

# CHARLES JACOB MORRIS

## Professional Biographical Information

### Office:

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### Residence:

5085 Caminito Exquisito  
San Diego, California 92130

### Occupations:

Professor Emeritus of Law, Southern Methodist University; Labor Arbitrator; Labor Law Consultant; Attorney-at-Law; Author; Lecturer.

### Personal:

Born August 16, 1923. Was married to the late Minnette Fineglass Morris. Four children: sons, Jeffrey, Joseph, and John and daughter Jena. Six living grandchildren and six great-grandchildren.

### General Resume'

Charles J. Morris, Emeritus Professor of Law, is an eminent authority on labor law. He began his legal career in 1948 as an associate in a prominent Dallas labor law firm, became a partner in 1952, and remained with that firm, Mullinax, Wells, Morris, & Mauzy, until 1966 when he joined the SMU law faculty as a visiting professor (after two years of adjunct teaching). He was a professor from 1968 to 1991, when he became an emeritus professor and moved to San Diego, California, where he continued actively working in his chosen field. During his eighteen years in private practice he was extensively involved in trial and appellate work in state and federal courts and before NLRB and arbitration tribunals. Some highlights of that practice: Chief counsel in two major U.S. Supreme Court cases, one that established the unlawfulness of extending exclusive recognition to a minority union and one that held, reversing prior law, that only federal courts had jurisdiction to interpret and enforce collective agreements under the

Railway Labor Act. In the Texas Supreme Court he obtained review in all five cases in which he had sought writ of error or habeas corpus and was victorious in each, thereby establishing several important doctrines in Texas labor law. In a Fifth Circuit U.S. Court of Appeals action he obtained reinstatement for a group of airline pilots with back-pay of approximately \$1,500,000, which at the time (1967) was the largest back-pay award ever issued in a single union discrimination case. His bar association and related activity included chairmanship of the Labor Law Section of the State Bar of Texas, chairmanships of three major committees of the Labor Law Section of the American Bar Association, and chairmanships of every annual Southwestern Legal Foundation Labor Law Institute from 1962 through 1973 (thus continuing his leadership of that institute after joining the SMU law faculty).

Since joining the SMU law faculty, Professor Morris has published numerous law review articles and other writings in the field of labor law and labor arbitration. His books include the first two editions of the standard treatise on the law of the National Labor Relations Act, *The Developing Labor Law: The Board, The Courts, and the National Labor Relations Act*, also *American Labor Policy: A Critical Appraisal of the National Labor Relation Act*, and most recently *The Blue Eagle at Work: Reclaiming Democratic Rights in the American Workplace*. He has been and continues to be a frequent speaker, lecturer, and presenter of scholarly papers on a variety of labor law subjects. His legal representations and pro bono activity in important court and NLRB proceedings have made major contributions to the shaping of American labor law, including the NLRB's first adoption of substantive rulemaking, application of the *Weingarten* rule to nonunion workplaces, and the seminal *Electromation* decision on employee committees. He initiated the rulemaking petition for a general notice-posting rule which the NLRB issued regarding rights and duties under the NLRA, and filed amicus briefs in the federal cases that followed that action. His recent activities have included representation of the Steelworkers Union in several NLRB actions regarding minority-union collective bargaining, all of which are based on the thesis of his book, *The Blue Eagle at Work*. That issue is alive but not yet settled.

Professor Morris has presided over and written awards in over 300 labor-management arbitration cases, many of which have been published. Since 1970 he has been a member of the National Academy of Arbitrators and has served on its Board of Governors and chaired several of its committees. In 1978 he was appointed by President Jimmy Carter to the Federal Service Impasses Panel and reappointed in 1979 as a charter member of that Panel under the newly enacted Federal Service Labor-Management Relations Act, a position in held for three additional years.

Professor Morris' areas of teaching were Labor and Employment Law, including law under the National Labor Relations Act, the Railway Labor Act, and Labor Arbitration; Administrative Law; Constitutional Law; Alternative Dispute Resolution; Evidence; and Civil Procedure. He regularly supervised an LLM labor law program that was especially attractive to many young foreign lawyers. He was a visiting professor at Monash University (Melbourne, Australia) in 1974, at Cornell University's School of Industrial and Labor Relations and its School of Law from 1977 to 1979, and at the University of San Diego School of Law in 1987 and 1988.

**Employment History:**

Professor of Law, Southern Methodist University, 1968-1991 (Professor Emeritus thereafter); Visiting Professor of Law, Southern Methodist University, 1966-1968; Visiting Professor, University of San Diego School of Law, Fall 1988, Spring 1987; Visiting Professor, Cornell University School of Industrial and Labor Relations and School of Law, 1977-79; Visiting Professor, Monash University (Melbourne, Australia) 1974; Lecturer in Labor Law (adjunct), Southern Methodist University 1964-66.

Labor Arbitrator (active from 1968 to 2006). Served on panels of Federal Mediation and Conciliation Service, American Arbitration Association, and various permanent collective bargaining contract panels (private sector and federal). Active experience in arbitration of private sector industrial relations disputes, both grievance and interest (under the Labor-Management Relations Act and the Railway Labor Act), and public sector grievance and interest disputes (federal, state, and municipal).

Appointed member of Federal Service Impasses Panel by President Jimmy Carter, February 1978; reappointed as charter appointee under Federal Service Labor-Management Relations Act, January 1979; served until December 1982.

Practicing attorney (Dallas, Texas) specializing in labor law from 1948-1966; Partner, Mullinax, Wells, Morris and Mauzy 1952-66; Associate, Mullinax and Wells, 1948-52.

