. 21, 2011

*Legal Perspectives on Labor Issues Relating to Unfunded Liabilities*, SYMPOSIUM ON LONG-TERM UNFUNDED AND UNDERFUNDED LIABILITIES, Erickson Alumni Center, West Virginia University, Morgantown, WV, Nov. 11, 2010

*Introduction to Basic Labor Law (Workshop)*, TWELFTH ANNUAL NATIONAL LAW STUDENTS WORKERS' RIGHTS CONFERENCE, at The National Labor College, George Meany Campus, Silver Spring, MD, Oct. 16, 2010

*The Role of Employee Voice in Protecting Collective Job Security*, in Class and Law I, at THE 2010 WORKING CLASS STUDIES ASSOCIATION CONFERENCE: CLASS MATTERS, SUNY–Stony Brook, Stony Brook, NY, June 4, 2010

*The Vanishing Employee in a Segmented Market*, in ON THE BOUNDARY LINES: THE EMPLOYMENT RELATIONSHIP AND THEORIES OF THE FIRM, at LAW AND SOCIETY, Chicago, Illinois, Discussant, May 30, 2010

*The National Labor Relations Act at 75–Looking Back, Looking Forward*, AMERICAN CONSTITUTION SOCIETY FOR LAW AND POLICY sponsored panel, at Economic Policy Institute, Washington, D.C., May 17, 2010, video available at <http://www.americanconstitutionsociety.org/node/16126>

*The Vanishing Employee*, in Structural and Administrative Reform Under the Existing NLRA, at WHITHER THE BOARD: THE NATIONAL LABOR RELATIONS BOARD AT 75–FIU LAW REVIEW SYMPOSIUM, Florida International University College of Law, Miami, Florida, Mar. 26, 2010

*Relevance of the Wagner Act for Resolving Today's Job-Security Crisis*, presented at *Learning from the New Deal* (Roundtable) at LABOR AND EMPLOYMENT RELATIONS ASSOCIATION 62ND ANNUAL MEETING, 21ST CENTURY EMPLOYMENT SYSTEMS: INNOVATION IN AN ERA OF ACCELERATING CHANGE, Atlanta, Georgia, Jan. 4, 2010

*Introduction to Basic Labor Law* (Workshop), ELEVENTH ANNUAL NATIONAL LAW STUDENTS WORKERS' RIGHTS CONFERENCE, at The National Labor College, George Meany Campus, Silver Spring, MD, Oct. 17, 2009

*E-mail Organizing in the Real and Virtual Workplaces*, WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Morgantown, WV, Oct. 2, 2009

*Speaking up in Class* (Panel Discussion), WVU WOMEN'S LAW CAUCUS, Morgantown, WV, Sept. 23, 2009

*Locke v. Karass* and *14 Penn Plaza LLC v. Pyett*, presented at CONSTITUTION DAY 2009 PANEL (with Professors Gerald Ashdown, Robert Bastress, and Valorie Vojdik), at West Virginia University College of Law, Morgantown, WV, Sept. 17, 2009

*The Nuts and Bolts of Publishing*, LAW FACULTY COLLOQUIUM, West Virginia University, Morgantown, WV, Sept. 9, 2009

*Dissenting Speech and the Creation of a Robust Industrial Democracy*, paper presented on panel *Attaining and Retaining Working Rights in the New Administration–Predictions and Strategies*, at THE 2009 WORKING CLASS STUDIES ASSOCIATION CONFERENCE: CLASS MATTERS, University of Pittsburgh, Pittsburgh, PA, June 6, 2009

*Disloyalty and the Robust Democratic Workplace*, paper presented on panel *The New New Deal for Labor Law–Strategies for Making Labor Rights Real Rights*, at THE 2009 UNITED ASSOCIATION FOR LABOR EDUCATION (UALE) CONFERENCE, The National Labor College, George Meany Campus, Silver Spring, MD, Apr. 17, 2009

*The Role of Dissenting Speech in Creating a Robust Industrial Democracy*, paper presented at LAW FACULTY COLLOQUIUM, West Virginia University, Morgantown, WV, Apr. 1, 2009

*The Antitrust Exemption in Labor Law: Why Is the Sports Industry Special?*, Guest Lecturer, WVU College of Law Sports Law Course (Professor andré cummings, instructor), West Virginia University, Morgantown, WV, Mar. 10 & 12, 2009

Darwin Fest Film Series, *Inherit the Wind*, Discussant (with Professor John Taylor), West Virginia University, Morgantown, WV, Feb. 16, 2009

*Welcome Address, Day 2, The Evolution of Street Knowledge: Hip Hop's Influence on Law and Culture*, West Virginia University, Morgantown, WV, Feb. 13, 2009

*The Autonomous Dignified Woman* paper presented on *Work-Life Balance Panel* by the WVU Women's Law Caucus, Morgantown, WV, Oct. 29, 2008

*September Massacre: Last Nail in the NLRA Coffin?* *West Virginia Employment Lawyers Association*, Lewisburg, WV, Oct. 25, 2008

*Employment and Labor Law Supreme Court Update*, West Virginia Continuing Legal Education, Morgantown, WV, panel discussion, Oct. 11, 2008

*Sexual Harassment in the Workplace*, Panel Discussion presented by the WVU Women's Law Caucus, Morgantown, WV, Oct. 8, 2008

*Whistling While We Work? Law, Power, and Powerlessness on the Job*, at LAW AND SOCIETY, Montreal, Canada, Chair/Discussant, panel discussion May 31, 2008

