

Anne Marie Lofaso

West Virginia University College of Law

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SUMMARY

HIGHER EDUCATION

- University of Oxford, Fulbright Scholar, D.Phil., Law, March 1997
- University of Pennsylvania Law School, J.D., 1991
- Harvard University, A.B., History and Science, *magna cum laude*, June 1987

CLERKSHIP

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

ADMINISTRATIVE AND FACULTY POSITIONS

University of Oxford

Senior Academic Visitor, Faculty of Law, January 1, 2016 – June 30, 2016

Keeley Visiting Fellow, Wadham College, January 1, 2016 – June 30, 2016

West Virginia University Office of the Provost and West Virginia University Research Office

Leadership Research Fellow in the Arts, Humanities, and Non-STEM Disciplines, May 15, 2015 to Dec 30, 2015

West Virginia University College of Law

- Associate Dean for Faculty Research and Development, July 1, 2011 to June 30, 2015
- Professor of Law, July 2011-present, Associate Professor of Law, January 2007-July 2011

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

- Research Scholar, since 2014

American University, Washington College of Law

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

University of Oxford, St Hugh's College, Tutor, 1996

AWARDS AND HONORS

Scholarship

- 2014 Claude Worthington Benedum Distinguished Scholar Award
2010-11 West Virginia University College of Law Faculty Significant Scholarship Award
2010 ForeWord Book of the Year Award Finalist for REVERSING FIELD
2009-10 West Virginia University College of Law Faculty Significant Scholarship Award
2008-09 West Virginia University College of Law Faculty Significant Scholarship Award
2007-08 West Virginia University College of Law Faculty Significant Scholarship Award

Teaching

- 2015 WEST VIRGINIA LAW REVIEW, VOL. 117, John W. Fisher II Faculty Member of the Year
2013 West Virginia University Foundation, Outstanding University Professor of the Year
2013 WEST VIRGINIA LAW REVIEW, VOL. 115, John W. Fisher II Faculty Member 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 the University

EDUCATION

UNIVERSITY OF OXFORD, Oxford, England

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)

Focus: Labour Law, Analytical Jurisprudence, Economics

Somerville College Intramural Rowing Team

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, Philadelphia, PA

J.D., May 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, Cambridge, MA

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

- Concentrated in modern Anglo-American History, Biological Anthropology, and the History and Philosophy of Science
- Thesis: America's Reception to Darwin's Theory of Evolution by Natural Selection
- Katelborn Scholar: awarded by Harvard alumni to the Long Island, New York high school student who exhibits traits of the most promising incoming freshman, 1983
- Harvard College Scholar (high honors) 1983-87
- Elizabeth Cary Agassiz Scholarship (high honors) 1983-87
- Harvard Women's Varsity Swim Team, Diver, 1984-86

TEACHING/ACADEMIC APPOINTMENTS

UNIVERSITY OF OXFORD

Senior Academic Visitor, Faculty of Law, January 1, 2016 – June 30, 2016

Keeley Visiting Fellow, Wadham College, January 1, 2016 – June 30, 2016

WEST VIRGINIA UNIVERSITY OFFICE OF THE PROVOST AND WEST VIRGINIA UNIVERSITY RESEARCH CORPORATION

Leadership Research Fellow in the Arts, Humanities, and Non-STEM Disciplines, May 15, 2015 to December 31, 2015

- Shadow and work for Dr. Melanie Page, Associate Vice President for Creative and Scholarly Activity
- Coordinate events to celebrate the 50th anniversary of the National Endowment for the Humanities and the National Endowment for the Arts
- Draft statement valuing the Arts, Humanities, and Non-stem disciplines
- Serve as liaison for the John D. Rockefeller IV School of Policy and Politics
- Lead creation of the WVU Humanities Center
- Considering ways to bring the arts, humanities, social science, and science through programming and curriculum
- Create models for encouraging interdisciplinary research among the Non-STEM and STEM faculty

