

Anne Marie Lofaso

Arthur B. Hodges Professor of Law
West Virginia University College of Law
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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
Syosset High School, Valedictorian, New York State Regents Diploma

CLERKSHIP

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

ADMINISTRATIVE AND FACULTY APPOINTMENTS

West Virginia University College of Law

Arthur B. Hodges Professor of Law (since 2015)

Professor of Law, July 2011–present (approved for sustained productivity raise in 2017)

Advisor, Labor and Employment Law Concentration, 2015–present

Founder, United States Supreme Court Clinic, 2011–present

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

Associate Professor of Law, January 2007–July 2011

Courses: Labor Law, Advanced Labor Law, Employment Law, Law and Economics, Jurisprudence, Constitutional Law, Civil Procedure—Jurisdiction, Professional Responsibility, Appellate Advocacy, Supreme Court Clinic, Socioeconomics Seminar, International and Comparative Work Law Seminar

West Virginia University Honors College

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

Race at the Intersection (fall 2020)

University of Oxford (on Sabbatical)

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

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

Oxford Human Rights Hub Blog

Research Associate, February 2016 to present

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

Research Scholar, since 2014

EMPLOYMENT POLICY RESEARCH NETWORK

Researcher, May 2011-present

<http://www.employmentpolicy.org/people/anne-lofaso>

West Virginia University Research Office

Leadership Fellow in the Office of the Associate Vice President for Creative and Scholarly Activities May 15–December 31, 2015

American University, Washington College of Law

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

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

SIGNIFICANT NONACADEMIC APPOINTMENTS

West Virginia State Advisory Committee to the United States Commission on Civil Rights, Vice Chair and Special Federal Government Employee, Nov. 18, 2019–Nov. 23, 2023 (second term); Nov. 18, 2015–Nov. 17, 2019 (first term)

City of Morgantown Human Rights Commission

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

College of Labor and Employment Lawyers, Fellow since 2015

West Virginia University Women’s Leadership Initiative, Member since 2014

SCHOLARSHIP/RESEARCH

Grants/Funding

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

BOOKS

NATIONAL LABOR RELATIONS ACT: LAW & PRACTICE (Matthew Bender & Company, Inc., 2020)

DRAFTING THE UNION CONTRACT (Matthew Bender & Company, Inc. 2020)

MODERN LABOR LAW IN THE PUBLIC AND PRIVATE SECTORS: CASES AND MATERIALS (3d edition) (Carolina Academic Press 2020) (with S. Harris, J. Slater, C. Garden, R. Griffin)

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

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

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

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

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

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

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

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

EDITED BOOKS AND BOOK CHAPTERS

A PRACTITIONER'S GUIDE TO APPELLATE ADVOCACY 2D EDITION (American Bar Association Publishing 2010) (eds. Anne Marie Lofaso and Lawrence D. Rosenberg forthcoming 2021)

Chapter 1, *Case and Client Evaluation*, in EMPLOYEE RIGHTS LITIGATION (LexisNexis Publishing 2019)

Chapter 14, *Employee and Applicant Testing*, in WAGES AND HOUR: LAW AND PRACTICE (LexisNexis Publishing 2018)

Chapter 13, *State Wage-Hour Laws and Wage Orders*, in WAGES AND HOUR: LAW AND PRACTICE (LexisNexis Publishing 2017)

Chapter 13, *Sexual Harassment* in EMPLOYMENT LITIGATION IN NEW JERSEY (LexisNexis Publishing 2016)

Chapter 18, *ERISA Litigation* in EMPLOYMENT LITIGATION IN NEW JERSEY (LexisNexis Publishing 2016)

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

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

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

ARTICLES AND BOOK CHAPTERS

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

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

Employment Disputes, in OUTBREAK LITIGATION: CIVIL DISPUTES IN THE AGE OF GLOBAL CONTAGION, chapter 6 (eds. Samuel L. Tarry Jr. and Davis M. Walsh) (American Bar Association Publishing (Section of Litigation) 2021)

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

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

Revisiting U.S. Labor Law as a Restriction to Works Councils: A Key for United States Global Competitiveness, 66 DRAKE L. REV. 515 (2018) (with Neil Bucklew, Jeffery Houghton, and Nicholas DiGiovanni)

De-essentializing Appalachia: Transformative Socio-legal Change Requires Unmasking Regional Myths, 120 W.V. L. REV 823 (2018) (symposium) (co-authored with Nicholas F. Stump)

Working for Recovery: How Civil Rights Laws Can Improve the Prospects for Successful Rehabilitation and Gainful Employment for Alcoholics and Drug Addicts, 120 W.V. L. REV. 891 (2018) (symposium) (with Samuel Brown Petsonk)