*The Role of Disloyalty in Creating a Robust Democratic Workplace*, paper presented on panel *Making Law, Using Law*, at LAW AND SOCIETY, Montreal, Canada, May 29, 2008

*September Massacre: The Latest Battle in the War on Workers' Rights Under the NLRA*, LAW FACULTY COLLOQUIUM, West Virginia University, Morgantown, WV, Apr. 30, 2008

WEST VIRGINIA LAW REVIEW SYMPOSIUM, THINKING OUTSIDE OF THE BOX: A POST-SAGO LOOK AT COAL MINE SAFETY, PART II, Moderator, Nov. 2, 2007

*What You Don't Know About the NLRA*, West Virginia Employment Lawyers Association, The Woods, Berkeley Springs, WV, Oct. 27, 2007

*Reflections of a Former Athlete*, paper presented on panel *Reversing Field: Purposeful Progress*, at SPORTS LAW SYMPOSIUM, REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR, AND RACE IN 21ST CENTURY SPORTS LAW, West Virginia University, Morgantown, WV, Oct. 5, 2007

*False/Positives: Debating the Merits of Drug Testing*, at SPORTS LAW SYMPOSIUM, REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR, AND RACE IN 21ST CENTURY SPORTS LAW, Moderator, West Virginia University, Morgantown, WV, Oct. 5, 2007

Moderator, *Government Religious Expression*, at THE RELIGION CLAUSES IN THE 21ST CENTURY, WVU-AMERICAN CONSTITUTION SOCIETY FOR LAW AND POLICY CONFERENCE, Apr. 13, 2007

*Approaching Coal Mine Safety from a Comparative Law and Interdisciplinary Perspective*, presented at WEST VIRGINIA LAW REVIEW SYMPOSIUM, THINKING OUTSIDE OF THE BOX: A POST-SAGO LOOK AT COAL MINE SAFETY, Morgantown, WV, Mar. 21, 2007

*The Art of "Intelligent Design": How Advocates of Creationism and Its Various Incarnations Are Redesigning the Definition of Science So That Creationism May Be Taught in Public Schools* at Brooklyn Law School, Brooklyn, NY, 2006

*Ethics and the Law*, University of St. Thomas, Houston, TX, 2005

*Presenting Oral Argument*, Appellate Court Branch Attorneys, National Labor Relations Board, Washington, DC, 2005 & 2003

*Effect of Brand X on NLRB Adjudication*, Appellate Court Branch Attorneys, National Labor Relations Board, Washington, DC, Sept 2005

*Role of the NLRB in Sports Law*, Guest Lecturer, Catholic University of America, Columbus School of Law, 2002

*Oral Advocacy*, Guest Lecturer, George Washington University Law School, Washington, DC, 2000

*Job Security Rights of British and U.S. Workers: The Free Market Model at Work*, Oxford Law Graduate Colloquium, Oxford, England, spring 1996

*The Jurisprudence of Worker Autonomy: Lessons from Dworkin and Raz*, Oxford Law Graduate Colloquium, Oxford, England, spring 1996

Traveled through England on Fulbright Scholarship, lecturing generally on U.S. government, 1993

### **CONFERENCE/LECTURE SERIES ORGANIZER**

2022–2023 Annual C. Edwin Baker Lecture on Liberty, Equality, and Democracy, presented by Martin H. Malin, Professor Emeritus, Illinois Institute of Technology, Chicago-Kent College of Law, Chicago, IL, *The Supreme Court, the First Amendment, and the Erosion of Public Employer Managerial Authority*, Apr. 12, 2023

2018–2019 Annual C. Edwin Baker Lecture on Liberty, Equality, and Democracy, presented by Sandy Steel, Lee Shau Kee's Sir Man Kam Lo Fellow in Law at Wadham College and Associate Professor of Law in the Faculty of Law at Oxford, University of Oxford, *The Right To Private Law*, Apr. 10, 2019

2017–2018 Annual C. Edwin Baker Lecture on Liberty, Equality, and Democracy, presented by Hugh Collins, Fellow of the British Academy and Vinerian Professor of English Law, All Souls College, University of Oxford, *Private Law, Fundamental Rights and the Rule of Law*, Oct. 23, 2017

2016–2017 Annual C. Edwin Baker Lecture on Liberty, Equality, and Democracy, presented by Susan Lamb, Senior Legal Advisor, Commission for International Criminal Justice and Accountability, *International Criminal Justice and Notions of Equality and Liberty*, Jan. 30, 2017

2015 John W. Fisher II Lecture in Law and Medicine, presented by Christopher Holman, Professor of Law, UMKC School of Law, Kansas City, Missouri, Oct. 30, 2015

2015 Constitution Day Celebration, 50<sup>TH</sup> ANNIVERSARY OF THE VOTING RIGHTS ACT, Sept. 17, 2015 (panelists: WVU Law Professor Atiba Ellis and Bradley Smith, former FEC Commissioner)

4th Annual Tri-School Faculty Colloquium, hosted by Duquesne University Law, Apr. 17, 2015 (with Pitt Associate Dean Haider Ala Hamoudi and Duquesne Associate Dean Jane Moriarty)

2015 Charles L. Ihlenfeld Lecture on Public Policy and Ethics, *The Role of the General Counsel at the NLRB*, presented by the Hon. Richard Griffin, General Counsel, National Labor Relations Board, Apr. 13, 2015