**Teaching Subject Areas:**

Labor and Employment Law, including law under the National Labor Relations Act, Railway Labor Act (air line and railway labor law), State and Federal labor relations statutes, and Collective Bargaining and Arbitration; Administrative Law; Constitutional Law; Alternative Dispute Resolution; Civil Procedure; Evidence.

**Education:**

J.D. (LL.B.), Columbia University School of Law, 1948.  
A.B., Temple University (Army Specialized Training Program) 1944.  
Washington and Lee University (Army Specialized Training Program) 1943.  
University of Chicago, 1942-43.  
Rice University, 1940-42.

**Professional Affiliations:**

National Academy of Arbitrators (Board of Governors 1979-82, chairperson of various committees, including Law and Legislation, 1978-81, and Overseas

Correspondents, 1982-86; chairperson of Southwest Region, 1985-87); Labor and Employment Relations Association (also San Diego Chapter and member of Advisory Committee, 1993-94); American Bar Association Section of Labor and Employment Relations Law (Editor-in-Chief, DEVELOPING LABOR LAW, 1st and 2nd editions, and co-chairman of various committees); International Labor and Employee Relations Association; Labor Law Group; International Society of Labor Law and Social Security; State Bar of Texas; National Advisory Board, Berkley Journal of Employment and Labor Law.

### **Admissions to Law Practice:**

Supreme Court of Texas, 1948; U.S. District Court, Northern Dist. Texas, 1949; U.S. Court of Appeals, 5th Cir., 1950; U.S. District Court, Eastern Dist. Texas, 1953; U.S. Court of Appeals, 6th Cir., 1960; Supreme Court of the United States, 1960; U.S. Court of Appeals, D.C. Cir., 1964; U.S. District Court, Western Dist. Texas, 1965; U.S. District Court, Arizona, 1992; U.S. District Court, D.C., 2011.

### **Publications:**

#### **Books:**

THE BLUE EAGLE AT WORK: RECLAIMING DEMOCRATIC RIGHTS IN THE AMERICAN WORKPLACE (Cornell University Press - ILR Imprint, 2005)

AMERICAN LABOR POLICY: A CRITICAL APPRAISAL OF THE NATIONAL LABOR RELATIONS ACT, Editor and Co-author, (Analytical and Summary Preface, and Essay, "Board Procedures, Remedies, and the Enforcement Process" (BNA Books, Inc., 1988).

THE DEVELOPING LABOR LAW - THE BOARD, THE COURTS, AND THE NATIONAL LABOR RELATIONS ACT, Second Edition (Editor-in-Chief and principal author), BNA Books, Inc. 1983, two-volumes (the recognized standard legal treatise on the law of the National Labor Relations Act).

THE FUTURE OF LABOR ARBITRATION IN AMERICAN, with B. Aaron, et al (*The Role of Interest Arbitration In A Collective Bargaining System*), American Arbitration Association, 1976.

INDIVIDUALS AND UNIONS, with J. Dunsford and R. Alleyne, Labor Law Group, BNA Books, Inc., 1973.

THE DEVELOPING LABOR LAW - THE BOARD, THE COURTS, AND THE NATIONAL LABOR RELATIONS ACT, Editor-in-Chief and principal author, BNA Books, Inc., 1971. (First edition of treatise noted above.)

## Journal Articles:

*Notice-Posting of Employee Rights: NLRB Rulemaking and the Upcoming Backfire*, 4) 67 RUTGERS LAW REVIEW, issue 6, spring 2015 (publication pending).

*How the National Labor Relations Act was Stolen and How it can be Recovered: Taft-Hartley Revisionism and the National Labor Relations Board's Appointment Process*, 33 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 1 (2012).

*The Congressional Policy of the National Labor Relations Act: Revisionism Exposed*, 60 LABOR LAW JOURNAL 35 (2009).

*Back to the Future: Reviving Minority-Union Collective Bargaining Under the National Labor Relations Act*, 57 LABOR LAW JOURNAL 61 (Summer 2006).

*Minority Union Collective Bargaining: A Commentary on John True's Review Essay on the Blue Eagle at Work, and a Reply to Skeptics Regarding Members-Only Bargaining Under the NLRA*, 27 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 179 (2006).

*Pemberton Lecture: Collective Rights as Human Rights: Fulfilling Senator Wagner's Promise of Democracy in the Workplace—The Blue Eagle Can Fly Again*, 39 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 701 (2005).

*Deterring 8(a)(3) Discharges with 10(j) Injunctions: Professor Morris' Comments on the Katz et al Commentary*, 4 EMPLOYEE RIGHTS & EMPLOYMENT POLICY JOURNAL 75 (2000).

*A Tale of Two Statutes: Discrimination for Union Activity Under the NLRA and RLA*, 2 EMPLOYEE RIGHTS & EMPLOYMENT POLICY JOURNAL 317 (1999).

*A Dialogue with the Chairman of the Labor Board: Challenging Conventional Wisdom on the Impact of Current Law on Alternative Forms of Employee Representation*, 15 HOFSTRA LABOR LAW JOURNAL 319 (1998).

*Ombudspersons and the Limits of the General Counsel's Authority Under the National Labor Relations Act: An Open Letter to Fred Feinstein*, 47 LABOR LAW JOURNAL 347 (1996).

*Will There be a New Direction for American Industrial Relations?—A Hard Look at the TEAM Bill, the Sawyer Substitute Bill, and the Employee Involvement Bill*, 47 LABOR LAW JOURNAL 89 (1996).

*A Blueprint for Reform of the National Labor Relations Act*, 8 ADMINISTRATIVE LAW JOURNAL OF AMERICAN UNIVERSITY 517 (1994).