Workers' Rights as Natural Human Rights, 71 U. MIAMI L. REV. 565 (2017)

Justice Scalia's Labor Law Jurisprudence—Justice Denied?, 21 EMP. RTS. & EMP. POL'Y J. 13 (2017) (peer-reviewed journal)

Deflategate: What's the Steelworkers Trilogy Got To Do with It?, 6 BERKELEY J. SPORTS & ENTER. L. 48 (2017)

Groomed for Exploitation! How Applying the Statutory Definition of Employee To Cover Division IA College Football Players Disrupts The Student-Athlete Myth, 119 W.V. L. REV. 957 (2017)

When Do College Athletes Become University Employees? The Case of Division IA College Football in WHO IS AN EMPLOYEE AND WHO IS THE EMPLOYER: PROCEEDINGS OF THE NEW YORK UNIVERSITY 68TH ANNUAL CONFERENCE ON LABOR (LexisNexis 2016)

We Are in This Together: The Rule of Law, the Commerce Clause, and the Enhancement of Liberty Through Mutual Aid, in AMERICAN CONSTITUTION SOCIETY FOR LAW AND POLICY, TOWARD A MORE PERFECT UNION: A PROGRESSIVE BLUEPRINT FOR THE SECOND TERM (2013), http://www.acslaw.org/sites/default/files/Lofaso_-_We_Are_in_this_Together.pdf

Ed Baker: A Tribute, 115 W. VA. L. REV. 1 (2012)

Baker's Autonomy Theory of Free Speech: His Final Thoughts on Freedom of Expression, 115 W. VA. L. REV. 15 (2012)

A Bakerian Response to Weinstein's Free Speech Theory, 115 W. VA. L. REV. 39 (2012)

System of Employee Representation at the Enterprise: The US Report, (with Orly Lobel) in BULLETIN OF COMPARATIVE LABOUR RELATIONS (Blainpain ed., Wolters Kluwer 2012) (collection of papers presented at the 11th Tokyo Seminar, sponsored by THE JAPANESE INSTITUTE FOR LABOUR POLICY & TRAINING (JILPT)), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2218862

What We Owe Our Coal Miners, 5 HARV. L. & POL'Y REV. 87 (2011)

In Defense of Public Sector Unions, 28 HOFSTRA LAB. & EMP. L.J. 301 (2011), *reprinted in* THE CHALLENGE FOR COLLECTIVE BARGAINING—65TH ANNUAL PROCEEDINGS OF THE NYU CONFERENCE ON LABOR LAW (Lexis Publishing 2014)

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

The Vanishing Employee: Putting the Autonomous Dignified Union Worker Back To Work, 5 FIU L. REV. 497 (2010), (solicited article for law review symposium: *Whither the Board? The National Labor Relations Act at 75*)

Talking Is Worthwhile: The Role of Employee Voice in Protecting, Enhancing and Encouraging Individual Rights to Job Security in a Collective System (A Tribute to Clyde Summers), 14 EMP. RTS. & EMP. POL'Y J. 55 (2010)

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

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

The Appellate Court's Role in the Federal Judicial System and Professionalism and Ethics in Appellate Advocacy (co-authored) in A PRACTITIONER'S GUIDE TO APPELLATE ADVOCACY (ABA Publishing 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; and Overview of Gender: Progress Riddled with Disappointment in REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR, GENDER, AND RACE IN 21ST CENTURY SPORTS LAW (eds. andré douglas pond cummings and Anne Marie Lofaso) (West Virginia University Press 2010)

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

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

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

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

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

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

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

BOOK AND ARTICLE REVIEWS

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

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

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

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

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

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

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

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

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

GOVERNMENT PUBLICATIONS, WRITTEN CONGRESSIONAL TESTIMONY, AND WHITE PAPERS

West Virginia Advisory Committee Memorandum on the Interaction Between Individuals with Mental Health Issues and the Criminal Justice System in West Virginia, An Advisory Memorandum of the West Virginia Advisory Committee to the U.S. Commission on Civil Rights, November 13, 2019, <https://www.usccr.gov/pubs/2019/11-14-WV-SAC-Mental-Health-Criminal-Justice-Report.pdf>

Civil Rights Impacts from Collateral Consequences in West Virginia, A Report of the West Virginia Advisory Committee to the U.S. Commission on Civil Rights, September 25, 2019, <https://www.usccr.gov/pubs/2019/09-25-Civil-Rights-Impacts-from-Collateral-Consequences-in-WV.pdf>

Written Testimony Before the U.S. House Committee on Education and the Workforce Subcommittee on Health, Education, Labor, and Pensions, Hearing on Worker-Management Relations: Examining the Need to Modernize Federal Labor Law, April 26, 2018, https://edworkforce.house.gov/uploadedfiles/testimony_lofaso_revised_4.26.18.pdf