4th Annual C. Edwin Baker Lecture on Liberty, Equality, and Democracy, Presented by Robert Post, Dean and Sol & Lillian Goldman Professor of Law, Yale Law School, New Haven, CT, *Compelled Commercial Speech*, Nov. 14, 2014

*Zealous Advocacy for Social Change: Transforming an Anti-Labor Environment into a Culture of Civility*, WEST VIRGINIA LAW REVIEW SYMPOSIUM, Morgantown, WV, Oct. 23–24, 2014 (webcast at: <http://law.wvu.edu/laborconference2014>)

2014 Constitution Day Celebration, TRENDS IN THE U.S. SUPREME COURT'S CONSTITUTIONAL JURISPRUDENCE: THOUGHTS ABOUT THE 2012–2013 SUPREME COURT TERM AND BEYOND, Sept. 17, 2014 (speaker: Lawrence D. Rosenberg, Partner, Jones Day)

2014 John W. Fisher II Lecture in Law and Medicine, presented by Lawrence O. Gostin, Founding Linda D. & Timothy J. O'Neill Professor of Global Health Law and Policy and Faculty Director, O'Neill Institute for National & Global Health Law; Director, World Health Organization Collaborating Center on Public Health Law & Human Rights, Georgetown Law, *Global Health Law*, Sept. 12, 2014

2014–2015 The Dean's Legal Enrichment Series and Faculty Colloquia, West Virginia University College of Law (with Interim Dean Greg Bowman) (throughout academic year)

3rd Annual Tri-School Faculty Colloquium, hosted by West Virginia University College of Law, Apr. 12, 2014 (with Pitt Associate Dean Haider Ala Hamoudi and Duquesne Associate Dean Jane Moriarty)

3rd Annual C. Edwin Baker Lecture on Liberty, Equality, and Democracy, Presented by Steven J. Heyman, Professor of Law, Illinois Institute of Technology, Chicago-Kent College of Law, Chicago, IL, *The Conservative-Libertarian Turn in First Amendment Jurisprudence*, Apr. 3, 2014

2014 Charles L. Ihlenfeld Lecture on Public Policy and Ethics, presented by the Hon. James G. Carr, Senior Judge, United States District Court for the Northern District of Ohio, *The Foreign Intelligence Surveillance Act in Court: Myth and Reality*, Mar. 26, 2014

2013 Constitution Day Celebration, TRENDS IN THE U.S. SUPREME COURT'S CONSTITUTIONAL JURISPRUDENCE: THOUGHTS ABOUT THE 2012–2013 SUPREME COURT TERM AND BEYOND, Sept. 17, 2013 (Panel: Bradley A. Smith, Josiah H. Blackmore II/Shirley M. Nault Designated Professor of Law, Capital University Law School, WVU Law Professors Ashdown, Bastress, Ellis, and Lofaso)

2013–2014 The Dean's Legal Enrichment Series and Faculty Colloquia, West Virginia University College of Law (with Dean Joyce McConnell) (throughout the academic year)

2d Annual Tri-School Faculty Colloquium, hosted by University of Pittsburgh Law, Apr. 12, 2013 (with Pitt Associate Dean David Harris and Duquesne Associate Dean Jane Moriarty)

2013 Charles L. Ihlenfeld Lecture on Public Policy and Ethics, presented by the Hon. Stephanie Thacker, United States Court of Appeals for the Fourth Circuit, *Living the Code of Judicial Conduct*, Apr. 17, 2013

2013 John W. Fisher II Lecture in Law and Medicine, presented by Sara Rosenbaum, Harold and Jane Hirsh Professor of Health Law and Policy and Founding Chair of Health Policy, George Washington University School of Public Health, *Improving Health Care in Medically Underserved Communities in the Aftermath of Health Reform*, Apr. 11, 2013

2013 NATIONAL ENERGY & SUSTAINABILITY MOOT COURT COMPETITION, West Virginia University College of Law, Mar. 16–18, 2013 (Faculty Adviser to the Moot Court Board)

2012–2013 The Dean's Legal Enrichment Series and Faculty Colloquia, West Virginia University College of Law (with Dean Joyce McConnell) (throughout the academic year)

Thomas E. Lovejoy, University Professor, Environmental Science and Policy, George Mason University, Biodiversity Chair, The Heinz Center, *A Wild Solution for Climate Change*, West Virginia University College of Law, Jan. 31, 2013

2nd Annual C. Edwin Baker Lecture on Liberty, Equality, and Democracy, Presented by Susan H. Williams, Walter W. Foskett Professor of Law, Indiana University Maurer School of Law, Bloomington, *A Feminist Vision of Free Speech Theory*, Nov. 9, 2012

OHIO LEGAL SCHOLARSHIP WORKSHOP, West Virginia University College of Law, June 14, 2012 (with Professor Atiba Ellis)

1st Annual Tri-School Faculty Colloquium, hosted by Duquesne University Law, Apr. 12, 2012 (with Duquesne Associate Dean Jane Moriarty and Pitt Associate Dean David Harris)

Charles L. Ihlenfeld Lecture on Public Policy and Ethics, presented by Hon. Gustavo Arnavat, United States Executive Director, Inter-American Development Bank, *The Role of Leadership and Ethics in Public Service*, Apr. 2, 2012

2012 NATIONAL ENERGY & SUSTAINABILITY MOOT COURT COMPETITION, West Virginia University College of Law, Mar. 15–17, 2012 (Faculty Adviser to the Moot Court Board)