*Déjà Vu and 8(a)(2): What's Really Being Chilled by Electromation?*, 4 CORNELL JOURNAL OF LAW AND PUBLIC POLICY 25 (1994).

*Renaissance at the NLRB—Opportunity and Prospect for Non-Legislative Procedural Reform at the Labor Board*, 23 STETSON LAW REVIEW 101 (1993).

*NLRB Protection in the Non-Union Workplace: A Glimpse at a General Theory of Section 7 Conduct*, 137 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1673 (1989).

*The NLRB in the Dog House: Can an Old Board Learn New Tricks?*, 14 SAN DIEGO LAW REVIEW 9 (1987) (lead article in Labor Symposium issue).

*EGAPs—Arbitration Plans for Nonunion Employees*, 14 PEPPERDINE LAW REVIEW 827 (1987).

*NLRB Deferral to the Arbitration Process: The Arbitrator's Awesome Responsibility*, 7 INDUSTRIAL RELATIONS LAW JOURNAL (1985).

*The Role of the NLRB and the Courts in the Collective Bargaining Process: A Fresh Look at Conventional Wisdom and Unconventional Remedies*, 30 VANDERBILT LAW REVIEW 66 (1977).

*The Role of Interest Arbitration in a Collective Bargaining System*, 1 INDUSTRIAL RELATIONS LAW JOURNAL 427 (1976).

*Everything You Always Wanted to Know About Public Employee Bargaining in Texas—But Were Afraid to Ask*, 13 HOUSTON LAW REVIEW 291 (1976).

*Labor Law Introduction*, in Fifth Circuit Survey, 7 TEXAS TECH LAW REVIEW 497 (1976).

*The National Labor Relations Board: Its Future*, 26 LABOR LAW JOURNAL 334 (1975).

*Successorship and the Collective Bargaining Agreement: Accommodating Wiley and Burns*, 59 VIRGINIA LAW REVIEW 1359 (1973) (With Wm. Gaus).

*The Case for Unitary Enforcement of Federal Labor Law—Concerning a Specialized Article III Court and the Reorganization of Existing Agencies*, 26 SOUTHWESTERN LAW JOURNAL 471 (1972).

*Procedural Reform in Labor Law—A Preliminary Paper*, 35 JOURNAL OF AIR LAW & COMMERCE 537 (1969).

*Public Policy and the Law Relating to Collective Bargaining in the Public Service*, 22 SOUTHWESTERN LAW JOURNAL 586 (1968), digested in MONTHLY DIGEST OF LEGAL ARTICLES 23 (April, 1969) and in INDUSTRIAL RELATIONS LAW DIGEST, 32 (April, 1969).

### **Essays in Collections:**

Chapter 12, *Members-Only Collective Bargaining: A Back-to-Basics Approach TO UNION ORGANIZING*, in JUSTICE ON THE JOB: PERSPECTIVES ON THE EROSION OF COLLECTIVE BARGAINING IN THE UNITED STATES (Richard N. Block, et al ed. Upjohn, 2006).

*Returning Members-Only Collective Bargaining to the American Workplace*, in PROCEEDINGS OF 55<sup>TH</sup> ANNUAL MEETING, INDUSTRIAL RESEARCH ASSOCIATION ( Adrienne E. Eaton ed. 2003).

Chapter 27, *A Tale of Two Statutes: Discrimination for Union Activity Under the NLRA and RLA*, and Chapter 29, *A Reply to Herbert R. Northrup*, in GLOBAL COMPETITION AND THE AMERICAN LANDSCAPE: AS WE ENTER THE 21<sup>ST</sup> CENTURY, 817 & 891 (Samuel Estreicher ed., 2000).

Chapter 14, *Labor Law* (with Paul A. Relich), in Vol. II of UNITED STATES LAW OF TRADE AND INVESTMENT (Boris Kozolchyk & John F. Molloy, eds. 2000) (National Law Center for Inter-American Free Trade).

*Labor and Employment Law in the United States A Patchwork of Protections, Perils, and Promises*, in PROCEEDINGS OF FIRST ANNUAL UNITED STATES - MEXICO INTERNATIONAL LABOR LAW CONFERENCE (U.S. DEPARTMENT OF LABOR AND SECRETARIA DEL TRABAJO Y PREVISION SOCIAL DE MEXICO, 1993) Keynote paper, 3; (also published in DAILY LABOR REPORT (BNA), October 27, 1992, Full Text Section E-1).

*Historical Background of Labor Arbitration: Lessons from the Past*, in M. Zimny, W. Dolson, & C. Barreca, eds, LABOR ARBITRATION: A PRACTICAL GUIDE FOR ADVOCATES 3 (1990).

*NLRB Rulemaking: Promise and Prospects*, in INDUSTRIAL RELATIONS RESEARCH ASSOCIATION SERIES, Proceedings of 42nd Annual Meeting, 1989, 210 (also published in DAILY LABOR REPORT (BNA), January 3, 1990, Full Text Section D-1, and in THE BRIEF of SMU School of Law, Spring, 1990).

*NLRB Deferral to the Arbitration Process: The Arbitrator's Awesome Responsibility*, in W. Gershenfeld ed. ARBITRATION 1984: ABSENTEEISM, RECENT LAW, PANELS, AND PUBLISHED DECISIONS 51 (1985).

*Twenty Years of Trilogy: A Celebration*, in J. Stern & B. Dennis eds. DECISIONAL THINKING OF ARBITRATORS AND JUDGES 331 (33rd Annual Meeting, National Academy of Arbitrators) (1981).

*Report of the Committee on Law and Legislation* in J. Stern & B. Dennis eds. DECISIONAL THINKING OF ARBITRATORS AND JUDGES 382 (33rd Annual Meeting, National Academy of Arbitrators) (1981).