Written Testimony Before the U.S. House Committee on Education and the Workforce Subcommittee on Health, Education, Labor, and Pensions Hearing on H.R. 3459 Protecting Local Business Opportunity Act, September 29, 2015, https://edworkforce.house.gov/uploadedfiles/testimony_lafaso.pdf

Judicial Activism on the Roberts Court: Anti-union Ideology Driving the Analysis, July 1, 2012, <http://www.lerachapters.org/OJS/ojs-2.4.4-1/index.php/LERAMR/article/view/1766/1765>

NLRB Primer and the Boeing Complaint, EPRN and LERA Research Paper, July 15, 2011, <http://www.lerachapters.org/OJS/ojs-2.4.4-1/index.php/LERAMR/article/view/1790/1788>.

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

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

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

ABA JOURNAL ARTICLES

Does the ADEA's Federal-Sector Provision Require a Plaintiff to Prove that Age Was a But-For Cause of the Challenged Personnel Action?, 47(4) PREVIEW OF THE UNITED STATES SUPREME COURT CASES 18–21 (ABA Publishing January 13, 2020), https://www.americanbar.org/groups/public_education/publications/preview_home/volume/47/issue-4/article-5/

Tips for the First-Time Brief Writer in the U.S. Court of Appeals, 32 APPELLATE PRACTICE Vol. 1 (ABA 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)

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)

BLOGS

The "Notorious R.B.G.," OxHRH Blog, 5 Nov. 2020, <http://ohrh.law.ox.ac.uk/introduction-the-notorious-r-b-g-blog-series-the-legacy-of-u-s-supreme-court-justice-ruth-bader-ginsburg> (with Rachel Wechsler) (peer reviewed)

Justice Anthony Kennedy's Human Rights Legacy, OXHRH BLOG, 24 Sep. 2018, <http://ohrh.law.ox.ac.uk/justice-anthony-kennedys-human-rights-legacy-introduction-to-the-blog-series/> (peer reviewed)

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

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

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

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

Scalia's Record on Labor Rights as Human Rights: Justice Denied, OXHRHUB BLOG, 8 Apr. 2016, <http://ohrh.law.ox.ac.uk/scalias-record-on-labour-rights-as-human-rights-justice-denied/> (peer reviewed)

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

U.S. Labor Relations Board Cowardly Punts Its Duties, OXHRHUB BLOG, 31 Aug. 2015, <http://ohrh.law.ox.ac.uk/united-states-labor-relations-board-cowardly-punts-its-duties/> (peer reviewed)

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

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

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

LECTURES, PRESENTATIONS, ROUND TABLES, WEBINARS, CONGRESSIONAL TESTIMONIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Labor Rights as Human Rights, Law Faculty Colloquium, University of Kansas School of Law, Lawrence, Kansas, October 15, 2015

Labor Rights as Human Rights, Law Faculty Colloquium, University of Oklahoma College of Law, Norman, Oklahoma, October 13, 2015

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

Labor Rights as Human Rights, Law Faculty Colloquium, Baylor Law School, Waco, Texas, October 6, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lessons from the Boeing Case: What You Can and Can't Do About Union Activity, BNA-sponsored webinar, 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, 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, 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 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, Berkeley 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

2018–2019 Annual C. Edwin Baker Lecture on Liberty, Equality, and Democracy, to be presented by Sandy Steel, Lee Shau Kee's Sir Man Kam Lo Fellow in Law at Wadham College and Associate Professor of Law in the Faculty of Law at Oxford, University of Oxford, *Title TBA*, April, 2019

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

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

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

2d 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)

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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

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

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

FUNDRAISING

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

SERVICE

University Service

Faculty Advisor, WVU Graduate and Professional Student Senate

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

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

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

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

Co-leader, Humanities Center Investigatory Committee, 2015 (drafted agreement creating WVU Humanities Center)
Member, Disappearing Task Force on WVU Libraries' Digital Presence in the 21st Century, 2015-present
Member, Health Disparities Research Committee, 2015
College of Law Senator, Faculty Senate, 2013–2016, 2010–2013 terms (peer-elected position)
Peer Reviewer, Internal Grants Committee, 2014–present
Representative, Senate Committee on Student Rights and Responsibilities, 2013–2014
Member, Search Committee, Assistant Vice President for Creative and Scholarly Activity, 2013
Member, Charles Darwin 200th Birthday Celebration Committee, 2008–09