WEST VIRGINIA UNIVERSITY COLLEGE OF LAW, Morgantown, WV

Professor of Law, July 2011-present

Associate Professor of Law, January 2007-June 2011

Courses taught, January 2007 - present

3 credits	Jurisprudence	3 /4 credits	Employment Law
3 credits	Labor Law	3 credits	Advanced Labor Law
2 credits	Comparative & International Work Law Seminar (perspective)		
2 credits	Law & Socioeconomics Seminar (perspective)		
5-10 credits	United States Supreme Court Clinic		

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

- Reported to the Dean on critical faculty development and scholarship matters
- Executed special projects at the request of the Law Dean or WVU Associate Vice President for Scholarly and Creative Activity
- Coordinated scholarly activities, speakers, and colloquia, including the Endowed Lectures; coordinated faculty writing workshops
- Coordinated with the ADRs at Duquesne and Pittsburgh to establish the Annual Mon River Tri-State Faculty Colloquium
- Assisted the Dean and the Associate Dean for Finance and Administration (ADFA) with the Annual ABA Report and U.S. News and World Report Annual Survey, strategic planning, and other reporting and planning activities
- In coordination with other members of the College's senior management team (Dean, Associate Dean for Academic Affairs, and ADFA) provided leadership for the advancement of the College's strategic plans and goals

- Commenced building the College of Law as an international center of excellence in research and scholarship
- Worked with Communications Director to facilitate faculty visibility as public scholars
- Worked with Library Director to meet the faculty's scholarly production needs
- Contributed actively to the university's scholarship and research goals

NEW YORK UNIVERSITY SCHOOL OF LAW, CENTER FOR LABOR AND EMPLOYMENT
Research Scholar, since 2014

AMERICAN UNIVERSITY, WASHINGTON COLLEGE OF LAW, Washington, D.C.

Adjunct Associate Professor, August 2001-December 2006

Courses taught

- Comparative & International Labor & Employment Law, 3 credits
- Appellate Advocacy, 3 credits

Award

2006 American University Faculty Award for Outstanding Adjunct Teaching (nominated)

UNIVERSITY OF OXFORD, ST. HUGH'S COLLEGE, Oxford, England

Lecturer, Hilary Term 1996

Tutorials: British Labor, Employment, & Anti-Discrimination Law

SCHOLARSHIP/RESEARCH

EMPLOYMENT POLICY RESEARCH NETWORK

Researcher, May 2011-present

BOOKS

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

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

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

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

TITLE VII OF THE CIVIL RIGHTS ACT AFTER 50 YEARS: PROCEEDINGS OF THE NEW YORK UNIVERSITY 67TH ANNUAL CONFERENCE ON LABOR (Lexis Publishing forthcoming 2016)

A PRACTITIONER'S GUIDE TO APPELLATE ADVOCACY 2d Edition (with Lawrence D. Rosenberg) (forthcoming 2016)

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

A PRACTITIONER'S GUIDE TO APPELLATE ADVOCACY (ABA Publishing 2010)

ARTICLES

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), available at 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)), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2218862

In Defense of Public Sector Unions, 28 HOFSTRA LAB. & EMP. L.J. 303 (2011), reprinted in THE CHALLENGE FOR COLLECTIVE BARGAINING – 65TH ANNUAL PROCEEDINGS OF THE NYU CONFERENCE ON LABOR LAW (Lexis Publishing, forthcoming, 2014)

What We Owe Our Coal Miners, 5 HARV. L. & POL'Y REV. 87 (2011), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1792859

The Vanishing Employee: Putting the Autonomous Dignified Union Worker Back To Work, 5 FIU L. REV. 497 (2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1797984 (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), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1558563&download=yes

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), available at <http://www.employmentpolicy.org/sites/www.employmentpolicy.org/files/field-content-file/pdf/Mike%20Lillich/Lofaso-LERA-Proceedings-Job-Security-Paper-Macro-10-31-11-repaired.pdf>

The Persistence of Union Repression in an Era of Recognition, 62 ME. L. REV. 199 (2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1449552

Approaching Coal Mine Safety from a Comparative Law and Interdisciplinary Perspective, 111 W. VA. L. REV. 1 (2008), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=993830

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), *available at*
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1133607

