

**CURRICULUM VITAE**  
**OF**  
**KENNETH G. DAU-SCHMIDT**

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**EDUCATION:** Ph.D., Economics, University of Michigan, 1984  
J.D., University of Michigan Law School, 1981  
M.A., Economics, University of Michigan, 1981  
B.A., Econ. and Poli. Sci., Univ. of Wisconsin, 1978

**SPECIALI-  
ZATION:** Research Interests -- law and economics, labor and employment law, antitrust  
  
Courses Taught -- Law and Economics, Labor Law, Antitrust, Employment Law,  
Criminal Law, Collective Bargaining, Labor Economics  
  
Dissertation -- The Effect of Consumption Commitments on Labor Supply  
  
Ph.D. Fields -- Labor, Industrial Organization

**ADMINISTRATIVE  
EXPERIENCE:**

Associate Dean of Faculty Research, School of Law, Indiana University at Bloomington.  
Responsible for promoting law school faculty research, promoting applications for grants,  
mentoring untenured faculty, advising the Dean, sitting ex-officio on the law school's  
Promotion and Tenure Committee and Speakers Committee and representing the Law  
School in the greater University on matters of research. (August 2005 - August 2007)

Director, Center for Law, Society and Culture, School of Law, Indiana University at  
Bloomington. Responsible for running the law school's law & society program including  
our annual symposium and university wide workshop series. Responsible for founding  
and editing several SSRN electronic journals for working papers in law & society  
research. August 2002 - 2007. (Director August 2002- August 2004, Co-Director August  
2004 - August 2007)

## **TEACHING AND RESEARCH EXPERIENCE:**

Willard and Margaret Carr Professor of Labor and Employment Law, School of Law, Indiana University at Bloomington. Courses taught: Law and Economics, Labor Law, Employment Law, Employee Benefits Law, Antitrust, Poverty Law. August 1991 - Present (Visiting Professor August 1991-August 1992; Professor August 1992- August 1999; Appointed to the Carr Professorship in August of 1999)

Professor, School of Law, University of Wisconsin - Madison. Courses taught: Law and Economics, Bargaining Theory and American Labor Law, Employment Law and Criminal Law. August 1994 - August 1997.

Professor, College of Law, University of Cincinnati. Courses taught: Law and Economics, Labor Law, Antitrust, Collective Bargaining. August 1986 - August 1992 (Assistant Professor, August 1986-August 1989; Associate Professor August 1989-August 1991).

Instructor, Department of Economics, University of Cincinnati. Course taught: Collective Bargaining. August 1987 - August 1992.

Instructor, Industrial Relations Center, University of Minnesota. Course taught: Labor Economics. July 1984 - August 1984 (Summer Session).

Visiting Professor, Institut Für Internationales Recht, Christian-Albrechts-Universität zu Kiel, Kiel, Germany, May - June 1994, May - June 2000; Juristische Fakultät, Friedrich-Alexander-Universität Erlangen-Nürnberg, Erlangen, Germany, May - June 2002; Faculté de Droit, Université Panthéon-Assas (Paris II), Paris, France, November - December 2002, November 2003, February - March 2008; University of San Diego's Summer Law Study Abroad Program, College of Law for England and Wales, London, England, June - July 2004; the National University of Taiwan, Taipei, Taiwan, April 2019; and the Indiana Graduate Program for Judges, Nashville, Indiana, June 2004.

Adjunct Faculty Member, Peking University, School of Transnational Law, Shenzhen, China, April - May 2010, November - December 2010, November - December 2011, November - December 2013, November - December 2017, November -December 2019, October-December 2021 (Zoom), February-April 2022 (Zoom).

## **PRACTICE EXPERIENCE:**

Arbitrator and Mediator, Private and Public Labor and Employment Cases, 1991- Present

Associate with Previant, Goldberg & Uelmen, Milwaukee, Wisconsin. Counsel to the IBT, IAM, IBEW, AIW and the Wisconsin State AFL-CIO. Primary duties: represented union clients in litigation, arbitration, and negotiation. March 1985 - August 1986.

Counsel for the Labor-Management Relations Committee, Minnesota House of Representatives, Minneapolis, Minnesota. Primary duties: legal and economic analysis of state laws and programs, recodified Minnesota's Public Employee Labor Relations Act, and drafted major bills in the areas of workers' compensation and unemployment compensation. September 1982 - March 1985.

Clerk, UAW Legal Department, Solidarity House, Detroit, Michigan. Primary duties: drafted legal memos and briefs for union counsel. May 1980 - August 1980.

**SCHOLASTIC  
HONORS:**

- The Industrial Relations Research Association Excellence in Education Award (2004)
- The Leon H. Wallace Teaching Award (2003) (This is the Indiana University School of Law's top teaching award)
- Sylvia Bowman Award for Teaching Excellence, Indiana University (2003) (This is a University-wide award, only one is granted a year)
- Willard and Margaret Carr Professor of Labor and Employment Law (1999 - present)
- Teaching Excellence Recognition Award (Indiana University School of Law, 1998)
- John S. Hastings Faculty Fellowship for Scholarly Achievement (Indiana University School of Law, 1998)
- Leonard D. Fromm Public Interest Faculty Award (Indiana University School of Law 1997)
- John S. Hastings Faculty Fellowship for Scholarly Achievement (Indiana University School of Law, 1997)
- Ira C. Batman Faculty Fellowship for Scholarly Achievement (Indiana University School of Law, 1996)
- Charles L. Whistler Faculty Fellowship for Scholarly Achievement (Indiana University School of Law, 1995)
- Louis F. Niezer Faculty Fellowship for Scholarly Achievement (Indiana University School of Law, 1993)
- Winner of the Association of American Law Schools' 1990 Scholarly Paper Competition
- Commendation for Teaching Excellence (Goldman Committee, University of Cincinnati College of Law, 1990)
- Parker Award for the best paper in labor economics (Michigan Dep't of Economics, 1984).
- Ely Award for Academic Achievement (Wisconsin Dep't of Economics, 1978)
- Davis Award for Work in Constitutional Law (Wisconsin Dep't of Political Science, 1978)
- Graduated with honors from the University of Michigan Rackham Graduate School, University of Michigan Law School and the University of Wisconsin.
- Coif, Phi Beta Kappa, Phi Kappa Phi, and Omicron Delta Epsilon Honor Societies

**GRANTS AND  
FELLOWSHIPS:**

Law School Admissions Council Grant-\$158,800 (for work on *The Production, Content, and Consumption of Legal Scholarship: A Longitudinal Analysis*, 2006-09) (with William Henderson, Andrew Morriss and Olufunmilayo Arewa)

Law School Admissions Council Grant-\$163,503 (for work on *Gender and the Legal Profession*, 2004-07) (with Marc Galanter and Kathleen Hull)

President's Council on International Programs Grant-\$500 (Indiana University, 1994)

Center for West European Studies Grant-\$500 (Indiana University, 1994)

Fund for Labor Relations Grant-\$1,300 (for work on *A Bargaining Analysis of American Labor Law* ..... 1991)

Humphrey and Sharfman Fellow-\$10,000 (University of Michigan's Joint Program in Law and Economics, 1978-82)

**BOOKS:**

LEGAL PROTECTION FOR THE INDIVIDUAL EMPLOYEE (West Publishing Co., 6<sup>th</sup> ed., 2021) (with MATTHEW W. FINKIN, RUBEN J. GARCIA, & JASON R. BENT).

LABOR LAW IN THE CONTEMPORARY WORKPLACE (West Publishing Co., 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> eds., 2009, 2014 and 2019) (with MARTIN H. MALIN, ROBERTO L. CORRADA, CHRISTOPHER DAVID RUIZ CAMERON & CATHERINE L. FISK).

LEGAL PROTECTION FOR THE INDIVIDUAL EMPLOYEE (West Publishing Co., 4<sup>th</sup> and 5<sup>th</sup> eds., 2011 and 2016) (with MATTHEW W. FINKIN & ROBERT N. COVINGTON).

LABOR AND EMPLOYMENT LAW AND ECONOMICS (Elgar Publishing Co. 2009) (with SETH D. HARRIS & ORLY LOBEL).

LEGAL RIGHTS AND INTERESTS IN THE WORKPLACE (Carolina Academic Press 2007) (with CLYDE W. SUMMERS & ALAN HYDE).

LEGAL PROTECTION FOR THE INDIVIDUAL EMPLOYEE (West Publishing Co. 3rd ed. 2002) (with MATTHEW W. FINKIN, ALVIN L. GOLDMAN & CLYDE W. SUMMERS).

LABOR AND EMPLOYMENT LAW: CASES AND MATERIALS (West Publishing Co. 3rd ed. 2002) (with ROBERT J. RABIN, EILEEN SILVERSTEIN AND GEORGE SCHATZKI).