2012 John W. Fisher II Lecture in Law and Medicine, presented by Michele Goodwin, Everett Fraser Professor of Law, University of Minnesota, *Who Owns Your Body: A Conversation About Medical Research and the Body Bazaar*, Feb. 13, 2012

*Disturbing the University: The Life and Work of William M. Kunstler and the Relevance of the Radical Lawyer in the Occupy Wall Street Era*, West Virginia University College of Law, Commentary by Alan Karlin, Robert Bastress, Michael Blumenthal, Karin Kunstler Goldman, and John C. Kilwein, Jan. 12, 2012

1st Annual C. Edwin Baker Lecture on Liberty, Equality, and Democracy, presented by Vincent Blasi, Corliss Lamont Professor of Civil Liberties, Columbia University School of Law, *The Intellectual Integrity of Ed Baker*, and James Weinstein, Amelia D. Lewis Professor of Constitutional Law, Sandra Day O'Connor College of Law, Arizona State University, *Formal Equality, Formal Autonomy, and Political Legitimacy: A Response to Ed Baker*, Oct. 10, 2011

2011–2012 Faculty Colloquia, West Virginia University College of Law (with Dean Joyce McConnell) (throughout the academic year)

2011 NATIONAL ENERGY & SUSTAINABILITY MOOT COURT COMPETITION, West Virginia University College of Law, Mar. 31– Apr. 2, 2011 (Faculty Adviser to the Moot Court Board)

Jay Wexler, Professor of Law, Boston University, *Two Errors About the Evolution Controversy or What I learned from My Trip to the Creation Museum*, DARWINFEST, DONLEY LECTURE, West Virginia University College of Law, Feb. 9, 2009 (with Prof. John E. Taylor)

REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR, AND RACE IN 21ST CENTURY SPORTS LAW, Oct. 4–5, 2007 (Faculty Adviser for Labor Law)

THINKING OUTSIDE OF THE BOX: A POST-SAGO LOOK AT COAL MINE SAFETY Part II, Nov. 2, 2007 (Faculty Adviser to the Law Review)

THINKING OUTSIDE OF THE BOX: A POST-SAGO LOOK AT COAL MINE SAFETY PART I, Mar. 21, 2007 (Faculty Adviser to the Law Review)

PAY EQUITY PANEL, Apr. 9, 2007 (organized with Professor Robert Bastress)

### **SELECTED CONGRESSIONAL AND GOVERNMENT TESTIMONY**

*Testimony Before the U.S. House Committee on Education and the Workforce Subcommittee on Health, Education, Labor, and Pensions*, Hearing on Confronting Union Antisemitism: Protecting Workers from Big Labor Abuses, Jul. 9, 2025, [Oral Testimony](#) (testimony starts at 38:26)

*Testimony Before the U.S. House Committee on Education and the Workforce Subcommittee on Health, Education, Labor, and Pensions*, Hearing on “Worker-Management Relations: Examining the Need to Modernize Federal Labor Law,” Apr. 26, 2018, <https://www.youtube.com/watch?v=BeGXYrQ1NBI> (testimony starts at 48:11, 1:08:23, 1:16:28, 1:29:11, 1:59:43, 2:02:49)

*Testimony Before the U.S. House Committee on Education and the Workforce Subcommittee on Health, Education, Labor, and Pensions* Hearing on H.R. 3459 Protecting Local Business Opportunity Act, Sept. 29, 2015, <https://www.youtube.com/watch?v=jGFKsuaEnEQ> (testimony starts at 23:32, 1:14:44, and 1:33:37)

Testimony, NLRB Hearing on Pre- and Post-election Procedures, Jul. 18, 2011, <http://www.youtube.com/watch?v=nWeIlLBDEfY>

## **MEDIA APPEARANCES**

### **SELECTED TELEVISION, RADIO, AND PODCAST APPEARANCES**

June Grasso, Federal Workers Sue Trump <https://www.bloomberg.com/news/audio/2025-01-23/bloomberg-law-federal-workers-sue-trump-vaping-case-podcast>, Jan. 22, 2025

Howard Monroe, Supreme Court Reforms, [Podcasts – The Watchdog](#), Aug. 5, 2024

June Grasso, *Major Win For Unions*, Bloomberg Law Podcast, <https://www.bloomberg.com/news/audio/2023-09-01/supreme-court-to-rule-on-guns-for-domestic-abusers-podcast>, Sept. 1, 2023 (second story; 16:23),

Ali Budner, *U.S. Steel May Be for Sale, and Union Workers Want a Say on the Buyer*, MARKETPLACE, <https://www.marketplace.org/2023/08/25/u-s-steel-is-for-sale-and-the-union-may-veto-certain-buyers/>, Aug. 25, 2023

Henry Epp, *What's Behind the UAW's Demand for a 40% Worker Raise*, MARKETPLACE, <https://www.marketplace.org/2023/08/07/uaw-40-percent-raise/>, Aug. 7, 2023

June Grasso, *Actors' Strike Shuts Down Hollywood/NY Noncompete Law*, Bloomberg Law Podcast, <https://www.bloomberg.com/news/audio/2023-07-18/actors-strike-shuts-down-hollywood-podcast>, July 18, 2023 (16:00)

June Grasso, *Court Refuses to Consider Challenge to Racist Cases*, Bloomberg Law Podcast, <https://www.bloomberg.com/news/audio/2022-10-26/court-refuses-to-consider-challenge-to-racist-cases-podcast>, Oct. 26, 2022