Toward a Foundational Theory of Workers' Rights: The Autonomous Dignified Worker,
76 UMKC L. REV. 1 (2007), *available at*
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=975040

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), *available at*
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=890083

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

I'm Shocked, Shocked To Find that Politics Is Going on in Here, JOTWELL (forthcoming November 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)

Public-sector Unions, Public Employees: May You Live in Interesting Times, JOTWELL (2012), *reviewing* Joseph E. Slater, *Public Sector Labor Law in the Age of Obama*, 87 IND. L. J. 189 (2012)

Just Notice: A Paradigm-Shifting Solution to Economic Dismissals, JOTWELL (2011), *reviewing* Rachel Arnow-Richman, *Just Notice: Re-Reforming Employment at Will*, 58 UCLA L. REV. 1 (2010)

Judicial Amendments Treating Citizen and Immigrant Workers Equally . . . Badly: Labor Rights Without Effective Remedies, JOTWELL (2010), *reviewing* Ellen Dannin, *Hoffman Plastics as Labor Law—Equality at Last for Immigrant Workers?* 44 U. SAN FRANCISCO L. REV. 393 (2009)

OTHER EDITED PUBLICATIONS

Contributing Editor, WORKLAW JOTWELL at <http://worklaw.jotwell.com/>

Senior Editor, Keller & Darby, INTERNATIONAL LABOR & EMPLOYMENT LAWS, Vols. IIA, IIB, Third Edition (BNA Books 2008); Vol. II, Second Edition, & subsequent supplements (2006-12)

Contributing Editor, Hardin & Higgins, DEVELOPING LABOR LAW, Fifth Edition (BNA Books, 2006) & subsequent supplements (2007-15)

BOOK CHAPTERS AND SECTIONS

In Defense of Public Sector Unions, 28 HOFSTRA LAB. & EMP. L.J. 303 (2011), *reprinted in* THE CHALLENGE FOR COLLECTIVE BARGAINING – PROCEEDINGS OF THE 65TH N.Y.U. ANNUAL CONFERENCE ON LABOR LAW (M. Green ed., Lexis Publishing 2014)

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

Reflections of a Former Athlete as a Young Woman: Growing up under Title IX

Overview of Labor: How the Athlete Changes the Economic Playing Field

Introduction to False/Positives: Debating the Merits of Drug Testing

Overview of Gender: Progress Riddled with Disappointment

Chapters in A PRACTITIONER'S GUIDE TO APPELLATE ADVOCACY (ABA Publishing 2010)

The Appellate Court's Role in the Federal Judicial System

Professionalism and Ethics in Appellate Advocacy (with Dennis Owens)

POLICY PAPERS AND OTHER PUBLICATIONS

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

Are Pharmaceutical Sales Representatives Exempted from the Overtime-pay Requirements of the Fair Labor Standards Act? 39 SUPREME COURT PREVIEW 260 (ABA Publishing) (2012)

Promises, Promises: Assessing the Obama Administration's Record on Labor Reform, 20 NEW LABOR FORUM 65 (2011)

Calling for Comparative and Interdisciplinary Study of Coal Mine Safety, ADMINISTRATIVE & REGULATORY LAW NEWS (ABA Publishing 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 SUPREME COURT PREVIEW 259 (ABA Publishing March 2010)

The Constitutional Debate over Teaching Intelligent Design as Science in Public Schools, December 2005, http://www.acslaw.org/pdf/Intelligent_Design_White_Paper.pdf

BLOGS

Judicial Activism on the Roberts Court: Anti-union Ideology Driving the Analysis, EPRNBLOG (July 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 (July 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 (December 21, 2005), <http://www.acsblog.org/cat-guest-bloggers.html>

WORKS/ARTICLES IN PROGRESS

The Case Against Forced Pre-dispute Arbitration Agreements and for Using Peer Advocates to Resolve Employment Disputes over Discharge

Civil Disobedience: Peaceful Solutions to Attaining Dignity and Human Autonomy at Work

Labor Rights as Human Rights: Regaining Autonomy and Human Dignity at the American Workplace