LAW AND ECONOMICS ANTHOLOGY (Anderson Publishing Co. 1998) (with THOMAS S. ULEN).

## ARTICLES AND PAPERS:

- Racial and Ethnic Ancestry of the Nation's Black Law Students: An Analysis of Data from the LSSSE Survey*, forthcoming BERKELEY J. OF AFRICAN-AMER. LAW & POL. (2022)(with Kevin D. Brown).
- Men and Women of the Bar: A second Look at the Impact of Gender on Legal Careers*, forthcoming the J. OF THE LEGAL PROF. (2022)(with Kaushik Mukhopadhyaya).
- Does US Federal Employment Law Now Cover Caste Discrimination Based on Untouchability? If All Else Fails There Is the Approach from Bostock V Clayton County*, forthcoming 46 N.Y.U. REV. OF LAW & SOC. CHANGE (2022) (with Kevin D. Brown, Annapurna Waughray, and Lalit Khandare).
- The American Experience with Employee Noncompete Clauses: Constraints on Employees Flourish and Do Real Damage in the Land of Economic Liberty*, forthcoming in the COMP. LAB. L. & POL. J. (2022)(with Xiaohan Sun and Phillip J. Jones).
- O Brother Where Art Thou?: The Struggles of African American Males in the Global Economy of the Information Age*, 8 IND. J.L & SOC. EQUALITY 1 (2020).  
<https://www.repository.law.indiana.edu/ijlse/vol8/iss1/1/>
- The Problem of "Misclassification" or How to define who is an "Employee" Under Protective Legislation in the Information Age*, in THE CAMBRIDGE HANDBOOK OF U.S. LABOR LAW: REVIVING AMERICAN LABOR FOR A 21ST CENTURY ECONOMY (Cambridge University Press, Richard Bales & Charlotte Garden, eds., 2019).
- The American Law Institute's Restatement of Employment Law: Comments and Critiques*, 21 EMP. RTS & EMP. POL. J. 245-64 (2017). This is the introductory essay for the symposium I organized on the Restatement of Employment Law held at the Indiana University, Maurer School of Law, in Bloomington, IN (November 18-19th, 2016).
- The Impact of Emerging Information Technologies on the Employment Relationship: New Gigs for Labor and Employment Law*, 2017 U. CHI. LEGAL F. 63-94 (2017). This article was prepared as part of the University of Chicago Legal Forum on "Law and the Disrupted Workplace."
- Trade, Commerce, and Employment: The Evolution of the Form and Regulation of the Employment Relationship in Response to the New Information Technology*, in THE OXFORD HANDBOOK OF LAW, REGULATION, AND TECHNOLOGY, CHAPTER 43, pp. 1052-1074 (Roger Brownsword, Eloise Scotford, and Karen Yeung eds., 2017).
- Labor Law 2.0: The Impact of New Information Technology on the Employment Relationship and the Relevance of the NLRA*, 64 EMORY L. J. 1583-1609 (2015). This article was written as part of a national symposium "The National Labor Relations Board after Eighty Years" held at Emory University School of Law.
- Law and Economics, Empirical Dimensions*, in THE INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL AND BEHAVIORAL SCIENCES, 2<sup>ND</sup> ED. 454-460 (JAMES D. WRIGHT, ET AL, EDS., 2015) (with Brian J. Broughman).

*The Relative Bargaining Power of Employers and Unions in the Global Information Age: A Comparative Analysis of the United States and Japan*, in ENTERPRISE LAW: CONTRACTS, MARKETS, AND LAWS IN THE US AND JAPAN 81-99 (ZENICHI SHISHIDO ED. 2014), an earlier version of this article appeared in 20 IND. INT'L & COMP. L. REV. 1 (2010) (with Benjamin C. Ellis).

*Undermining or Promoting Democratic Government? An Economic and Empirical Analysis of Public Sector Collective Bargaining*, 14 NEV. L. J. 414-443 (2014). An edited version of this paper appears in at 16(4) ILL. PUB. EMPLOYEE REL. REPORT 1-15 (2012) (with Mohammad Khan).

*Promises to Keep: Ensuring the Payment of Americans' Pension Benefits in the Wake of the Great Recession*, 52 WASHBURN L. REV. 393-428 (2013).

*The Employment and Economic Advancement of African-Americans in the Twentieth Century*, 1 JINDAL J. OF PUB. POL. 95-116 (2013) (with Ryland Sherman). Available at [http://www.jsgp.edu.in/Journal/PDF/Chapter6\\_KennethGlennDau-SchmidtandRylandSherman.pdf](http://www.jsgp.edu.in/Journal/PDF/Chapter6_KennethGlennDau-SchmidtandRylandSherman.pdf).

*Introduction: Guaranteeing the Rights of Public Employees*, 16 EMP. RTS. & EMP. POL'Y J. 533 (2012) (with Ann C. McGinley).

*The Great Recession, the Resulting Budget Shortfall, the 2010 Elections and the Attack on Public Sector Collective Bargaining in the United States*, 29 HOFSTRA LABOR & EMP. L. J. 407 (2012) (with Winston Lin). An edited version of this article appears in 2(26) ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES ARBEITS- UND SOZIALRECHT (ZIAS) 160-173 (2012).

*Keynes Was Right!*, 87 IND. L. J. 59 (2012).

*Swimming in the Crosscurrents of History: Labor and Employment Law Under the Obama Administration*, 87 IND. L. J. 1 (2012) (with Matthew Kelley).

*Promoting Employee Voice in the American Economy: A Call for Comprehensive Reform*, 94 MARQUETTE L. REV. 765 (2011). This paper was presented as the principal paper in a conference on "Promoting Employee Voice" held in honor of my scholarship as part of Marquette's Distinguished Speakers Series. Available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1919041](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1919041). Portions of this article are reproduced in S. HARRIS, ET AL, MODERN LABOR LAW IN THE PRIVATE AND PUBLIC SECTORS: CASES AND MATERIALS (2013).

*The Whole is Greater than the Sum of the Parts: Analyzing Legal Problems in and Endogenous World*, 91 B.U.L.REV. 385 (2011) (invited comment).

*Review of Labor and Employment Decisions from the Supreme Court's 2008-2009 Term*, 25 ABA J. LAB. & EMP. L. 107 (2010) (with Todd Dvorak), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1595049](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1595049).

*Men and Women of the Bar: An Empirical Study of the Impact of Gender on Legal Careers*, 16 MICH. J. GENDER & L. 49 (2009) (with Marc Galanter, Kaushik Mukhopadhaya & Kathleen E. Hull), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1017362](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1017362).

- “Old and Making Hay:” The Results of the Pro Bono Institute Firm Survey on the Viability of a “Second Acts” Program to Transition Attorneys to Retirement Through Pro Bono Work*, 7 COLUM. J. ETHICS LEGAL PROF. 321 (2009) (with Esther F. Lardent, Reena N. Glazer and Kellen Ressimyer), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1215190](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1215190).
- Regulating Unions and Collective Bargaining*, in LABOR AND EMPLOYMENT LAW AND ECONOMICS (Kenneth Glenn Dau-Schmidt, Seth D. Harris & Orly Lobel eds., 2009) (with Arthur R. Traynor), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1215185](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1215185).
- A Conference on the American Law Institute’s proposed Restatement of Employment Law*, 13 EMP. RTS & EMP. POL. J. 1 (2009), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1396696](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1396696).
- Solving the Employee Reference Problem: Lessons From the German Experience*, 57 AM. J. COMP. L. 387 (2009) (with Matthew Finkin), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1215189](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1215189).
- The Kid Factor*, THE AMERICAN LAWYER (April 2008) at 89 (with Marc Galanter, Kathleen E. Hull & Kaushik Mukhopadhaya).
- Income and Career Satisfaction in the Legal Profession: Survey Data from Indiana Law Graduates*, 4 J. EMP. LEGAL STUD. 939 (2007) (with Jeffrey E. Stake & Kaushik Mukhopadhaya), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1268991](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1268991).
- The Changing Face of Collective Representation: The Future of Collective Bargaining*, 82 U. CHI.-KENT L. REV. 903 (2007), 29<sup>th</sup> Annual Piper Lecture, Chicago-Kent University School of Law, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=967454](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=967454) .
- Governance of the Workplace: The Contemporary Regime of Individual Contract*, 28 COMP. LAB. L. & POL. J. 313 (2007) (with Timothy A. Haley), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=967473](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=967473).
- Economic Models*, in THE ENCYCLOPEDIA OF LAW AND SOCIETY: AMERICAN AND GLOBAL PERSPECTIVES (David S. Clark ed., 2007).
- Economic Analysis of Labor Law*, in THE ENCYCLOPEDIA OF LAW AND SOCIETY: AMERICAN AND GLOBAL PERSPECTIVES (David S. Clark ed., 2007) (with Jack P. Gibbs).
- The American Experience with Union Exclusive Representation in Industrial Relations: Implications for the Debate over Korean Labor Law Reform and Plural Unionism*, 3 YOUNGSAN L. J. 103 (2006) (with Ryan Vann), prepared for a Conference on “Seeking a Vision of Labor-Management Reform to Enhance Competitiveness,” Korean Institute for Industrial Economics and Trade (KIET), Seoul, Korea (November 3, 2005), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=837406](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=837406).
- “The Pride of Indiana”: An Empirical Study of the Law School Experience and Careers of Indiana University School of Law--Bloomington Alumni*, 81 IND. L. J. 1427, 1427-78

(2006) (with Jeffrey E. Stake, Kaushik Mukhopadhaya & Timothy A. Haley), available at <http://ssrn.com/abstract=875908>.