June Grasso, *Can Workers Wear Black Lives Matter Apparel on the Job?*, Bloomberg Law Podcast, <https://www.bloomberg.com/news/audio/2022-08-18/can-workers-wear-black-lives-matter-apparel-on-the-job>, Aug. 18, 2022

Hoppy Kercheval, [There is Legal Confusion Surrounding the U.S. Supreme Court's Decision To Overturn Roe v. Wade](#), Jun. 27, 2022

Howard Monroe, *Discussion on Supreme Court Leaked Draft Overturning Roe v. Wade*, The WatchDog Radio Network, WKKX, WVLY, May 9, 2022

Kjarten Raaen & Breanna Duncan, Interviewers, The Bin Podcast, Season 2, Episode 12, *Discussing the Supreme Court's Leaked Draft Overturning Roe v. Wade*, <https://www.bing.com/videos/search?q=the+bin+podcast&docid=608055618723739015&mid=E9549342F841569F2237E9549342F841569F2237&view=detail&FORM=VIRE>, May 5, 2022

Anna Saunders, *Huntington Strikes Continue; Law Professor Talks What It Means To Bargain in Good Faith*, WCHSTV, <https://wchstv.com/news/local/huntington-strikes-continue-law-professor-talks-what-it-means-to-bargain-in-good-faith>, Nov. 23, 2021

June Leffler, *Q&A: WVU Law Professor On The Legality Of Vaccine Requirements*, WV Public Radio, <https://www.wvpublic.org/health-science/2021-08-17/q-a-wvu-law-professor-on-the-legality-of-vaccine-requirements>, Aug. 17, 2021

*The Poor People's Campaign Demonstrate in Joe Manchin's West Virginia*, Background Briefing with Ian Masters, <https://podtail.com/en/podcast/background-briefing-with-ian-master-s/june-14-2021-orville-schell-gideon-levy-anne-marie/>, June 14, 2021

*As Joe Manchin Exerts More Power Over Biden's Agenda, an Analysis of What Motivates His Stance*, <https://podtail.com/en/podcast/background-briefing-with-ian-master-s/april-8-2021-anne-marie-lofaso-patrick-blanchfield/>, Background Briefing with Ian Masters, Apr. 8, 2021

Supreme Court Weighing Future of Affordable Care Act, KDKA TV, CBS TV Pittsburgh, CBS TV Cleveland, [Supreme Court Weighing Future Of Affordable Care Act - Bing video](#), Nov. 11, 2020

Rachel Urbanski, Eyewitness News, ABC channel 8, *Governor Justice Addresses Mandatory Mask questions*, <https://wchstv.com/news/local/governor-justice-addresses-mandatory-mask-questions>, June 22, 2020

Emily McNamara, *WVU Professors Speak About Religious Freedoms Being Impacted by COVID-19*, WBOY TV 12, <https://www.localdvm.com/news/west-virginia/wvu-professors-speak-about-religious-freedoms-being-impacted-by-covid-19/>, May 4, 2020

*WVU Law Professor: Shutdown Not Legal; Cites Violations of 5th, 13th Amendment Rights*, WARJ, <https://wajr.com/wvu-law-professor-shutdown-not-legal-cites-violations-of-5th-13th-amendment-rights/>, Jan. 16, 2019

Atyia Collins, *Taylor County Constitution Day Celebrated in Grafton*, WBOY, <https://www.wboy.com/news/taylor/taylor-county-constitution-day-celebrated-in-grafton/1455381534>, Sept. 17, 2018

*Hopeful Signs for Labor From Popular Teacher's Strikes* - Anne Marie Lofaso, Background Briefing with Ian Masters, <https://soundcloud.com/user-830442635/hopeful-signs-for-labor-from-popular-teachers-strikes-anne-marie-lofaso>, Sept. 3, 2018

*Religion, the Supreme Court, and Why It Matters*, NPR (Sarah McCammon, reporter) <https://www.npr.org/2018/07/07/626711777/religion-the-supreme-court-and-why-it-matters>, Jul. 7, 2018

KD/PG Sunday Edition Part 2, <https://www.msn.com/en-gb/video/other/kd-pg-sunday-edition-part-2-07-01-2018/vp-AAzqMQg>, Jul. 1, 2018 (discussing Justice Kennedy's retirement)

*WV's Teachers Take on Corrupt and Indifferent State Government*, Background Briefing with Ian Masters, <https://soundcloud.com/user-830442635/west-virginias-teachers-take-on-a-corrupt-and-indifferent-state-government-anne-marie-lofaso>, Mar. 6, 2018

*Sexual Harassment in the Workplace*, Radio Guest on the Gary Bowden Show, AJR News Network, [https://www.podomatic.com/podcasts/ajrnewsnetwork/episodes/2017-11-13T09\\_50\\_06-08\\_00](https://www.podomatic.com/podcasts/ajrnewsnetwork/episodes/2017-11-13T09_50_06-08_00), aired live on Nov. 10, 2017

U92 WVU Radio Interview, Feedback, Censorship and Freedom of Expression, 7-8 pm, Oct. 26, 2017 (discussing Kaepernick and the U.S. National Anthem Protests)

KD/PG Sunday Edition Parts 1 and 2, Apr. 16, 2017 (discussing Neil Gorsuch's nomination to the United States Supreme Court)