*Just Cause and a Living Wage for All: The Case for Dignity
Workplace Dissent, Democracy, and Justice*

LECTURES, PRESENTATIONS, WEBINARS, CONGRESSIONAL TESTIMONIES

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

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, April 30, 2015

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

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

Labor Rights as Human Rights, Faculty Colloquium, Florida International University School of Law, March 31, 2015

Understanding LGBT Rights: Federalism Issues, 2015 WEST VIRGINIA HUMAN RIGHTS FORUM, Stonewall Resort, Roanoke, WV, March 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, November 8, 2014

Are College Athletes Employees under the NLRA?, ELON LAW REVIEW Symposium, Elon, NC, November 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, November 1, 2014

Attacks on Exclusive Representation and Agency Fee, at National Organization of Lawyers for Educational Associations Conference, Washington, DC, October 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, April 21, 2014

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

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

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

Government in Crisis: A History of the Politicization of the National Labor Relations Board, at 28th West Virginia AFL-CIO Convention, Charleston, WV, October 23, 2013

Government in Crisis: A View from Labor, at WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Stonewall Resort, Roanoke, WV, October 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, September 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, September 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, April 5, 2013

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

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

Social Media and Labor Law, at WEST VIRGINIA EMPLOYMENT LAWYERS ASSOCIATION ANNUAL MEETING, Adaland, Phillipi, WV, November 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, October 25, 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, April 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, March 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, March 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, February 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, February 17, 2012

Testimonial from a Former NLRB Attorney, Peggy Browning Fund Panel Discussion, University of Pittsburgh School of Law, Pittsburgh, PA, February 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 January 6-8, 2012

The Problem of Social Cost Revisited, WVU Law Classics Workshop, December 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, scheduled for October 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, October 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, October 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, 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, April 21, 2011

Leadership Panel, at WEST VIRGINIA UNIVERSITY INSTITUTE FOR LABOR STUDIES AND RESEARCH in partnership with the WV AFL-CIO, Lakeview Resort, WV, April 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, April 13, 2011

Looking Forward: Entrepreneurship, Innovation, and Job Creation, at WEST VIRGINIA SESQUICENTENNIAL SYMPOSIUM: CELEBRATING WEST VIRGINIA ENTREPRENEURSHIP, West Virginia University, Morgantown, WV, April 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, March 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, January, 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, November 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, October 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 BOUNDARYLINES: 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, March 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, January 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, October 17, 2009

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

Speaking up in Class (Panel Discussion), WVU WOMEN'S LAW CAUCUS, Morgantown, WV, September 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, September 17, 2009

The Nuts and Bolts of Publishing, LAW FACULTY COLLOQUIUM, West Virginia University, Morgantown, WV, September 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 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, April 17, 2009

The Role of Dissenting Speech in Creating a Robust Industrial Democracy, paper presented at LAW FACULTY COLLOQUIUM, West Virginia University, Morgantown, WV, April 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, March 10 & 12, 2009

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

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

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

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

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

Sexual Harassment in the Workplace, Panel Discussion presented by the WVU Women's Law Caucus, Morgantown, WV, October 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, April 30, 2008

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

What You Don't Know About the NLRA, West Virginia Employment Lawyers Association, The Woods, Berkley Springs, WV, October 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, October 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, October 5, 2007

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

The Art of "Intelligent Design": How Advocates of Creationism and Its Various Incarnations Are Re-designing 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

5th Annual C. Edwin Baker Lecture on Liberty, Equality, and Democracy, to be presented by Lani Guinier, Bennett Boskey Professor of Law, Harvard Law School, Cambridge, MA, November 5, 2015

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

2015 Constitution Day Celebration, 50TH ANNIVERSARY OF THE VOTING RIGHTS ACT, September 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, forthcoming April 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, April 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*, November 14, 2014

Zealous Advocacy for Social Change: Transforming an Anti-Labor Environment into a Culture of Civility, WEST VIRGINIA LAW REVIEW SYMPOSIUM, Morgantown, WV, October 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, September 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*, September 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, April 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*, April 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*, March 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, September 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)