Law School Committee Service

Chair, Adjunct Professor Review Committee, 2017–present
Chair, Student Conduct Committee, 2020–present
Member, International Programs Committee, spring 2010, 2016–present
Member, Faculty Development – Scholarship and Teaching, 2011–present
Chair, Faculty Development – Scholarship and Teaching, 2013–2015
Chair, Faculty Research & Development (formerly Institutional Advancement), 2011–2013
Member, Strategic Initiatives Committee, 2018–2019
Member, Diversity Committee, 2017–2018
Member, Academic Standards Committee, 2016–2017
Faculty Appointments, 2008–2015
Co-Chair, 2011–2015
Co-Chair, Library Director Search, 2012–2013
Chair, Faculty Significant Scholarship Award Prize Committee 2013
Member, Promotion and Tenure, 2013–2015, 2011–2012 (peer-elected position)
Member, Academic and Strategic Planning, 2007–2013
Chair, Externship Taskforce, 2008–2009
Chair, Faculty Retreat Committee, spring 2009

Faculty Advisor

Labor Law Society, 2007–present
Sports and Entertainment Law Society, 2016–present
West Virginia Employment Lawyers' Association, Student Chapter, 2018–present
WVU Graduate and Professional Student Senate, 2016–present
ACS for Law and Policy, 2009–2013, 2016–present
Law Review, 2015–2016
Moot Court Board, 2007–2015
WVU Energy and Sustainability Moot Court Competition, 2010–2015
Women's Law Caucus, 2008–2012
Jewish Law Student Association, 2008–2009
ABA L&E Trial Advocacy Competition, 2008–2010

Faculty Mentor/Coach

WVU Team, Tulane Law School Professional Football Negotiation Competition, 2020
WVU Moot Court Team for the New York Law School Robert F. Wagner National Labor & Employment Law Moot Court Competition, 2007–2014, 2017–2018
Jessup International Law Moot Court Competition, 2007–2012
Law Review Student Note Advisor, 2007–present
First Year Peer Group Mentor, 2007–2015, 2017-present
WVU Moot Court National Team, 2007–11
WVU National Appellate Advocacy Team, 2010

ABA Service

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

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

Community Service

Irish American Hall of Fame Screening Committee, since 2012

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

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

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

PROFESSIONAL ASSOCIATIONS

American Bar Association

Litigation Section

· *Chair*, Special Projects Subcommittee, Appellate Practice Committee

Labor and Employment Law Section

· Development of the Law under the NLRA Committee

· International Labor Law Committee

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, 2000–2003

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

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

Catholic Charities, Washington 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)

CLINIC CASES

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

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

Wilkerson v. Warden Williamsburg Fed. Correctional Inst., 830 Fed. Appx. 108 (4th Cir. 2020)

Reyes-Romero v. Barr, 832 Fed.Appx. 426 (6th Cir. 2020)

Moss v. Atkinson, 767 Fed. Appx. 466 (4th Cir. 2019)

Banks v. Gore, 738 Fed. Appx. 766 (4th Cir. 2018)

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

U.S. v. Santiago, 632 Fed. Appx. 769 (4th Cir. 2015)

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

King v. U.S., 536 Fed. Appx. 358, 359 (4th Cir. 2013)

In re Ifenatuora, 528 Fed. Appx. 333 (4th Cir. 2013)

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

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

SELECTED 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)

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

AWARDS AND HONORS

Professional

2015 Fellow, College of Labor and Employment Lawyers

2005 NLRB Professional Association Peer Professionalism Award for the Advancement of Labor Law

2005 NLRB Professional Association Peer Professionalism Award for Outstanding Contributions in Fostering a Professional Workplace

1997–2006 Nine consecutive annual performance awards for outstanding service at NLRB

1994 Performance Award for Outstanding Service as a Federal Law Clerk

Scholarship

2017 Salary Enhancement for six consecutive years of outstanding performance in scholarship, teaching, and service

2016 Keeley Visiting Fellow, Wadham College, University of Oxford

2015 Big XII Fellow – presented faculty colloquia and/or met with law faculty at all six Big XII law schools (Baylor, Texas, Texas Tech, Oklahoma, Kansas, WVU)

2014 Claude Worthington Benedum Distinguished Scholar Award

- 2011 West Virginia University College of Law Faculty Significant Scholarship Award
- 2010 ForeWord Book of the Year Award Finalist for REVERSING FIELD
- 2010 West Virginia University College of Law Faculty Significant Scholarship Award
- 2009 West Virginia University College of Law Faculty Significant Scholarship Award
- 2008 West Virginia University College of Law Faculty Significant Scholarship Award

Teaching/Mentoring

- 2015 WEST VIRGINIA LAW REVIEW, VOL. 117, John W. Fisher II Faculty 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 West Virginia University and West Virginia