*Protecting Families in a Global Economy*, 13 IND. J. GLOBAL LEGAL STUD. 165 (2006) (with Carmen L. Brun). This article was written for a symposium on “Globalization and the New Politics of Labor” held at the Indiana University Maurer School of Law–Bloomington, February 11-12, 2005, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=837424](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=837424).

*Lost in Translation: The Economic Analysis of Law in the United States and Europe*, in WELTINNENRECHT LIBER AMICORUM JOST DELBRÜCK, Veröffentlichungen des Walther-Schücking-Instituts für Internationales Recht an der Universität Kiel, Band 155, Seiten 131–46 (Klaus Dicke, Stephan Hobe, Karl-Urich Meyn, Anne Peters, Eibe Riedel, Hans-Joachim Schütz & Christian Tietje (Hrsg.), Berlin 2005) (with Carmen L. Brun). This essay also appears at 44 CO. J. TRANSNAT’L L. 602 (2006), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=884250](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=884250).

*The Story of NLRB v. Truitt Manufacturing Co. and NLRB v. Insurance Agents’ International Union: The Duty to Bargain in Good Faith*, in LABOR LAW STORIES 107 (Laura Cooper & Catherine Fisk eds., 2005), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=661643](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=661643).

*An Alternative Economic Analysis of the Regulation of Unions and Collective Bargaining*, in LAW & ECONOMICS: ALTERNATIVE ECONOMIC APPROACHES TO LEGAL AND REGULATORY ISSUES (Margaret Oppenheimer & Nicholas Mercurio eds., 2004), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=661621](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=661621).

*The Definition of “Employee” in American Labor and Employment Law*, 53 BULL. COMP. LAB. REL. 59 (2004) (with Michael D. Ray). This article was written as the USA National Paper for an International Seminar on Comparative Labour Law hosted by the Japan Institute for Labour Policy and Training, available at <http://www.jil.go.jp/english/index.html>. It is reprinted as Chapter 8 in LABOR LAW IN MOTION: DIVERSIFICATION OF THE LABOUR FORCE & TERMS AND CONDITIONS OF EMPLOYMENT 59-70 (Roger Blanpain, Takashi Araki & Shinya Ouchi eds., 2005).

*Individual Bargaining, Collective Bargaining and Protective Legislation: Determining the Terms and Conditions of Employment in the Modern American Employment Relationship*, 53 BULL. COMP. LAB. REL. 183 (2004) (with Carmen L. Brun). This article was written as the USA National Paper for an International Seminar on Comparative Labour Law hosted by the Japan Institute for Labour Policy and Training, available at <http://www.jil.go.jp/english/index.html>. It is reprinted as Chapter 16 in LABOR LAW IN MOTION: DIVERSIFICATION OF THE LABOUR FORCE & TERMS AND CONDITIONS OF EMPLOYMENT 183-203 (Roger Blanpain, Takashi Araki & Shinya Ouchi eds., 2005).

*High Velocity Labor Economics: A Review Essay of “Working in Silicon Valley: Economic and Legal Analysis of a High-Velocity Labor Market” by Alan Hyde*, 6 U. PA. J. LAB. & EMP. L. 847 (2004).

*Teaching in a Larger Social Context: Using Simulations to Demonstrate Socio-economic Principles and Their Relevance to Law*, 41 SAN DIEGO L. REV. 75 (2004) (with Jeffrey E.



Stake).

*Models in Social Science: A Review of "Law and Public Policy: A Socioeconomic Approach"* by Lynne Dallas, 41 SAN DIEGO L. REV. 441 (2004).

*Pittsburgh, City of Bridges: Developing a Rational Approach to Interdisciplinary Discourse on Law*, 38 L. & SOC. REV. 199 (2004). (Invited Comment on Lauren Edelman's 2003 Presidential Address to the Law and Society Association).

*Law and Economics*, in LEGAL SYSTEMS OF THE WORLD: A POLITICAL, SOCIAL AND CULTURAL ENCYCLOPEDIA 856-60 (Herbert Kritzer ed., 2002).

*Law and Economics, Empirical Dimensions*, in THE INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL AND BEHAVIORAL SCIENCES (Neil J. Smelser & Paul B. Baltes eds., 2001).

*Employment in the New Age of Trade and Technology: Implications for Labor and Employment Law*, 76 IND. L. J. 1 (2001). Published as part of the Indiana University Symposium "New Rules for a New Game: Regulating Employment Relationships in the 21st Century" celebrating the gift of the Willard and Margaret Carr Professorship in Labor and Employment Law, Bloomington, Indiana (September 23-24, 1999). Portions of this article have been reprinted in MARION G. CRAIN, MICHAEL L. SELMI AND PAULINE T. KIM, WORK LAW CASES AND MATERIALS (2005), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=718161](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=718161).

*Labor Law and Industrial Peace: A Comparative Analysis of the United States, the United Kingdom, Germany and Japan Under the Bargaining Model*, 8 TULANE J. INT'L & COMP. L. 117 (2000). This article has been reprinted in the Working Papers Series of New York University's Center for Labor and Employment Law (Samuel Estreicher & Michael J. Yelnosky eds., 2001), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=712211](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=712211).

*International Regulation of the Employment Relationship in the New Age of Trade and Technology: International Labour Organization Standards and the Decline of Lifetime Employment*, 43 GERMAN Y.B. INT'L L. 149 (2000).

*The First Century of Department of Justice Antitrust Enforcement*, 17 REV. INDUS. ORG. 75 (2000) (with Joseph C. Gallo, Joseph L. Craycraft & Charles J. Parker). This article has been reprinted in CRITICAL WRITINGS IN ECONOMICS, VOLUME II: CARTELS (Stephen Salant & Margaret Levenstein eds., 2005) available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=712745](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=712745).

*Family Gatherings and a Dirty Little Secret of the Law and Society Movement*, 33 L. & SOC. REV. 1081 (1999).

*The Fruits of Our Labors: An Empirical Study of the Distribution of Income and Job Satisfaction over the Legal Profession*, 49 J. LEGAL EDU. 342 (1999) (with Kaushik Mukhopadhyaya), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=712222](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=712222).

*Preference Shaping by the Law*, in 3 THE NEW PALGRAVE DICTIONARY OF ECONOMICS AND THE LAW 84 (Peter Newman ed., 1998).

*Laboring in the Academic Marketplace: The Case for Tenure*, 1 EMP. RTS. & EMP. POL'Y J. 293 (1997).

*Economics and Sociology: The Prospects for an Interdisciplinary Discourse on Law*, 1997 WIS. L. REV. 389 (1997), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=712702](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=712702).

*Smoking in the Washroom of the Chicago School: A Reply to Crespi*, 22 L. & SOC. INQUIRY 171 (1997).

*On Game Theory and the Law*, 31 L. & SOC. REV. 613 (1997) (with Jeffrey E. Stake, Eric Rasmusen, Robert H. Heidt & Michael Alexeev).

*An Empirical Study of the Effect of Liquidity and Consumption Commitment Constraints on Intertemporal Labor Supply*, 23 J. ECON. 89 (1997).

*Dividing the Surplus: Will Globalization Give Women a Larger or Smaller Share of the Benefits of Cooperative Production?*, 4 IND. J. GLOBAL L. STUD. 51 (1996). This comment was written at the invitation of the Indiana Journal of Global Legal Studies as part of a symposium on feminism and globalization.

*Employment Security: A Comparative Institutional Debate*, 74 TEX. L. REV. 1645 (1996). This comment was written at the invitation of the University of Texas Law Review as part of a symposium on employment law.

*The Labor Market Transformed: Adapting Labor and Employment Law to the Rise of the Contingent Workforce*, 52 WASH. & LEE L. REV. 879 (1995). This essay was written at the invitation of the Washington and Lee Law Review as part of a symposium on contingent workers.

*Legal Prohibitions as More Than Prices: The Economic Analysis of Preference Shaping Policies in the Law*, in LAW AND ECONOMICS: NEW AND CRITICAL PERSPECTIVES 153 (Robin Paul Malloy & Christopher K. Braun eds., 1995).