2^d Annual Tri-School Faculty Colloquium, hosted by University of Pittsburgh Law, April 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*, April 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*, April 11, 2013

2013 NATIONAL ENERGY & SUSTAINABILITY MOOT COURT COMPETITION, West Virginia University College of Law, March 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, January 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 Mauer School of Law, Bloomington, *A Feminist Vision of Free Speech Theory*, November 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, April 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*, April 2, 2012

2012 NATIONAL ENERGY & SUSTAINABILITY MOOT COURT COMPETITION, West Virginia University College of Law, March 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*, February 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, January 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*, October 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, March 31-April 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, February 9, 2009 (with Prof. John E. Taylor)

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

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

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

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

MEDIA APPEARANCES

OP Eds

Committee Unjustified in its Review of NLRB, Sep. 6, 2011, in THE HILL, <http://thehill.com/opinion/letters/179785-committee-unjustified-in-its-review-of-nlr>

Proposal Would Hurt Unions, SATURDAY GAZETTE-MAIL, CHARLESTON GAZETTE, Mar. 19, 2011, <http://wvgazette.com/Opinion/OpEdCommentaries/201103182449?page=2>

SELECTED VIDEOS

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

The Promise of the National Labor Relations Act, May 24, 2010, <http://www.acslaw.org/acsblog/node/16251>

The Legacy and Future of the National Labor Relations Act, May 24, 2010, <http://www.acslaw.org/acsblog/videopodcast-legacy-and-future-of-national-labor-relations-act>

West Virginia University College of Law Commencement Address, May 21, 2010, <http://www.youtube.com/watch?v=nH3-iS3mo6o> (introduction at 24:34; speech at 29:25)

IN THE NEWS AND INTERVIEWS

Frederick Reese, *States and Right-to-Work: What's Behind the Attack on Unions*, MintPressNews, <http://www.mintpressnews.com/states-and-right-to-work-whats-behind-the-attack-on-unions/>, posted on January 8, 2013

James Parks, *NLRB Hearing on Proposed Rules Change: Employers Game the System*, AFL-CIO NOW BLOG NEWS, posted Jul 18, 2011, <http://blog.aflcio.org/2011/07/18/nlr-b-hearing-on-proposed-rules-change-employers-game-the-system/>

David Yamada, *Let's Give a Damn About Our Coal Miners*, MINDING THE WORKPLACE, Apr. 5, 2011, <http://newworkplace.wordpress.com/2011/04/05/lets-give-a-damn-about-our-coal-miners/>

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

AFA-CWA: GOP Trying to Turn Airline Workers' Victory into Defeat, CWA NEWSLETTER, Mar. 10, 2011, http://www.580kido.com/pages/landing_austin_blog?Mark-Your-Calendar-April-4-Labor-Union-M=1&blockID=438703&feedID=6625

Keith Laing, *Unions Hope to Ground FAA Provision on Organizing Votes*, THE HILL, Mar. 8, 2011, <http://thehill.com/blogs/transportation-report/labor-employment/148063-unions-hope-to-ground-faa-provision-on-organizing-votes>

The Promise of the National Labor Relations Act, Video/Podcast Interview, <http://www.acslaw.org/acsblog/node/16251>, posted May 27, 2010

Interviewed by Culture Shocks with Barry Lynn, Sep. 14, 2009, available at <http://www.cultureshocks.com/shows/2009/09/14/anne-lofaso/>

Paul Abowd, *Banning Online Communication at Work, Labor Board Becomes Government's 'Rip Van Winkle'* in LABOR NOTES 7, Aug. 2008

Report about Earlier 'Bump' Disregarded, THE SALT LAKE TRIBUNE, Sep. 1, 2007

Robert Gehrke, *Mountain Was Buckling Months before Mine Collapse*, THE SALT LAKE TRIBUNE, Aug. 31, 2007

GC Seeks Tougher Remedies in First Contract Cases, CCH LABOR LAW REPORTS, June 27, 2007

Alyssa Rosenberg, *At an Impasse*, GOVERNMENT EXECUTIVE, <http://www.govexec.com/features/0707-15/0707-15na3.htm>, July 15, 2007