*Interest Arbitration: Panacea's Art or Pandora's Box*, in J. Weiler, ARBITRATION, MEASURING JUSTICE IN EMPLOYMENT, 5 (1981).

*Report of the Committee on Law and Legislation*, in J. Stern & B. Dennis eds. ARBITRATION OF SUBCONTRACTING AND WAGE INCENTIVE DISPUTES 257 (32nd Annual Meeting, National Academy of Arbitrators) (1980).

*An Outsider's Affectionate View of Labour Trends in Canada: A Comparison of Developments on Both Sides of the Border*, in PROCEEDINGS OF 25TH ANNUAL CONFERENCE, INDUSTRIAL RELATIONS CENTRE, McGill University, Montreal (1978).

*The Role of the NLRB and the Courts in the Collective Bargaining Process: A Fresh Look at Conventional Wisdom and Unconventional Remedies*, in DEVELOPING LABOR LAW CONFERENCE PROCEEDINGS (American Bar Association) 3 (1977) and in 20 CORPORATE PRACTICE COMMENTATOR 199 (1978).

*Public Employee Bargaining in Texas*, in Gershenfeld, Lowenberg and Ingster. eds., SCOPE OF PUBLIC SECTOR BARGAINING, 117 (1977).

*The Legality of Public Sector Labor Relations Agreements in Texas*, in PUBLIC EMPLOYEE LABOR RELATIONS, Symposium Proceedings, K-1 (Southern Methodist University, 1977).

*The National Labor Relations Board: Its Future*, in AMERICAN BAR ASSOCIATION SECTION OF LABOR RELATIONS LAW PROCEEDINGS 186 (1974).

*Labor Court: A New Perspective*, in PROCEEDING OF 24<sup>TH</sup> ANNUAL NEW YORK UNIVERSITY INSTITUTE OF LABOR RELATIONS 27 (1972).

*The Need for New and Coherent Regulatory Mechanisms*, in R. Rowan ed., COLLECTIVE BARGAINING: SURVIVAL IN THE '70's? 42 (1972).

*Comment, The Role of Arbitration in State and National Labor Policy*, in C. Somers & B. Dennis eds., ARBITRATION AND THE PUBLIC INTEREST 65 (24th Annual Meeting, National Academy of Arbitrators) (1972).

*Procedural Reform in Labor Law—A Preliminary Paper* in LABOR LAW DEVELOPMENTS—1971, 351 (1971).

## **Miscellaneous Publications**

*How an American Industrialist Helped Unions Organize and its Message for Today*, 56 Daily Labor Report (BNA), March 25, 2009, Full Text Section A-6.

*Petition to National Labor Relations Board for Weingarten-Like Rights in the Nonunion*



*Workplace* (joined by Professors Joseph R. Grodin, Clyde W. Summers, & Ellen J. Dannin), DAILY LABOR REPORT (BNA), Nov. 25, 1996, Full Text Section E-3.

*Section 8(a)(2) and the Perception of Reality*, Industrial Relations Research Association DIALOGUES, February 1995, p. 3.

*Recommendations of Professor Charles J. Morris to the Commission on the Future of Worker-Management Relations*, DAILY LABOR REPORT (BNA), Jan. 10, 1994, Full Text Section E-1.

*Renaissance at the NLRB - Opportunity and Prospect for Non-Legislative Procedural Reform at the Labor Board*, DAILY LABOR REPORT (BNA), May 28, 1993, Full Text Section F-1.

*Petition to National Labor Relations Board for Rulemaking Requiring General Notice-Posting* (later joined by Professor Samuel Estreicher), DAILY LABOR REPORT (BNA), Feb. 9, 1993, DLR No. 28, A-1

*National Labor Policy: Worker Participation and the Role of the NLRB*, DAILY LABOR REPORT (BNA), March 4, 1992, Full Text Section E-1.

*NLRB Rulemaking: Promise and Prospects*, DAILY LABOR REPORT (BNA), January 3, 1990.

*The Labor Court Alternative to the NLRB*, in THE NLRB AT 50 (BNA Books, Inc. 1985) 24.

*"Assortment of Tools" Replaces FSIP's Formal Approach*, GOVERNMENT EMPLOYEE RELATIONS REPORT 907:34 (1981).

*The Law and Arbitration: Interest Arbitration in Australia*, 1981 THE CHRONICLE (National Academy of Arbitrators) 3.

*New Techniques in Impasse Resolution in the Federal Sector*, 3 JOURNAL OF SOCIETY OF LABOR RELATIONS PROFESSIONALS 23 (Fall 1980).

*Book Review: "E. Miller, AN ADMINISTRATIVE APPRAISAL OF THE NLRB,"* 32 INDUSTRIAL AND LABOR RELATIONS REVIEW (April 1979).

*The Deterrent Effect of Quick, Certain, and Strong Remedies for Unfair Labor Practices Under the LMRA*, HEARINGS ON H.R. 8410, LABOR REFORM ACT OF 1977, Part 2, Subcommittee on Labor Management Relations, Com. on Ed. and Lab., U.S. House of Rep. 849 (1977) (condensed in 15 INDUSTRIAL AND LABOR RELATIONS REPORT 16 (1978)).

*The Legal Parameters of Union Organizational Campaigns: Background and Recent Developments*, PRACTICING LAW INSTITUTE (1975).

*Collectively Bargained Plans and Multi-employer Plans: Enforcement of Employees' Rights; Jurisdiction of the Labor Department*, in COURSE BOOK for S.M.U. Seminar on Pension Reform Act of 1974 (1975).