*Criminal Penalties under the Sherman Act: A Study in Law and Economics*, 16 RES. L. & ECON. 25 (1994) (with Joseph Gallo, Joseph Craycraft & Charles Parker), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=712721](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=712721).

*Meeting the Demands of Workers Into the Twenty-First Century: The Future of Labor and Employment Law*, 68 IND. L. J. 685 (1993), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=718181](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=718181). This essay was written at the invitation of the Indiana Law Journal as part of an issue celebrating the sesquicentennial of the Indiana University School of Law.

*A Bargaining Analysis of American Labor Law and the Search for Bargaining Equity and Industrial Peace*, 91 MICH. L. REV. 419 (1992), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=712741](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=712741). Portions of this article have been reprinted in FOUNDATIONS OF LABOR AND EMPLOYMENT LAW (Samuel Estreicher & Stewart J. Schwab eds., 2000) and MICHAEL C. HARPER AND SAMUEL ESTREICHER, LABOR LAW: CASES AND MATERIALS (1996). The abstract of this paper has been translated to Mandarin and is available at: <https://uslaborlawob.com/2015/12/observation/271/>

*The Effect of Consumption Commitments and the Liquidity Constraint on Labor Supply*, 18 J. ECON. 49 (1992).

*An Agency Cost Analysis of the Sentencing Reform Act: Recalling the Virtues of Delegating Complex Decisions*, 25 U.C. DAVIS L. REV. 659 (1992), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=712742](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=712742). This essay was written at the invitation of the U.C. Davis Law Review as part of a symposium on the complexity of the U.S. Sentencing Guidelines.

*Relaxing Traditional Economic Assumptions and Values: Towards a New Multidisciplinary Discourse on Law*, 42 SYRACUSE L. REV. 181 (1991). This essay was written at the invitation of the Syracuse Law Review as part of a symposium on law, economics and semiotics.

*An Economic Analysis of the Criminal Law as a Preference Shaping Policy*, 1990 DUKE L.J. 1. This article was reprinted in MORALITY, RATIONALITY, AND EFFICIENCY: NEW PERSPECTIVES ON SOCIO-ECONOMICS (Richard M. Coughlin ed., 1991), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=712227](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=712227).

*Union Security Agreements under the NLRA: the Statute, the Constitution, and the Court's Opinion in Beck*, 27 HARV. J. ON LEGIS. 51 (1990), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=712162](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=712162). An edited version of this article is reprinted in THE INTERNAL GOVERNANCE AND ORGANIZATIONAL EFFECTIVENESS OF LABOR UNIONS: ESSAYS IN HONOR OF GEORGE BROOKS (Samuel Estreicher, Harry C. Katz & Bruce E. Kaufman eds., 2001).

*Comments on Commercial Speech, Constitutionalism, Collective Choice*, 56 U. CIN. L. REV. 1383 (1988). This comment was written at the invitation of the University of Cincinnati Law Review as part of a symposium on commercial speech and the First Amendment.

*Sentencing Antitrust Offenders: Reconciling Economic Theory with Legal Theory*, 9 WM. MITCHELL L. REV. 75 (1984), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=712167](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=712167).

*Minnesota's Workers' Right to Know Act of 1983*, 40(9) BENCH & BAR OF MINN. 12 (1983).

## **PUBLISHED CONFERENCE PROCEEDINGS AND PRESENTATIONS:**

*The Restatement of Employment Law: Perspectives of the Bench and Bar*, 21 EMP. RTS & EMP. POL. J. 645-71 (2017). This is an edited transcript of a panel discussion among practitioners and judges that I chaired at a symposium I organized on the Restatement of Employment Law held at the Indiana University, Maurer School of Law, in Bloomington, IN (November 18-19th, 2016).

*The Restatement of Employment Law: The View from Practice*, 21 EMP. RTS & EMP. POL. J. 545-62 (2017). This is an edited transcript of a panel discussion among practitioners that I chaired at a symposium I organized on the Restatement of Employment Law held at the Indiana University, Maurer School of Law, in Bloomington, IN (November 18-19th, 2016).

*Economic Analysis of Labor and Employment Law in the New Economy: Proceedings of the 2008 Annual Meeting, Association of American Law Schools, Section on Law and Economic, Law and Economics Section, Annual Meeting of the Association of American Law Schools, New York, NY (January 5, 2008). Published in 12(2) EMP. RTS. & EMP. POL'Y J. 350 (2008).*

*Round Table Discussion: What the Experiences of the Recent Past Tell Us About the Labor and Employment Law Issues of the Future, Indiana University Symposium "New Rules for a New Game: Regulating Employment Relationships in the 21st Century" celebrating the gift of the Willard and Margaret Carr Professorship in Labor and Employment Law, Bloomington, Indiana (September 23-24, 1999). A transcript of my comments can be found at 76 IND. L.J. 177 (2001).*

*Bargaining Theory and Canadian Labour Law, Annual Meeting of the Canadian Industrial Relations Association, Learned Societies Conference, Charlottetown & Prince Edward Island, Canada (June 6, 1992). Published in 2 THE INDUSTRIAL RELATIONS SYSTEM: PROCEEDINGS OF THE XXIXTH CONFERENCE OF THE CANADIAN INDUSTRIAL RELATIONS ASSOCIATION 753 (T.S. Kuttner ed., 1993).*

*The Lavigne Case: Comments on Presented Papers from an American Perspective, Annual Meeting of the Canadian Industrial Relations Association, Learned Societies Conference, Charlottetown, Prince Edward Island, Canada (June 5, 1992). Published in 1 THE INDUSTRIAL RELATIONS SYSTEM: PROCEEDINGS OF THE XXIXTH CONFERENCE OF THE CANADIAN INDUSTRIAL RELATIONS ASSOCIATION 241 (T.S. Kuttner ed., 1993).*

*Comments on Presented Papers on Labor Law, Corporate Law Symposium, University of Cincinnati College of Law (March 9, 1989). A transcript of my comments can be found at 58 U. CIN. L. REV. 438 (1989).*

## **PRESENTATIONS:**

"Racial and Ethnic Ancestry of the Nation's Black Law Students: An Analysis of Data from the LSSSE Survey," Empirical Legal Studies Section, Annual Meeting of the Association of American Law Schools (Online)(January 6, 2022).

"The Art of Social Science Modeling: An Economic Analysis of Criminal Law," Law as Science Graduate Colloquium, Indiana University, School of Law, Bloomington, Indiana (Online)(October 14, 2021).

"Compelled Speech and its Sociopolitical Implications," Moderator, Indiana Law Journal Symposium on "Compelled Speech: The Cutting Edge of First Amendment Jurisprudence", Indiana University, School of Law, Bloomington, Indiana (Online) (March 5, 2021).

"The Pandemic and the People: Social Justice Implications of COVID-19: Business & Employment Law Panel," University of California, Hastings School of Law, San Francisco, California (Online) (February 18, 2021).

- “NLRB Rule-making and Adjudication: Which is Better? When?,” Chicago Kent University, College of Law, Hot Topics in Contemporary Labor Relations Law, Chicago, Illinois (Online)(October 15, 2020).
- “Of Employees and Independent Contractors: California’s AB5 and Beyond,” Indiana Journal of Law and Social Equality Symposium on “Social Equality in the ‘Sharing Economy’?,” Indiana University, Maurer School of Law, Bloomington, Indiana (February 13, 2020).
- “The Problem of ‘Misclassification’ or How to Define Who is an ‘Employee’ Under Protective Legislation in the Information Age,” Peking University, School of Transnational Law, Shenzhen, China (December 18, 2019).
- “The Impact of Information Technology on Work and Work Relationships: New Problems in Labor and Employment Law,” Xiamen University, Faculty of Law, Xiamen, China (December 12, 2019).
- “Employment Relationships in the Information Age: Implications for Labor and Employment Law,” Faculty Colloquium, Peking University, Faculty of Law, Beijing, China (November 29, 2019).
- “The Impact of Information Technology on Work and Work Relationships: A Legal Perspective,” Faculty Colloquium, Nankai University, Faculty of Law, Tianjin, China (November 28, 2019).
- “The Law of Alternative Bargaining,” Chair and Discussant, Conference on “Alt-Labor Law: The State of the Law of the New Labor Movement,” Chicago-Kent College of Law, (November 14, 2019).
- “Practices – Building Strong, Productive and Ethical Business Relationships,” Annual Meeting National Association of Railroad Referees, Chicago, Illinois (September 26, 2019).
- “The Cost of Kneeling: The Legal implications of Collin Kaepernick’s Protest,” Indiana Journal of Law and Social Equality Symposium on the Intersection of Sports and Social Equality, Indiana University--Bloomington, Bloomington, IN (February 28, 2019).
- “The Impact of Automation and Artificial Intelligence on the Employment Relationship: New Gigs for Labor and Employment Law,” Roundtable on Artificial Intelligence and Employment, hosted by Oxford University and the University of Otago, Jesus College, Oxford University, Oxford, England (November 27, 2018).
- “Teaching Labor Law as a Simulation: Twenty-two Years as President of Labor Law I, Inc.”, Thirteenth Annual Colloquium on Scholarship in Employment and Labor Law (COSELL), University of South Carolina, School of Law, Columbia, SC (September 28, 2018).
- “Labor and Trade: Means and Ends,” Chair and Discussant, Indiana Journal of Global Legal Studies 26th Annual Symposium Globalization in Question: Populist Resistance and a New Politics of Law?, Indiana University, Maurer School of Law, Bloomington, IN (April 12<sup>th</sup>, 2018).