FUNDRAISING

C. EDWIN BAKER ENDOWED LECTURE ON LIBERTY, EQUALITY, AND DEMOCRACY, Morgantown, WV (annual lecture series) (with Dean Joyce McConnell)

SERVICE

Community Service

- 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, April 6, 2011

University Service

- Senate Committee on Student Rights and Responsibilities, 2013-2014
- Search Committee, Assistant Vice President for Creative and Scholarly Activity, 2013
- Faculty Senate, 2013-2016, 2010-2013 terms (peer-elected position)

Law School Committee Service

- Chair, Faculty Development – Scholarship and Teaching, 2013-present
- Faculty Appointments, 2008-present
 - Co-Chair, 2011-present
 - Library Director Search, 2012-2013
- Chair, Faculty Significant Scholarship Award Prize Committee 2013
- Promotion and Tenure, 2013-2015, 2011-2012 (peer-elected position)
- Faculty Research & Development (formerly Institutional Advancement), 2011-present
- Faculty Senate, 2010-2013 term (peer-elected position)
- Academic and Strategic Planning, 2007-2013
 - Chair, Externship Taskforce, 2008-09
- International Programs, spring 2010
- Faculty Retreat Committee, spring 2009

Faculty Advisor

- Moot Court Board, 2007-present
- WVU Energy and Sustainability Moot Court Competition, 2010-present
- Labor Law Society, 2007-present
- Women's Law Caucus, 2008-2012
- ACS for Law and Policy, 2009-2013
- Jewish Law Student Association, 2008-2009
- ABA L&E Trial Advocacy Competition, 2008-2010

Faculty Mentor/Coach

- WVU Moot Court Team for the New York Law School Robert F. Wagner National Labor & Employment Law Moot Court Competition, 2007-present
- Jessup International Law Moot Court Competition, 2007-2012
- Law Review Student Note Advisor, 2007-present
- First Year Peer Group Mentor, 2007-present
- WVU Moot Court National Team, 2007-11
- WVU National Appellate Advocacy Team, 2010

ABA Service

- Co-Chair, Special Projects Subcommittee, Appellate Practice Committee, Litigation Section, American Bar Association, 2006-present

PROFESSIONAL ASSOCIATIONS

American Bar Association

- Litigation Section
 - Co-chair, Special Projects Subcommittee, Appellate Practice Committee
- Labor and Employment Law Section
 - Development of the Law under the NLRA Committee
 - International Labor Law Committee
- Administrative Law and Regulatory Practice Section
- Government and Public Sector Lawyers Division
- International Law Section

American Constitution Society for Law and Policy

Employment Policy Research Network

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, 2000-03**

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 DC

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)

SELECTED 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)

PROFESSIONAL HONORS AND RECOGNITIONS

NLRB Nine consecutive annual performance awards for outstanding service (1997-2006)

2005 Peer Professionalism Award for the Advancement of Labor Law

Peer professionalism award for outstanding contributions in fostering a professional workplace (2005)

ABA Nominated ABA Section of Labor and Employment Federal Labor and Employment Attorney of the Year Award (2006)

Other ACS Policy Paper on Intelligent Design recognized on the Center For American Progress's Essential Reading list concerning the intelligent design controversy; <http://www.americanprogress.org/issues/kfiles/b1539203.html>

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

References (additional references available upon request)

Joyce McConnell
Provost and Vice President for Academic Affairs
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(William J. Maier Jr. Dean: 2008-2014)
West Virginia University
Stewart Hall
1500 University Avenue
Morgantown, WV 26506-6203
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Robert M. Bastress, Jr.
John W. Fisher, II Professor of Law
West Virginia University College of Law
101 Law Center Drive
Morgantown, WV 26506-6130
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Seth Harris
Former Deputy Secretary of Labor
Distinguished Scholar, Cornell University's School of Industrial & Labor Relations
Counsel, Dentons
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Geneva Yeargan Rand Distinguished Professor of Law
University of North Carolina School of Law
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University of Toledo College of Law
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