*The Need for New and Coherent Regulatory Mechanisms*, in COLLECTIVE BARGAINING: SURVIVAL IN THE '70'? (R. Rowan Ed.) (Industrial Relations Unit, U. of Pennsylvania 1972).

*Labor Court: A New Perspective*, in PROCEEDINGS OF 24TH ANNUAL NEW YORK UNIVERSITY INSTITUTE OF LABOR RELATIONS (1972).

*The Role of Arbitration in State and National Labor Policy - Comment*, in ARBITRATION AND THE PUBLIC INTEREST (Proceedings of 24th Annual Meeting, National Academy of Arbitrators) 65 (1971).

*Statement and Testimony*, 2 HEARINGS, THE COMMISSION ON POLITICAL ACTIVITY OF GOVERNMENT PERSONNEL, 403-414 (G.P.O., 1968).

*Report of Committee on Railway Labor Law*, A.B.A. SECTION OF LABOR RELATIONS LAW PROCEEDINGS, 244 (1966) (Co-author).

*Report of Committee on Railway Labor Law*, A.B.A. SECTION OF LABOR RELATIONS LAW PROCEEDINGS, 391 (1965) (Co-author).

*Moderator, Free Speech and Pre-election Conduct*, LABOR LAW DEVELOPMENTS: PROCEEDING, 11TH ANNUAL INSTITUTE ON LABOR LAW, SOUTHWESTERN LEGAL FOUNDATION, 239 (1965).

*Report of Committee on Development of Law of Union Administration and Procedure*, A.B.A. SECTION OF LABOR RELATIONS LAW PROCEEDINGS, 243 (1964) (Co-author).

*Report of Committee on Development of Law Under National Labor Relations Act*, A.B.A. SECTION OF LABOR RELATIONS LAW PROCEEDINGS, Part I, 17 (1963) (Co-author).

*Report of Committee on Development of Law Under the National Labor Relations Act*, A.B.A. SECTION OF LABOR RELATIONS LAW PROCEEDINGS, 67 (1962) (Co-author).

*Report of Committee on Development of Law Under National Labor Relations Act*, A.B.A. SECTION OF LABOR RELATIONS LAW PROCEEDINGS, 9 (1962) (Co-author).

**Representative Published Arbitration Opinions  
(Partial listing of more than 300 written opinions)**

Container Corp. of America & United Paper Makers & Paperworkers, Local 746, 51 BNA Labor Arbitration Reports 1146 (1969).

General Tel. Co. of Southwest & Communication Workers of America, 53 BNA Labor Arbitration 247 (1970).

Seaboard Coast Line R.R. Co. & United Transportation Union, 53 BNA Labor Arbitration Reports 578 (1970).

Intkote Co. & International Woodworkers of America, Local 5-50, 53 BNA Labor Arbitration Reports 731 (1970); also in 70-1 CCH Labor Arbitration Awards ¶ 8050 (1970).

General Tel. Co. of Southwest & Communication Workers of America, 58 BNA Labor Arbitration Reports 409 (1972); also in 72-1 CCH Labor Arbitration Awards ¶ 8031 (1972).

South Central Bell Telephone Co. & Communication Workers of America 79-2 CCH Labor Arbitration Awards ¶ 8363 (1979).

South Central Bell Telephone Co. & Communication Workers of America, 72 BNA Labor Arbitration Reports 333 (1979).

Keebler Co. & Bakery, Confectionery & Tobacco Workers' Int'l Union, Local 434, 75 BNA Labor Arbitration Reports 975 (1981).

Dept. of Justice, Bureau of Prisons, Fed. Correctional Unit, F.W., & American Federation of Gov't Employees, Local 1298, 85 Fed. Labor Relations Reporter 2-1624 (1985); also in Labor Arb. Info. Serv. 16890 (1985).

Dept. of Agriculture, Food Safety & Quality Serv. & American Federation of Gov't Employees, Local 2650, 86 Fed. Labor Relations Reporter 2-1818 (1986); also in Labor Arb. Info. Serv. 17092 (1986).

Dept. of Defense, Air Force, Kelly AFB, and American Federation of Gov't Employees, Local 1617, 86 Fed. Labor Relations Reporter 2-1846 (1986); also in Labor Arb. Info. Serv. 17121 (1986).

City of Henderson, Nevada, & Teamsters, Local 14, 88-2 CCH Labor Arbitration Awards ¶ 8576 (1988); also in 91 BNA Labor Arbitration Reports 941 (1989).

Reynolds Electrical & Eng'g Co. & Teamsters, Local 631, 89-1 CCH Labor Arbitration Awards ¶ 8025 (1989); also in 91 BNA Labor Arbitration Reports 1289 (1989).

Bell Helicopter Textron, Inc. & United Automobile, Aerospace & Agricultural Implement Workers of America, Local 218, 93 BNA Labor Arbitration Reports 233 (1989).

Pan Am World Services, Inc. [Los Alamos, N.M.] and United Association of Journeymen & Apprentices of the Plumbing and Pipefitting Industry, Local 412, 93 BNA Labor Arbitration Reports 348 (1989).

Southwest Airlines. Co. and International Brotherhood of Teamsters, Local 19, 93 BNA Labor Arbitration Reports 575 (1989).

Centel Business Systems, Inc., Fisk Div. and International Brotherhood of Electrical Workers, Local Union No. 716, 90-2 CCH Labor Arbitration Awards ¶ 8558 (1990).

City of Oklahoma City and American Federation of State, County, and Municipal Employees, Local No. 2406, 95 BNA Labor Arbitration Reports 442 (1990).

City of Houston and Individual Grievant, 95 BNA Labor Arbitration Reports 1193 (1991).