- “The Restatement of Employment Law: Perspectives of the Bench and Bar,” Chair and Discussant, Symposium on the Restatement of Employment Law, Indiana University, Maurer School of Law, Bloomington, IN (November 19<sup>th</sup>, 2016).
- “The Restatement of Employment Law: The View from Practice,” Chair and Discussant, Symposium on the Restatement of Employment Law, Indiana University, Maurer School of Law, Bloomington, IN (November 18<sup>th</sup>, 2016).
- “The Impact of Information Technologies on the Employment Relationship,” Meeting of the Labor Law Group, UCLA Law School, Los Angeles, CA (December 10<sup>th</sup>, 2016).
- “The Impact of Emerging Information Technologies on the Employment Relationship: New Gigs for Labor and Employment Law,” University of Chicago Legal Forum on “Law and the Disrupted Workplace,” University of Chicago Law School, Chicago, IL (November 4<sup>th</sup>, 2016).
- “Author Meets Reader: Richard McAdams ‘The Expressive Powers of Law: Theories and Limits’,” Reader and Commentor, Annual Meeting of the Law and Society Association, New Orleans, LA (June 5<sup>th</sup>, 2016).
- “Alternatives and Complements to Traditional Work Law,” Session Chair, Annual Meeting of the Law and Society Association, New Orleans, LA (June 3<sup>rd</sup>, 2016).
- “Union Shareholder Proposals,” Weil, Gotshal & Manges Roundtable on Corporate Law, Yale Law School Center for the Study of Corporate Law, Yale Law School, New Haven, CN (March 4<sup>th</sup>, 2016).
- “O Brother Where Art Thou?: The Struggles of African American Males in the Global Economy of the Information Age,” Conference on “Dalits and African Americans in the Twenty-First Century: Learning from Cross-Cultural Experiences,” The National Law School of India, Bengaluru, India (July 9<sup>th</sup>, 2015).
- “Affirmative Action Policies in the American Private Sector,” Conference on “The Struggles of Black Americans in the US and Dalits in India: Comparative Perspectives,” ANSinha Institute of Social Studies, Patna, Bihar India (July 6<sup>th</sup>, 2015).
- “The Evolution of the Employment Relationship and its Regulation in Response to the New Information Technology,” Annual Meeting of the Law and Society Association, Seattle, WA (May 30<sup>th</sup>, 2015).
- “Labor Law 2.0: The Impact of New Information Technology on the Employment Relationship and the Relevance of the NLRA,” Conference on “The National Labor Relations Board After Eighty Years,” Emory University School of Law, Atlanta, GA (April 10, 2015).
- “Employment Law 2.0: Regulating the Employment Relationship in the Information Age,” Midwest Law and Society Retreat, University of Wisconsin Law School, Madison, WI (October 25, 2014).
- “Memoirs of a Research Dean: The Care and Feeding of Untenured Faculty,” Midwest Law and Society Retreat, University of Wisconsin Law School, Madison, WI (October 24, 2014).

- “Fundamental Rights and Labor Rights: The Case of *Harris v. Quinn*,” Meeting of the Labor Law Group, Cornell University, Ithaca, NY (June 27, 2014).
- “Reimagining North American Labor Law,” Discussant, Annual Meeting of the Law and Society Association, Minneapolis, MN (May 30, 2014).
- “Defending Retirement Security in the Courts and at the Bargaining Table in the Public and Private Sector,” AFL-CIO, Lawyers' Coordinating Committee, Annual Conference, San Francisco, CA (April 23, 2014) (a live teleconferencing version of this presentation was later given for CLE credit on September 4, 2014).
- “The Relative Bargaining Power of Employers and Unions in the Global Information Age: A Comparative Analysis of the United States and Japan,” Symposium on “Enterprise Law,” Tokyo Institute of Technology and Hitotsubashi University, Tokyo, Japan (January 10, 2014).
- “The Public and Private Pension ‘Crisis’ after the Great Recession,” Presenter, Annual Meeting of the Law and Society Association, Boston, MA (May 31, 2013).
- “Comparative Reflections on Problems in Labor Law and Workers' Rights,” Chair of Session, Annual Meeting of the Law and Society Association, Boston, MA (May 31, 2013).
- “Promises to Keep: Ensuring the Payment of Americans’ Pension Benefits in the Wake of the Great Recession,” Symposium on “Employment and Labor Law in the 21st Century - Changes in the Arenas of Conflict,” Washburn Law School, Topeka, Kansas (February 28, 2013).
- "Round Table Discussion on the Experience of African Americans and Dalits in Overcoming Discrimination," Conference on "Learning from Experiences with Affirmative Action Policies: A Discussion Among the IIDS, Indiana University, Michigan State University and the University of Wisconsin," Indian Institute of Dalit Studies, New Delhi, India (October 24, 2012).
- "Employment and Economic Advancement of African Americans in the Twentieth Century," Conference on "Diversity, Discrimination and Social Exclusion in India and the USA," Jindal Global Law School, Sonapat, India (October 22, 2012).
- "The Labor Market Experience of African Americans Since the Civil Rights Movement," Conference on "Dalits and African Americans in the 21st Century: Learning from Cross Cultural Experiences," Mumbai, India (October 14, 2012).
- "Author Meets Reader--Marginal Workers: How Legal Fault Lines Divide Workers and Leave Them Without Protection," Annual Meeting of the Law and Society Association, Honolulu, HI (June 8, 2012).
- "Undermining or Promoting Democratic Government? An Economic and Empirical Analysis of Public Sector Collective Bargaining," Annual Meeting of the Law and Society Association, Honolulu, HI (June 6, 2012).
- "Apples and Oranges – Or Just Orange Apples? Comparing Public and Private Sector Wages and

- Benefits," Public Sector Labor Relations Conference, Wisconsin Employment Relations Commission, Madison, Wisconsin (April 26, 2012).
- "An Economic and Empirical Analysis of Public Sector Collective Bargaining," "Democracy and the Workplace: A Symposium on Labor and Employment Law" University of Nevada Las Vegas, Las Vegas, Nevada (February 24, 2012).
- "American Labor Law: The Current Conflict and Speculation on Possible Future Developments," Labor and Employment Law Society, University of Chicago Law School, Chicago, Illinois (February 20, 2012).
- "The Need to Give Workers Protection from Forced Political Contributions to Corporations," Testimony before the House Committee on Oversight and Government Reform Hearing Entitled: "The Right to Choose: Protecting Union Workers from Forced Political Contributions," Washington, DC (February 8, 2012).
- "Teaching How We Teach: Lessons from the Classroom for New Professors," Round Table Discussion, Annual Meeting of the Association of American Law Schools, Section on New Law Professors, Washington, DC (January 7, 2012).
- "Public Employees: Labor Issues in the Era of Economic Recession," Annual Meeting of the Association of American Law Schools, Section on Labor Relations and Employment Law, Washington, DC (January 5, 2012).
- "The Critique of the ALI's Proposed Restatement of Employment Law: History and Criteria," Experts Meeting on The ALI's Proposed Restatement of Employment Law, American Bar Foundation and Northwestern Law School, Chicago, Illinois (November 19, 2011).
- "Undermining or Promoting Democratic Government? An Economic and Empirical Analysis of Public Sector Collective Bargaining," Conference on the Constitutionalization of Labor Law, University of Wisconsin Law School, Madison, Wisconsin (October 29, 2011).
- "The Great Recession, the Resulting Budget Shortfalls and the Attack on Public Sector Collective Bargaining in the United States," Tagung der Gesellschaft für Rechtsvergleichung (Conference of the Society for Comparative Law), Trier, Germany (September 16, 2011).
- "Time to Update the NLRB's Election Procedure," Testimony before the House Committee on Education and the Workforce Hearing Entitled: "Rushing Union Elections: Protecting the Interests of Big Labor at the Expense of Workers' Free Choice," Washington, DC (July 7, 2011).
- "Promoting Employee Voice in the American Economy: A Call for Comprehensive Reform," Annual Meeting of the Law and Society Association, San Francisco, CA (June 2, 2011).
- "Race, Gender, and the Careers of Lawyers," Session Chair and Discussant, Annual Meeting of the Law and Society Association, San Francisco, CA (June 3, 2011).
- "The Economic and Political Environment for Labor under Barak Obama: The Economy, Can Obama Bail Out Workers?," Discussant, Maurer School of Law Symposium on Labor