## SELECTED VIDEOS

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Kate White, *WVU Law Professors Urge Capito, GOP To Meet with Supreme Court Nominee*, CHARLESTON GAZETTE-MAIL, posted Apr. 26, 2016, <http://www.wvgazettemail.com/news/20160426/wvu-law-professors-urge-capito-gop-to-meet-with-supreme-court-nominee>

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Vimbai Chikomo, *Two WVU Professors Get Published on the Oxford Human Rights Hub Blog*, WEST VIRGINIA RECORD, posted Dec. 22, 2015, <http://wvrecord.com/stories/510654129-two-wvu-professors-get-published-on-the-oxford-human-rights-hub-blog>

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Kyla Asbury, *WVU To Present Lecture to Students Interested in Law School*, WEST VIRGINIA RECORD, posted Feb. 18, 2013, <http://wvrecord.com/stories/510604487-wvu-to-present-lecture-for-students-interested-in-law-school>

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Jenny Brown, *On Its Own, Obama's OSHA Falling Short*, LABOR NOTES, Mar. 28, 2011, <http://labornotes.org/2011/03/its-own-obamas-osh-falling-short>

Joseph L. Conn, *Inappropriate: Baltimore Principal Leads Students in Prayer*, OPPOSING VIEWS, Mar. 14, 2011, <http://www.opposingviews.com/i/inappropriate-baltimore-principal-leads-students-in-prayer>

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*GC Seeks Tougher Remedies in First Contract Cases*, CCH LABOR LAW REPORTS, Jun. 27, 2007

### **FUNDRAISING**

**C. EDWIN BAKER ENDOWED LECTURE ON LIBERTY, EQUALITY, AND DEMOCRACY**, Morgantown, WV (annual lecture series)

### **SERVICE**

#### **University of Cincinnati University Service**

College of Law Senator, Faculty Senate

#### **West Virginia University Service**

WVU Parliamentarian, Faculty Senate, 2021–2024

*Faculty Advisor*, WVU Graduate and Professional Student Senate, 2016–2024

*Member*, Pearl S. Buck Advisory Committee, 2016–2019

*Member*, Pearl S. Buck Award Committee, 2015–2019

*Member*, WVU Teaching and Learning Commons Faculty Advisory Council, 2015–2018

*Co-leader*, 50th Anniversary Celebration of the Formation of the National Endowment for the Arts and the National Endowment for the Humanities Committee, 2015

*Co-leader*, Humanities Center Investigatory Committee, 2015 (drafted agreement creating WVU Humanities Center)

*Member*, Disappearing Task Force on WVU Libraries' Digital Presence in the 21st Century, 2015

*Member*, Health Disparities Research Committee, 2015

*College of Law Senator*, Faculty Senate, 2013–2016, 2010–2013 terms (peer-elected position)

*Peer Reviewer*, Internal Grants Committee, 2014–present

*Representative*, Senate Committee on Student Rights and Responsibilities, 2013–2014

*Member*, Search Committee, Assistant Vice President for Creative and Scholarly Activity, 2013

*Member*, Charles Darwin 200th Birthday Celebration Committee, 2008–09

#### **University of Cincinnati College of Law Committee Service**

*Member*, Professional Development Committee, 2025

*Member*, Adjunct Professor Review Committee, 2025

#### **West Virginia University College of Law Committee Service**

*Chair*, Faculty Development, 2022–2023, 2011–2015 (member since 2011)

*Member*, Diversity Committee, 2022–2023, 2017–2018

*Chair*, Adjunct Professor Review Committee, 2017–2022

*Chair*, Student Conduct Committee, 2020–present

*Member*, International Programs Committee, spring 2010, 2016–2021

*Member*, Strategic Initiatives Committee, 2018–2019

*Member*, Academic Standards Committee, 2016–2017

*Faculty Appointments*, 2008–2015

*Co-Chair*, 2011–2015

*Co-Chair*, Library Director Search, 2012–2013

*Chair*, Faculty Significant Scholarship Award Prize Committee 2013

*Member*, Promotion and Tenure, 2013–2015, 2011–2012 (peer-elected position)



*Member*, Academic and Strategic Planning, 2007–2013

*Chair*, Externship Taskforce, 2008–2009

*Chair*, Faculty Retreat Committee, spring 2009

**University of Cincinnati College of Law Faculty Advisor**

Labor and Employment Law Society, 2025–present

**West Virginia University College of Law Faculty Advisor**

Labor Law Society, 2007–present

Sports and Entertainment Law Society, 2016–present

West Virginia Employment Lawyers' Association, Student Chapter, 2018–2024

WVU Graduate and Professional Student Senate, 2016–present

ACS for Law and Policy, 2009–2013, 2016–2024

WV ACLU, Student Chapter, 2021–2024

Law Review, 2015–2016

Moot Court Board, 2007–2015

WVU Energy and Sustainability Moot Court Competition, 2010–2015

Women's Law Caucus, 2008–2012

Jewish Law Student Association, 2008–2009

ABA L&E Trial Advocacy Competition, 2008–2010

**University of Cincinnati College of Law Faculty Mentor/Coach**

U.C. Immigration and Human Rights Law Review, Student Advisor, 2025–present

**West Virginia University College of Law Faculty Mentor/Coach**

WVU Team, Tulane Law School Professional Football Negotiation Competition, 2020

WVU Moot Court Team for the New York Law School Robert F. Wagner National Labor & Employment Law Moot Court Competition, 2007–2014, 2017–2018