Quaker Oats Company & United Food and Commercial Workers, Local 540, 91-2 CCH Labor Arbitration Awards ¶ 8524 (1991).

Levi Strauss & Company (Little Rock, Ark.) and Amalgamated Clothing & Textile Workers Union, Southwest Regional Joint Board, 97 BNA Labor Arbitration Reports 1095 (1992); also in 92-1 CCH Labor Arbitration Awards ¶ 8282 (1992).

### **Lectures, papers, speeches and other presentations (216 since 1966):**

Panel Presentation: *New Organizing Tools—Concerted Action With or Without a Union*, Conference of San Francisco Labor & Employment Law Bar Section, Yosemite National Park, January 31, 2015.

Keynote speech: *Members-Only Collective Bargaining: An Old Concept With a New Use*. Conference on “New Models of Worker Representation” sponsored by University of Illinois, Labor Education Program, Chicago, March 7, 2013.

Panel presentation: *Intersections in Scholarship and Activism*, Conference of Labor Law Group, Ashville, North Carolina, June 22, 2012.

Co-panelist: (with Samuel Estreicher, NYU Law School): *Minority Recognition and the Members Only Contract: A Revival in the Wings? Can and should the Board require recognition and bargaining with minority unions? A spirited discussion on the issues raised by the NLRB GC opinion in Dicks Sporting Goods and the Steelworkers’ rulemaking petition*. ABA Section of Labor and Employment Law Committee on Practice and Procedure Under the NLRA, midwinter meeting, Naples, Florida, February 21, 2008.

Paper and presentation: *What's New is Old: How the United States can Comply with its Obligations Under the Labor Provisions of the ICCPR and the 1998 ILO Declaration on Fundamental Principles and Rights at Work*. Conference on The Global Workplace: Expanding Intellectual Borders with International and Comparative Workplace Law, sponsored by Thomas Jefferson School of Law, Seton Hall University School of Law, and Louisiana State University School of Law, San Diego, February 15, 2008.

Lecture: *Unions, Collective Bargaining and the Future of the NLRA*, Work, Welfare, and Justice Seminar, University of San Diego School of Law, San Diego, February 1, 2007.

Workshop panel presentation: *Representing Workers Without Majority Union Status: Why Not? Why Now?*, Labor and Employment Relations Association 59th Annual Meeting, Chicago, January 5, 2007.

Lecture: *Section 7 Rights Under the NLRA*: California Western School of Law, San Diego, September 12, 2006.

Speech: *Minority Union Collective Bargaining*: Employment Relations Center, San Diego, California, August 28, 2006.

Lecture & Workshops: *Members-only Organizing and Bargaining in the Electrical Industry*, Sixth District IBEW Organizing Conference, Willowbrook, Illinois, July 27, 2006.

Lecture: *Back to the Future: Reviving Minority-Union Collective Bargaining under the National Labor Relations Act*, sponsored by UCLA School of Law and UCLA Institute of Industrial Relations, Los Angeles, April 11, 2006.

Lecture: *Minority-Union Collective Bargaining Under the National Labor Relations Act: Debunking Conventional Wisdom*, Dedman School of Law, Southern Methodist University, Dallas, March 8, 2006.

Speech: *Can Less be More? "Members Only" Bargaining in the Modern Workplace*, annual conference of Labor & Employment Law Section of the Bar Association of San Francisco, Yosemite, California, February 25, 2006.

Symposium presentation and workshop: *Organizing and Bargaining for Union Members Only*, conference sponsored by Mid-Atlantic Regional Council of Carpenters, West Virginia District, Morgantown, West Virginia, November 8, 2005.

Featured speaker: *Members-Only Collective Bargaining*, at "Unions and the Feds" conference sponsored by University of Hawaii and Federal Labor Agencies, Honolulu, August 3, 2005.

Radio interview: *The Blue Eagle at Work*, Wendy Wilde Show, Air America Minnesota, AM 950, July 29, 2005.

Lecture: *Protected Union Organizing and Bargaining Under the NLRA*, United Steelworkers Extension Class, Macalester College, St. Paul, MN, July 28, 2005.

Speech: *Members-Only Organizing Under the Blue Eagle*, AFL-CIO Organizers' Round Table, St. Paul, MN, July 27, 2005.

Speech: *Review of The Blue Eagle at Work: Reclaiming Democratic Rights in the American Workplace*, Labor Speakers Club, St. Paul, Minnesota, July 25, 2005.

Keynote speech and workshop presentation: *Members-Only Bargaining in the Electrical Industry*, IBEW Fourth District Progress Conference, Stonewall Resort, Roanoke, West Virginia, June 28-29, 2005.

Speech and workshop presentation: *Members-Only Organizing and Bargaining*, 32<sup>nd</sup> Constitutional Convention of United Steelworkers of America, Las Vegas, April 10, 2005.

Faculty/Graduate Seminar: *The Blue Eagle at Work*, Cornell School of Industrial & Labor Relations, Ithaca, New York, April 4, 2005.

Two guest lectures: *Non-Majority Collective Bargaining*, in Basic Labor Law course, and *Members Only (Minority Union) Bargaining under the NLRA*, Faculty Forum, Cornell School of Industrial & Labor Relations, Ithaca, New York, April 4, 2005.

Panel presentation: (with Samuel Estreicher, NYU Law School): *Minority Recognition and the Members Only Contract: A Revival in the Wings? Can and should the Board require recognition and bargaining with minority unions? A spirited discussion on the issues raised by the NLRB GC opinion in Dicks Sporting Goods and the Steelworkers' rulemaking petition.* ABA Section of Labor and Employment Law Committee on Practice and Procedure Under the NLRA, midwinter meeting, Naples, Florida, February 21, 2008.