- and Employment Law Under Obama, Indiana University, Bloomington, IN (November 12, 2010).
- "You're not Welcome Here: NLRA Preemption and Removal," Moderator and Discussant, ABA Section on Labor Law Annual Meeting, Chicago, IL (November 5, 2010).
- "Promoting Employee Voice in the American Economy: A Call for Comprehensive Reform," Distinguished Speaker, Marquette University Law School, Milwaukee, WI (October 1, 2010).
- "Labor Rights--Collective Labor Law: Crossing Boundaries Within and Between the Nation-State," Chair-Discussant, Annual Meeting of the Law and Society Association, Chicago, IL (May 28, 2010).
- "Fathers in Law: The Impact of Children and Childcare on Men's Legal Careers," Annual Meeting of the Law and Society Association, Chicago, IL (May 27, 2010).
- Session on "Managing the Law Firm Labor Force," First Questioner, Conference on the Study of the Legal Profession, Georgetown Center for the Study of the Legal Profession, Washington, D.C. (March 22, 2010).
- "Interdisciplinary Interpretation: The Role of Economic Analysis in the Study and Practice of Law," Annual Meeting of the Association of American Law Schools, Section on Legal Interpretation, New Orleans, LA (January 8, 2010).
- "Review of Supreme Court Cases on Labor and Employment Law from the 2008-09 Term," Annual Meeting of the ABA Section on Labor and Employment Law, Washington, D.C. (November 5, 2009).
- "Bankruptcy, Consumers and Tax," Chair and Discussant, Midwest Law and Economics Association Annual Meeting, Notre Dame Law School, South Bend, IN (October 10, 2009).
- "Review of U.S. Supreme Court Labor and Employment Law Cases from the 2008-09 Term," Los Angeles Bar Association, Los Angeles, CA (July 15, 2009).
- "Review of U.S. Supreme Court Labor and Employment Law Cases from the 2008-09 Term," Twenty-Sixth Annual Carl A. Warns, Jr. Labor and Employment Law Institute, University of Louisville, Brandeis School of Law, Louisville, KY (June 18, 2009).
- "Teaching Collective Bargaining as a Simulation," Innovations in Teaching, AALS Midyear Meeting on Transactions Law, Long Beach, CA (June 12, 2009).
- "Work, Family and Gender: The Impact of Childcare on Legal Careers," After the JD: An International Conference on Research on Legal Careers in Transition, Program on the Legal Profession, Harvard Law School, Cambridge, MA (May 1, 2009).
- "A Conference on the American Law Institute's Proposed Restatement of Employment Law," Chair and Organizer, University of California—Hastings, School of Law, San Francisco, CA (February 7, 2009).

- “Labor and Employment Law,” Chair, Law and Society Association Mid-Year Retreat, University of Wisconsin—Madison, Law School, Madison, WI (September 18, 2008).
- “The Relative Bargaining Power of Employers and Unions in the Global Information Age: A Comparative Analysis of the United States and Japan,” Corporate Stake-holder’s Project, Research Institute of Economy, Trade & Industry, Tokyo, Japan (July 15, 2008).
- “The Impact of Childcare on Legal Careers,” Annual Meeting of the Law and Society Association, Montréal, Que. (May 30, 2008).
- “Gender and the Legal Profession: The Michigan Law School Alumni Data Set 1967-2004,” Annual Meeting of the American Law and Economics Association, Columbia Law School, New York, NY (May 16, 2008).
- “Gender and the Legal Profession: The Michigan Law School Alumni Data Set 1967-2004,” Institute for Legal Studies Colloquium, University of Wisconsin, School of Law, Madison, WI (April 23, 2008).
- “The Use of Simulations to Improve Student Engagement: ‘Labor Law I, Inc.’,” Faculty Colloquium, Northern Kentucky University, Chase College of Law, April 8, 2008.
- “Empirical Data on Individual and Collective Employment Contracts,” Conference on Teaching Contract Law, Madison, WI (February 14, 2008).
- “The Economic Analysis of Labor and Employment Law in the Global Economy,” Session Chair and Discussant, Law and Economics Section, Annual Meeting of the Association of American Law Schools, New York, NY (January 5, 2008).
- “Employment Law and Implied Covenants of Good Faith,” Session Chair and Commenter, Conference on Wood v. Lucy, Lady Duff Gordon, Pace University, School of Law, White Plains, NY (November 9-10, 2007).
- “Gender and the Legal Profession: The Michigan Law School Alumni Data Set 1967-2004,” Faculty Colloquium, University of Minnesota, School of Law, Minneapolis, MN (November 1, 2007).
- “Teaching Labor Law,” Annual Meeting of the Lawyer’s Coordinating Committee, AFL-CIO, Chicago, IL (April 27, 2007).
- “Gender and the Legal Profession: The Michigan Law School Alumni Data Set 1967-2004,” Law and Economics Colloquium, University of California—Berkeley, School of Law, Berkeley, CA (April 24, 2007).
- “‘The Pride of Indiana’: An Empirical Study of the Law School Experience and Careers of Indiana University School of Law--Bloomington Alumni,” First Annual Conference on Empirical Legal Studies, Univ. of Texas, School of Law, Austin, TX (Oct 27, 2006).
- “Gender and the Legal Profession,” Annual Meeting of the Law and Society Association, Baltimore, MD (July 8, 2006).

- “Teaching Labor Law,” Meeting of the Labor Law Group, Saratoga Springs, NY (June 25, 2006).
- “Opportunities for Active and Engaged Learning: The Case of Labor Law I, Inc.,” Association of American Law Schools, Mid-Year Meeting, Conference on New Ideas for Law School Teachers: Teaching Intentionally, Vancouver, Can. (June 12, 2006).
- “The Income and Job Satisfaction of Practitioners in Small firms: A Study of the Indiana Law Alumni Data Set,” Indiana State Bar Association, Annual Solo and Small Firm Conference, Bloomington, IN (June 3, 2006).
- “The Changing Face of Collective Representation: The Future of Collective Bargaining,” Kenneth M. Piper Memorial Lecture in Labor Law, Institute for Law and the Workplace, Chicago-Kent College of Law (March 28, 2006).
- “The American Experience with Exclusive Representation: Implications for the Issue of Plural Unionism in South Korea,” Conference on “Seeking a Vision of Labor-Management Reform to Enhance Competitiveness,” Korean Institute for Industrial Economics and Trade (KIET), Seoul, S. Korea (November 3, 2005).
- “Income and Job Satisfaction in the Legal Profession: Is the Grass Always Greener for Other Lawyers?,” Continuing Legal Education Seminar, Indiana University–Bloomington, Bloomington, IN (September 9, 2005).
- “What Do Unions Do? Workforce Governance, Worker Rights and Union Democracy,” Annual Meeting of the Law and Society Association, Las Vegas, NV (June 2, 2005).
- “Federal Labour Standards,” Academic Consultation on ‘New Challenges for the Regulation of Labour Standards: Developments Shaping the Environment of the Canadian Workplace,’ Ministry of Labour and Housing, Government of Canada, Montreal, Can. (March 18-19, 2005).
- “Labor Law in the Contemporary Workplace,” Legal Advisory Committee, Office of the General Counsel, AFL-CIO, Washington, D.C. (February 16, 2005).
- “Protecting Families in a Global Economy,” Conference on Globalization and the New Politics of Labor, Indiana Journal of Global Legal Studies, Indiana University–Bloomington, Bloomington, IN (February 11, 2005).
- “Empirical Research and Law School Curriculum: What Do the Results of the ‘ABA Curriculum Study’ and the ‘After the JD Survey’ Tell Us About What We Should Be Teaching in Law Schools?,” Committee on Curriculum and Research, Annual Meeting of the Association of American Law Schools, San Francisco, CA (January 5, 2005).
- “Gender and the Legal Profession: Some Initial Results,” Law and Economics Colloquium, Georgetown University Law Center, Washington, D.C. (November 12, 2004).
- “Lost in Translation: The Economic Analysis of Law in the United States and Europe,” Annual Meeting of the Midwestern Law and Economics Association, Iowa City, IA (October 9, 2004).