Jessup International Law Moot Court Competition, 2007–2012

Law Review Student Note Advisor, 2007–2024

First Year Peer Group Mentor, 2007–2015, 2017–present

WVU Moot Court National Team, 2007–11

WVU National Appellate Advocacy Team, 2010

**ABA Service**

*Member*, Book Board, Litigation Section, American Bar Association, since 2016

*Chair*, Special Projects Subcommittee, Appellate Practice Committee, Litigation Section, American Bar Association, 2006–present

**Community Service**

*Irish American Hall of Fame Screening Committee*, since 2012

*West Virginia State Advisory Committee to the United States Commission on Civil Rights*, Special Federal Government Employee, Nov. 18, 2015–Nov. 17, 2019, Nov. 18, 2019–Nov. 17, 2023

*Human Rights Commissioner*, City of Morgantown Human Rights Commission, 2012–June 2015 (ex officio member thereafter)

*Actor*, Schoolmarm, *A New Home for Liberty*, premier of play written to celebrate 150th anniversary (Sesquicentennial) of the creation of the State of West Virginia, Apr. 6, 2011

**PROFESSIONAL ASSOCIATIONS**

**American Bar Association**

- Litigation Section
  - *Chair*, Special Projects Subcommittee, Appellate Practice Committee

- Labor and Employment Law Section
  - Development of the Law under the NLRA Committee
  - International Labor Law Committee

**American Constitution Society for Law and Policy**

**LEGAL PRACTICE EXPERIENCE**

**National Labor Relations Board, Washington, D.C.**

**Senior Attorney, Supreme Court Branch, May 2004–January 2007**

- Charged with Supreme Court cases, significant appellate cases, and special projects
- Counseled NLRB on significant labor, employment, and administrative law issues involving or related to the NLRA
- Advised Office of Solicitor General on labor-related issues where U.S. filed amicus brief

**National Labor Relations Board, Washington, D.C.**

**Senior Attorney, Appellate Court Branch, March 1997–January 2007**

- Represented NLRB before U.S. Courts of Appeals defending NLRB decisions and orders
- Researched and wrote appellate briefs and petitions for rehearing en banc
- Managed all aspects of appellate litigation, including settlement discussions, court-sponsored mediations, and procedural matters
- Argued over two dozen cases before the courts of appeals

**National Labor Relations Board Professional Association, Washington, DC**

**Vice President, 2000–2003**

- Represented bargaining unit of approximately 150 professional employees
- Negotiated successor collective bargaining agreement
- Administered terms of collective bargaining agreement and adjusted grievances

**Shop Steward, Appellate Court Branch, 1998–2000, 2003–04**

**Catholic Charities, Washington D.C.**

**Pro Bono Attorney, 1997–2000**

Triaged low-income client complaints to pro bono attorneys based on subject matter

**The Honorable James L. Oakes, U.S. Court of Appeals for the Second Circuit**

**Law Clerk, July 1993–August 1994 (during leave of absence from Oxford)**

Performance award for outstanding service, 1994

**Milbank, Tweed, Hadley & McCloy, New York, NY**

**Associate, Bankruptcy/Business Reorganization Department, 1991–92**

**Summer Associate, Summers 1989 and 1990**

**New York City Commission on Human Rights, New York, NY**

**Pro Bono Attorney, 1991–92**

While working for Milbank, represented on a pro bono basis plaintiffs appearing before the Commission in employment discrimination cases arising under the NYC Human Rights Law

**Hale and Dorr, Boston, MA**

**Summer Associate, Summer 1990 (split summer with Milbank)**

**U.S. APPELLATE AND SUPREME COURT CLINIC CASES**

*Lora v. United States*, 143 S. Ct. 1713 (2023) (18 U.S.C. § 924(c)'s bar on concurrent sentences does not extend to sentences imposed under 18 U.S.C. § 924(j)) (9–0)

*Dawson v. Steager*, 139 S. Ct. 698 (2019) (West Virginia statute exempting from state taxation the pension benefits of certain state and local law enforcement officers, but not the federal pension benefits of retired federal marshals, violates the intergovernmental tax immunity doctrine, as codified in federal statute) (9–0)

*United States v. Hashimi*, 110 F.4th 621 (4th Cir. 2024)

*Alexander v. Connor*, 105 F.4th 174 (4th Cir. 2024)

*McCormick v. United States*, 72 F.4th 130 (6th Cir. 2023)

*Mays v. Smith*, 70 F.4th 198 (4th Cir. 2023)

*United States v. Fallin*, 2022 WL 2752527 (4th Cir., 2022)

*Portillo Flores v. Garland*, 3 F.4th 615 (4th Cir. 2021)

*Haze v. Harrison*, 961 F.3d 654 (4th Cir. 2020)

*Wilkerson v. Warden Williamsburg Fed. Correctional Inst.*, 830 F. App'x 108 (4th Cir. 2020)

*Reyes-Romero v. Barr*, 832 F. App'x 426 (6th Cir. 2020)

*Moss v. Atkinson*, 767 F. App'x 466 (4th Cir. 2019)

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*Martin v. Duffy*, 858 F.3d 239 (4th Cir. 2017)

*U.S. v. Santiago*, 632 F. App'x 769 (4th Cir. 2015)

*U.S. v. Hairston*, 754 F.3d 258, 258 (4th Cir. 2014)

*King v. U.S.*, 536 F. App'x 358, 359 (4th Cir. 2013)