Paper and presentation: *What's New is Old: How the United States can Comply with its Obligations Under the Labor Provisions of the ICCPR and the 1998 ILO Declaration on Fundamental Principles and Rights at Work.* Conference on The Global Workplace: Expanding Intellectual Borders with International and Comparative Workplace Law, sponsored by Thomas Jefferson School of Law, Seton Hall University School of Law, and Louisiana State University School of Law, San Diego, February 15, 2008.

Inaugural Jack Pemberton Lecture on Workplace Justice: *Collective Rights as Human Rights: Fulfilling Senator Wagner's Promise of Democracy in the Workplace—The Blue Eagle Can Fly Again*, University of San Francisco School of Law, San Francisco, March 15, 2005.

Radio interview: *Members-Only Collective Bargaining*, Voices at Work, KPFT, 90.1 FM, Houston, March 1, 2005.

Lecture: *Minority-Union Collective Bargaining for Union Members – A New Way to Go, Symposium on New Visions of Workers' Rights*, Thomas Jefferson School of Law, San Diego, October 28, 2004.

Speech and paper: *Can Less Mean More?: Exploring the Representation Rights of Non-Majority Unions*, American Bar Association Section of Labor and Employment Law, Annual Meeting, Atlanta, August 8, 2004.

Workshop presentation: *The Future of Workplace Democracy in the U.S.—Lessons from the Past*, Industrial Relations Research Association 56<sup>th</sup> Annual Meeting, San Diego, January 4, 2004.

Symposium presentation: *The Rebirth of Members-Only Collective and its Implication for Labor Arbitration*, National Academy of Arbitrators 16<sup>th</sup> Region Conference, Catalina, California, March 2003.

Paper: *Returning Members-Only Collective Bargaining to the American Workplace*, Industrial Relations Research Association 55<sup>th</sup> Annual Meeting, Washington, D.C., January 3, 2003.

Paper: *Members Only Collective Bargaining: A Back-To-Basics Approach to Union Organizing*, AFL-CIO and Michigan State University Workers Rights Conference, East Lansing, Michigan, October 11, 2002.

Keynote address: *Union-Only Collective Bargaining*, 4<sup>th</sup> Annual Oklahoma Labor/Management Conference, Shangri-La Resort, Afton, OK, June 12, 2002.

Speech, Author's Response to Panel: *Legal Protection for Union Organizing: Does the Railway Labor Act Provide a Viable Model Under Section (10j) of the National Labor Relations Act?*, Industrial Relations Research Association Policy Conference on National Strategies for Employment Policy, Washington, D.C., June 18, 1999.  
Panel presentation: *Future of Labor Relations*, Federal Labor Relations Authority's 20<sup>th</sup> Anniversary National Training Program, Denver, Colorado, May 5, 1999, and Washington D.C., June 15, 1999.

Keynote address: *Union-Only Collective Bargaining*, 4<sup>th</sup> Annual Oklahoma Labor/Management Conference, Shangri-La Resort, Afton, OK, June 12, 2002.

Speech: *Employees' Rights in the Nonunion Workplace - Achieving Employee Involvement Without the TEAM Act*, Montana Employee Relations Conference, Missoula, Montana, Montana Employee Relations and Dispute Resolution Conference, Workplace for the Future, Missoula, Montana, September 24, 1997.

Speech: *Employee' Rights in the Nonunion Workplace: Implications for Unions and Employers*, 30<sup>th</sup> Annual Pacific Coast Labor & Employment Law Conference sponsored by University of Washington Law School Foundation, Seattle, May 15, 1997.

Speech: *Changing Labor Laws in America—Alternative Labor Issues and TEAM Act*, University of Oklahoma and Federal Mediation and Conciliation Service Conference, Norman, Oklahoma, November 19, 1996.

Keynote Panel: *TEAM Act—Pros, Cons, and Alternatives*, Montana Employee Relations and Dispute Resolution Conference, Missoula, Montana, September 13, 1996.

Paper: *Demystifying the Law of Employee Involvement: Electromation and the TEAM Bill Brouhaha*, Conference on Unions and Management Working Together, sponsored by The Manufacturing Institute, Div. Institute for International Research, Las Vegas, May 22, 1996.

Paper: *Will there be a New Direction For American Industrial Relations?--A Hard Look at the TEAM Bill, the Sawyer Substitute Bill, and the Employee Involvement Bill*, 11 Annual Conference on Labor & Employment Law sponsored by Stetson University College of Law, Clearwater, Florida, January 18, 1996.

Speech: *The TEAM Bill and its Alternatives: Worker Participation or Company Unions?*, San Diego Industrial Relations Research Association Annual Labor and Employment Law Symposium, Evolution And Innovation In The Workplace: Critical Issues For 1996, San Diego, Feb. 7, 1996.

Panel Discussion: *American Labor Policy: From Here to Where*, 60th Anniversary of the NLRB and the Wagner Act conference sponsored by Cornell University School of Industrial & Labor Relations and the National Labor Relations Board, Washington, D.C., October 6, 1995.

Paper: *The Potential Impact of Alterations to Sec. 8(a)(2) on Unions in Union Organizing campaigns*, 47th Annual Meeting of Industrial Relations Research Association, Washington, D.C., January 6, 1995.

Paper: *New Directions for American Labor Relations: Inland Steel and the United Steel Workers, at conference on Worker-Management Cooperation: The Legal, Social, and Productivity Dimensions*, U.S.-Mexico-Canada Joint Conference on Labor Law and Industrial Relations, Washington, D.C., September 19, 1994.