- “Lawyers, Institutions and the Pursuit of Justice,” Session Chair, Annual Meeting of the Law and Society Association, Chicago, IL (May 29, 2004).
- “Sentencing and Prison Reform,” Session Chair, Annual Meeting of the Law and Society Association, Chicago, IL (May 28, 2004).
- “The Definition of “Employee” in American Labor and Employment Law,” USA National Paper, International Seminar on Comparative Labour Law, Japan Institute for Labour Policy and Training, Tokyo, Japan (March 10, 2004).
- “Individual Bargaining, Collective Bargaining and Protective Legislation: Determining the Terms and Conditions of Employment in the Modern American Employment Relationship,” USA National Paper, International Seminar on Comparative Labour Law, Japan Institute for Labour Policy and Training, Tokyo, Japan (March 9, 2004).
- “Three Decades of Women in the Legal Profession: The Michigan Alumni Data Set 1967-2000,” Annual Meeting of the Mid-West Law and Economics Association, Indianapolis, IN (October 11, 2003).
- “The Implications of Behavioral Law and Economics for Labor and Employment Law,” Meeting of the Labor Law Group, Alton, Ont. (June 14, 2003).
- “Labor Law in Comparative and Historical Perspectives,” Session Chair, Annual Meeting of the Law and Society Association, Pittsburgh, PA (June 5, 2003).
- “Socio-Economics and the Future of Interdisciplinary Research and Teaching,” Annual Meeting of the Association of American Law Schools, Washington, D.C. (January 3, 2003).
- “Teaching Law and Socio-Economics,” Annual Meeting of the Association of American Law Schools, Washington, D.C. (January 3, 2003).
- “Globalization of the Economy and the New Information Technology: Implications for Problems in Labor and Employment Law,” Faculty Colloquium, Rechtswissenschaftliche Fakultät, Friedrich - Schiller - Universität zu Jena, Jena, F.R.G. (June 10, 2002).
- “Law and Economics, Sociology and Socio-Economics,” Annual Meeting of the Association of American Law Schools, San Francisco, CA (January 3, 2001).
- “Employment in the New Age of Trade and Technology: Implications for American and German Labor and Employment Law,” Institute Colloquium, Institute Für Internationales Recht, Christian-Albrechts-Universität zu Kiel, Kiel, F.R.G. (June 14, 2000).
- “A Comparative Analysis of German and American Labor Law Under the Bargaining Model,” Faculty Colloquium, Juristische Fakultät, Friedrich-Alexander-Universität Erlangen-Nürnberg, Erlangen, F.R.G. (May 29, 2000).
- “Important Values in Labor and Employment Law,” Annual Meeting of the Association of American Law Schools, Washington, D.C. (January 8, 2000).

- “Securing Employees’ Rights in the Workplace: Three Perspectives,” panel moderator, The Labor Law Group, Phoenix, AZ (December 11, 1999).
- “The Fruits of Our Labors: An Empirical Study of the Distribution of Income and Job Satisfaction Over the Legal Profession,” Faculty Colloquium, University of Arizona College of Law (December 9, 1999).
- “Employment in the New Age of Trade and Technology: Implications for Labor and Employment Law,” Inaugural lecture for the Willard and Margaret Carr Professorship of Labor and Employment Law, Indiana University School of Law, Bloomington, IN (September 23, 1999).
- “Income and Job Satisfaction Among Practitioners in Large Private Practices,” Vanderbilt Law Review Symposium on “Attorney Well-Being in Large Firms: Choices Facing Young Lawyers,” Vanderbilt University Law School, Nashville, TN (September 14, 1999).
- “The Fruits of Our Labors: An Empirical Study of the Distribution of Income and Job Satisfaction Over the Legal Profession,” Annual Meeting of the Law and Society Association, Chicago, IL (May 29, 1999).
- “Labor Law and Industrial Peace: A Comparative Analysis of the United States, the United Kingdom, Germany and Japan Under the Bargaining Model,” Annual Meeting of the American Law and Economics Association, Yale Law School, New Haven, CT (May 7, 1999).
- “Bargaining Theory and Alternative Systems of Industrial Relations: A Comparative Study of the Labor Law of the United States, the United Kingdom, Germany and Japan,” New York University School of Law Center for Labor and Employment Law Colloquium, New York, NY (March 10, 1999).
- “The Fruits of Our Labors: An Empirical Study of the Distribution of Income and Job Satisfaction Over the Legal Profession,” Annual Meeting of the Association of American Law Schools, New Orleans, LA (January 8, 1999).
- “Other Paradigms in Economic Thought,” Session Commentor, Annual Meeting of the Association of American Law Schools, New Orleans, LA (January 7, 1999).
- “A Bargaining Theory Analysis of Recent Precedents in American Labor Law,” Labor Round Table, Law and Economics Institute, University of Pennsylvania, Philadelphia, PA (November 6, 1998).
- “The Dirty Little Secret of the Law and Society Movement,” Institute for Legal Studies Conference on “Do the 'Haves' Still Come Out Ahead?,” University of Wisconsin Law School, Madison, WI (May 2, 1998).
- “Sociological Insights for the Economic Analysis of Law,” The Business Economics & Public Policy Workshop, Kelly School of Management and Business, Indiana University, Bloomington, IN (April 3, 1998).

- “An Empirical Study of the Effect of Liquidity and Consumption Commitment Constraints on Intertemporal Labor Supply,” Annual Meeting of the Missouri Valley Economic Association, St. Louis, MO (February 28, 1997).
- “Economics and Sociology: The Prospects for an Inter-disciplinary Discourse on Law,” Symposium on “Law and Society and Law and Economics: Common Ground, Irreconcilable Differences, New Directions,” University of Wisconsin Law School, Madison, WI (February 15, 1997).
- “The Impact of Globalization on the Economic Problems of Women,” Symposium on Feminism and Globalization, Indiana University School of Law, Bloomington, IN (March 22, 1996).
- “The Socio-Economics of Criminal Law,” Annual Meeting of the Association of American Law Schools, San Antonio, TX (January 5, 1996).
- “The Use of Economic Analysis in Teaching and Researching Labor Law,” Meeting of the Labor Law Group, Tucson, AZ (December 2, 1995).
- “Recent Developments in Labor and Employment Law Scholarship,” Participant in Symposium on Labor and Employment Law, University of Texas Law School, Austin, TX (November 10-12, 1995).
- “The Labor Market Transformed: Adapting Labor and Employment Law to the Rise of the Contingent Workforce,” Washington and Lee Law School, Lexington, VA (March 10, 1995).
- “The Importance of Tenure to the Efficient Operation of Modern Universities,” Forum on Tenure at the University of Michigan, University of Michigan, Ann Arbor, MI (February 9, 1995).
- “A Bargaining Analysis of Industrial Relations in Great Britain and Germany,” Institute Colloquium, Institut Für Internationales Recht, Christian-Albrechts-Universität zu Kiel, Kiel, F.R.G. (June 22, 1994).
- “The Economic Analysis of Anti-Discrimination Laws: Theory and Evidence,” Chair of Session, Annual Meeting of the Law and Society Association, Chicago, IL (May 27, 1993).
- “Instructing the Legislature on the Benefits of Collective Bargaining in Public Education,” Key-Note Address, Annual Conference of the Indiana Federation of Teachers, Bloomington, IN (May 1, 1993).
- “Comparative Labor Law Under the Bargaining Model,” Law and Economics Colloquium, University of Michigan Law School, Ann Arbor, MI (April 22, 1993).
- “Expanding the Economic Model of Law: Toward a New Multidisciplinary Dialogue,” Institute for Legal Studies Colloquium, University of Wisconsin Law School, Madison, WI (March 16, 1993).

- “Criminal Penalties Under the Sherman Act: A Study of Law and Economics,” Annual Meeting of the American Economic Association, Anaheim, CA (January 5, 1993) (with Joseph C. Gallo, Joseph L. Craycraft and Charles J. Parker, presentation by Professor Gallo).
- “A Bargaining Analysis of American Labor Law and the Search for Bargaining Equity and Industrial Peace,” Faculty Colloquium, Vanderbilt University School of Law, Nashville, TN (December 4, 1992).
- “A Bargaining Analysis of American Labor Law and the Search for Bargaining Equity and Industrial Peace,” Annual Meeting of the American Law and Economics Association, Yale Law School, New Haven, CT (May 15, 1992).
- “The Effect of Consumption Commitments and the Liquidity Constraint on Labor Supply,” Annual Meeting Eastern Economic Association, New York, NY (March 27, 1992).
- “The Effect of Consumption Commitments and the Liquidity Constraint on Labor Supply,” Annual Meeting of the Missouri Valley Economic Association, St. Louis, MO (February 27, 1992).
- “A Bargaining Analysis of American Labor Law and the Search for Bargaining Equity and Industrial Peace,” Faculty Colloquium, University of Iowa College of Law, Iowa City, IO (November 22, 1991).
- “New Perspectives on Law and Economics,” Chair of Session, Annual Meeting of the Law and Society Association, Amsterdam, Netherlands (June 29, 1991).
- “A Bargaining Theory of American Labor Law,” Session on “Bargaining and the Law,” Annual Meeting of the Law and Society Association, Amsterdam, Neth. (June 29, 1991).
- “Cars, Crime and Victimization,” Chair of Session, Annual Meeting of the Law and Society Association, Amsterdam, Neth. (June 27, 1991).
- “Optimal Antitrust Penalties: An Economic Perspective of the Law as a Preference Shaping Policy,” Faculty Workshop on Law and Economics, George Mason University School of Law, Arlington, VA (December 5, 1990).
- “A Preliminary Investigation of the First Century of Federal Antitrust Enforcement,” Annual Meeting of the Western Economic Association, San Diego, CA (July 2, 1990) (with Joseph C. Gallo, Joseph L. Craycraft and Charles J. Parker, presentation by Professor Gallo).
- “Preference Shaping, Socialization and Rehabilitation: An Interdisciplinary Discussion of the Role of Criminal Law in Reinforcing Normative Values,” Chair of Roundtable Discussion, Annual Meeting of the Law and Society Association, Berkeley, CA (May 31, 1990).
- “Opportunity Shaping, Preference Shaping, and the Theory of the Criminal Law,” Session on “Law and Economics: A Post-Posner Perspective,” Second Annual International Conference on Socio-Economics, Washington, D.C. (March 17, 1990).