*In re Ifenatuora*, 528 F. App'x 333 (4th Cir. 2013)

*Patel v. Napolitano*, 706 F.3d 370 (4th Cir. 2013)

*Wilkerson v. Warden Williamsburg Fed. Correctional Inst.*, 2020 WL 760397 (N.D. W.Va. 2020)

#### **SELECTED LABOR CASES**

*Fashion Valley Mall, LLC v. NLRB*, 524 F.3d 1378 (D.C. Cir. 2008)

*Fashion Valley Mall, LLC v. NLRB*, 42 Cal.4th 850, 172 P.3d 742 (2007) (reaffirming *Robins v. Pruneyard Shopping Ctr.*, 23 Cal.3d 899 (1979), *affirmed sub nom. PruneYard Shopping Ctr. v. Robins*, 447 U.S. 74 (1980) and holding that a shopping mall's anti-boycott regulation violates California's constitutional free speech provision)

*Fashion Valley Mall, LLC v. NLRB*, 451 F.3d 241 (D.C. Cir. 2006) (briefed and argued) (certifying question of state constitutional and property law to California Supreme Court)

*ITT Industries, Inc. v. NLRB*, 413 F.3d 64 (D.C. Cir. 2005) (briefed and argued)

*Walmart Foods v. NLRB*, 354 F.3d 870 (D.C. Cir. 2004) (briefed and argued)

*Walmart Foods v. NLRB*, 333 F.3d 223 (D.C. Cir. 2003) (briefed and argued)

*Aneco, Inc. v. NLRB*, 285 F.3d 386 (4th Cir. 2002) (argued)

*Scepter, Inc. v. NLRB*, 280 F.3d 1053 (D.C. Cir. 2002) (briefed and argued)

*NLRB v. Labor Ready, Inc.*, 253 F.3d 195 (4th Cir. 2001) (argued)

*BE&K Const. Co. v. NLRB*, 246 F.3d 619 (6th Cir. 2001) (briefed), reversed, 536 U.S. 516 (2002) (reversing NLRB decision)

*NLRB v. Ferguson Elec. Co.*, 242 F.3d 426 (2d Cir. 2001) (briefed and argued)

*Petrochem Insulation, Inc. v. NLRB*, 240 F.3d 26 (D.C. Cir. 2001) (briefed and argued)

*Frazier Indus. Co. v. NLRB*, 213 F.3d 750 (D.C. Cir. 2000) (briefed and argued)

*Vincent Industrial Plastics, Inc. v. NLRB*, 209 F.3d 727 (D.C. Cir. 2000) (briefed and argued)

*The Wackenhut Corp. v. NLRB*, 178 F.3d 543 (D.C. Cir. 1999) (briefed and argued)

*NLRB v. Kolkka*, 170 F.3d 937 (9th Cir. 1999) (briefed)

*NLRB v. Public Service, Electric & Gas Co.*, 157 F.3d 222 (3rd Cir. 1998) (briefed)

## **AWARDS AND HONORS**

### **Professional**

- 2024 Life Fellow, American Bar Foundation
- 2015 Fellow, College of Labor and Employment Lawyers
- 2005 NLRB Professional Association Peer Professionalism Award for the Advancement of Labor Law
- 2005 NLRB Professional Association Peer Professionalism Award for Outstanding Contributions in Fostering a Professional Workplace
- 1997–2006 Nine consecutive annual performance awards for outstanding service at NLRB
- 1994 Performance Award for Outstanding Service as a Federal Law Clerk

### **Scholarship**

- 2023 Salary Enhancement for six straight years of outstanding performance in scholarship, teaching, and service
- 2017 Salary Enhancement for six consecutive years of outstanding performance in scholarship, teaching, and service
- 2016 Keeley Visiting Fellow, Wadham College, University of Oxford
- 2015 Big XII Fellow – presented faculty colloquia and/or met with law faculty at all six Big XII law schools (Baylor, Texas, Texas Tech, Oklahoma, Kansas, WVU)
- 2014 Claude Worthington Benedum Distinguished Scholar Award
- 2011 West Virginia University College of Law Faculty Significant Scholarship Award
- 2010 ForeWord Book of the Year Award Finalist for REVERSING FIELD
- 2010 West Virginia University College of Law Faculty Significant Scholarship Award
- 2009 West Virginia University College of Law Faculty Significant Scholarship Award
- 2008 West Virginia University College of Law Faculty Significant Scholarship Award

### **Teaching/Mentoring**

- 2015 WEST VIRGINIA LAW REVIEW, VOL. 117, John W. Fisher II Faculty of the Year
- 2013 WVU Foundation, Outstanding University Professor of the Year
- 2013 WEST VIRGINIA LAW REVIEW, VOL. 115, John W. Fisher II Faculty of the Year
- 2009–10 West Virginia University College of Law Professor of the Year
- 2007–08 WEST VIRGINIA LAW REVIEW, Vol. 110, Outstanding Faculty Contribution Award

### **Service**

- 2011 West Virginia University Women’s Law Caucus Exceptional Women in the Law
- 2010 Mountain Honorary for service to West Virginia University and West Virginia

**BARS**

New York State, 1991

United States Supreme Court, 2002

U.S. Courts of Appeals for the 2d, 4th, 5th, 7th, 9th, 10th, D.C. Circuits, 1997–2000

U.S. District Courts for the Southern and Eastern Districts of New York, 1992

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