“An Economic Analysis of the Criminal Law as a Preference Shaping Policy,” Scholarly Paper Presentation, Annual Meeting of the Association of American Law Schools, San Francisco, CA (January 6, 1990).

“An Economic Analysis of Social Norms, Preference Shaping, and the Criminal Law,” Annual Meeting of the Law and Society Association, Madison, WI (June 8, 1989).

“The Future of the Labor Movement in America,” National Spring Meeting of the Industrial Relations Research Association, Cincinnati, OH (March 24, 1988).

**SYMPOSIA  
ORGANIZED:**

“A Conference on the Restatement of Employment Law,” Indiana University, Maurer School of Law, Bloomington, IN (November 18-19<sup>th</sup>, 2016).

“The Labor and Employment Law Colloquium,” Indiana University, Maurer School of Law, Bloomington, IN (September 10-12<sup>th</sup>, 2015).

“Labor and Employment Law Under the Obama Administration,” Indiana University, Maurer School of Law, Bloomington, IN (November 11-12<sup>th</sup>, 2010).

“A Conference on the American Law Institute’s Proposed Restatement of Employment Law,” University of California—Hastings, School of Law, San Francisco, CA (February 7<sup>th</sup>, 2009).

“The Second Big 10 Aspiring Scholars Conference,” Indiana University School of Law, Bloomington, IN (August 6-7<sup>th</sup>, 2007).

“The First Big 10 UnTENured Conference,” Indiana University School of Law, Bloomington, IN (August 1-2<sup>nd</sup>, 2006).

“First Annual Meeting of the Midwestern Law and Economics Association (MLEA),” Indiana University School of Law, Bloomington, IN (October 12-13<sup>th</sup>, 2001).

“New Rules for a New Game: Regulatory Employment Relationships in the 21<sup>st</sup> Century,” Indiana University School of Law, Bloomington, IN (September 23-24<sup>th</sup>, 1999).

“The Corporation as Employer,” Corporate Law Symposium, University of Cincinnati College of Law, Cincinnati, OH (March 8-9<sup>th</sup>, 1989).

“Commercial Speech and the First Amendment,” Corporate Law Symposium, University of Cincinnati College of Law, Cincinnati, OH (October 14-15<sup>th</sup>, 1987).



## SERVICE:

### *Law School and University*

I have served on the following committees for the faculties of the University of Cincinnati College of Law (1986-91), the Indiana University at Bloomington, School of Law (1991-94, 1995 - present), and the University of Wisconsin Law School (1994-95):

- Dean Search (elected 1989-90, selected 2002-03)
- Committee on Committees (elected 1989-90, 1990-91)
- Policy Committee (elected 1998-99, 2013-14)
- Appointments (1987-88, 1990-91, Chair 1996-97, Chair 1997-98, Chair 1998-99, 1999-00, 2000-01, Chair 2001-02, 2007-08, Chair 2008-09)
- Promotion and Tenure (1995-96, 1996-97, 1997-98, 2000-01, Chair 2004-05, Ex-Officio 2005-06, Chair 2006-07, 2017-18, 2018-19)
- Law and Society (Chair 1992-94, Chair 1998-99, Chair 2002-04)
- Center for Law Society and Culture (Director 2002-04, Co-Director 2004- 2007)
- Self-Study Committee (2001-02, 2002-03)
- Faculty Affairs (Chair 2021-22)
- Faculty Development (1987-88, Chair 1990-91, 1994-95)
- Educational Policy (Chair 2010-11, Chair 2011-12)
- Faculty Committee on Career Services (Chair 2013-14, Chair 2014-15, Chair 2015-16, Chair 2016-17, Chair 2017-18, 2019-21)
- Speakers Committee (2005-2007)
- Admissions (2002-03, 2003-04, 2012-13)
- Teaching (2009-10, Chair)
- Honor Council (1988-89, 1989-90)
- Petitions (1986-87, 1992-93)
- Library (1986-87, 1988-89)
- Orientation (1988-89, 1989-90)
- Graduate Legal Studies (1992-93, 1993-94, 1995-96)
- Foreign Programs Committee (1994-95)

I have also served as the College or Law School representative on: Indiana University's Bloomington Faculty Council (elected, 2016-18, 2018-20); Indiana University's Athletic Committee (elected, 2016-22); Indiana University's Diversity Committee (2018-19); Indiana University's Tenure Advisory Committee (2009-10, 2010-11, 2011-12); Indiana University's Promotion Advisory Committee (2013-14, 2014-15); Indiana University's Campus Review Board (2021-2022); Indiana University's Faculty Appeals Board (2021-22); the AAUP Executive Committee Indiana University-Bloomington Chapter (1996-98, 2009-10); the AAUP Committee A Indiana University - Bloomington Chapter (2003-4); Indiana University's Employee Benefits Committee (2000-03); Indiana University's Ad Hoc Review Committee on Pay Equity (1998-99, 1999-00); the Business School's Ad Hoc Committee on Pay Equity (1997-98); the Faculty of the Industrial Relations Research Institute (1994-97); the Law School's Ad Hoc Committee on Clinical Faculty Tenure (1996-97); University of Cincinnati Faculty Senate (elected, 1990-92); University of Wisconsin Faculty Senate (elected, 1994-95) ; Indiana University Diversity Workshops (1992-93); the President's Athletic Advisory Committee (1990-91); and the University Judicial Council (1986-87).

### *National and International*

I have served as a member of the: Advisory Committee of the International Society of Labour and Social Security Law (ISLSSL)(2018-present); American Law Institute Advisory Committee on the Third

Restatement of Employment Law (2010-2015); Executive Committee of the Labor Law Group (2000-2012, Treasurer 2001-05, Chair 2005-2011); ABA Section on Labor and Employment Law (Secretary 2008-2010); LSAC Grant Committee (2007-2010); Executive Committee of the AALS Section on Law and Economics (2006, Chair 2007, 2008); National Workers' Right Board (2003- 2008); Law and Society Association's Jacobs Prize Committee (2003-04, 2006-07); Luis Jackson Paper Award Committee (2005, 2006, 2007); Law and Society Association's Program Planning Committee (2004-05); Executive Committee of the AALS Section on Law and Socio-economics (2000-04, Chair 2002-03); Executive Committee of the AALS section on Labor and Employment Law (1990-91, 1998-99); Executive Committee of the IRRRA Section on Labor and Employment Law (1998-99); AAUP National Council (elected 1993-96); AAUP National Executive Committee (1994-96); AAUP Litigation Committee (1993- 02); AALS Scholarly Paper Award Committee (1991). In addition, I have been the editor of several SSRN electronic Law and Society Journals, served on the Editorial Board of the LAW & SOC. REV. (2003-2008) and served as a referee for the YALE L. J., REV. OF ECON. & STAT., INT'L REV. OF LAW & ECON., PUB. FIN. Q., LAW & SOC. REV., LAW AND SOC. INQUIRY, J. LEGAL EDUC., J. OF EMP. LEG. STUD., Yale University Press, New York University Press, Oxford University Press, Little Brown, West Publishing, Anderson Publishing, Scott Foresman Co., Harper Collins Publishers, Prentice Hall Publishing, Aspen Publishing and the National Science Foundation. Finally, I served as an Academic Consultant on 'New Challenges for the Regulation of Labour Standards: Developments Shaping the Environment of the Canadian Workplace,' Ministry of Labour and Housing, Government of Canada (2005).

#### **PROFESSIONAL ASSOCIATIONS:**

The Labor Group, American Bar Association, American Law Institute, International Society of Labour and Social Security Law, Indiana Bar Association, Wisconsin Bar Association, Association of American University Professors, Law and Society Association, American Law and Economics Association, American Economic Association, Society for the Advancement of Socioeconomics, Labor and Employment Relations Association.