Workshop Moderator and Panelist: *From Crisis to Cooperation*, Canada-Mexico-U.S. Workshops on Labor Law and Practice co-sponsored by U.S. Department of Labor and counterpart governmental agencies of Mexico and Canada, La Jolla, CA, June 27 & 30, 1994.

Paper and panel participation: *Déjà Vu and 8(a)(2)--What's Really Being Chilled by Electromation*, Symposium of Cornell Journal of Law and Social Policy on Employee Participation Plans: The Key to U.S. Competitiveness or Erosion of Workers Rights, Ithaca, NY, April 30, 1994.

Speech: *Nonunion Grievance and Arbitration Procedures*, 17th Annual Seminar of the



Southwest Region, National Academy of Arbitrators, Dallas, March 18, 1994.

Paper: *A Blueprint for Reform of the National Labor Relations Act*, presentation to Regional Meeting of the U.S. Commission on the Future of Worker-Management Relations, John Grey Institute, Houston, February 11, 1994.

Speech: *Contemporary Issues in Labor-Management Arbitration—Non-Union Grievance Procedures*, at Arbitration and Mediation Day Program of the American Arbitration Association, December 3, 1993, San Diego.

Two luncheon speeches: *Renaissance at the NLRB: The Golden Opportunity for Non-legislative Procedural Reform at the Labor Board and its Impact on the Legal Profession—Part II*, California State Bar Labor and Employment Law Spring Program, San Francisco, May 28, 1993.

Luncheon speech: *Renaissance at the NLRB: The Golden Opportunity for Non-legislative Procedural Reform at the Labor Board and its Impact on the Legal Profession--Part I*, California State Bar Labor and Employment Law Spring Program, Los Angeles, May 21, 1993.

Workshop presentation: *Preparation for Grievance Meeting/Grievance Procedure*, Labor Seminar of Sheet Metal and Air Conditioning Contractors of America, sponsored by American Arbitration Association, San Diego, February 22, 1993.

Dinner speech: *The Pendulum Swings: The Prospect for Changes in Employee-Management Relations Under President Clinton*, meeting of San Diego Chapter, Industrial Relations Research Association, San Diego, February 2, 1993.

Dinner speech: *The Clinton Administration, Labor Law, and Labor Relations*, meeting of San Diego County National Academy of Arbitrators, San Diego, January 14, 1993.

Two lectures: "*Grievance Procedures in the Non-Union Workplace—Beware the Jabberwock and the Pitfalls of the National Labor Relations Act*" and "*Electromation and Quality Circles*," lectures at 19th Annual Labor and Employment Law Institute sponsored by Minnesota State Bar Association, Minneapolis, Nov. 20, 1992.

Keynote address: *Labor and Employment Law in the United States—A Patchwork of Protections, Perils, and Promises*, First Annual United States - Mexico International Labor Law Conference, co-sponsored by U.S. Department of Labor and Secretaria Del Trabajo y Prevision Social de Mexico, Mexico City, Oct. 26, 1992.

Speech: *The Electromation Case and Worker Participation*, Orange County Industrial Relations Research Association, Anaheim, California, March 31, 1992.

Speech: *ADR in Employment and Labor Matters*, American Arbitration Association and University of San Diego School of Law ADR Symposium, San Diego, March 13, 1992.

Dinner speech: *Debunking the Myth of Adversarial Industrial Relations*, San Diego Chapter, Industrial Relations Research Association, San Diego, March 3, 1992.

Luncheon speech: *National Labor Policy: Worker Participation and the Role of the NLRB*, 12<sup>th</sup> Annual Labor and Employment Law Symposium, Labor & Employment Law Section Los Angeles County Bar Association, Los Angeles, February 6, 1992.

Presentation: *Fraudulent Due Process: Nonunion Grievance and Arbitration Plans that Violate the National Labor Relations Act*, University of Arizona, 27th Annual Labor Management Conference, Tucson, March 26, 1991.

Dinner address: *Nonunion Grievance and Arbitration Plans--Pitfalls under the Taft-Hartley Act*, meeting of North Texas Chapter, Industrial Relations Research Association, Dallas, January 25, 1990.

Keynote paper: *NLRB Rulemaking: Promise and Prospects*, in session on NLRB Rulemaking--Has Its Time Come?, Annual Meeting of Industrial Relations Research Association, Atlanta, December 28, 1989.

Paper: *A Comparison of the Right of Association in the American Workplace with the Standards Contained in I.L.O. Conventions 87 and 98*, Study Group of Employee Rights and Industrial Justice, World Congress of International Industrial Relations Association, Brussels, Belgium, September 7, 1989.

Comments: Seminar on Employment Law for Border Businesses, *The TriNational Perspective--U.S., Mexico and Japan*, sponsored by San Diego State University, San Diego, December 1988.

Lecture: *Protected Concerted Activity Under the NLRA--A Glimpse at a General Theory*, at Sixth Annual Multi-State Labor and Employment Law Seminar, Lake Buena Vista, Florida, May 5, 1988.

Keynote address: *Conducting the Arbitration Hearing for Fire and Police*, at Civil Service Workshop sponsored by Texas Municipal League and Texas Municipal Personnel Association, Fort Worth, February 11, 1988.

Presentation: *Neo-Miranda in the Workplace: The Implications of Extending Weingarten Rights to Non-Union Employees*, University of San Diego faculty, San Diego, April 10, 1987.

Keynote address: *Historical Background of Labor Arbitration-- Lessons from the Past*, at Labor Arbitration Advocacy Conference, General Electric Institute in Croton-on Hudson, New York, sponsored by the American Bar Association Labor and Employment Law Section, March 2, 1987.

Presentation: *The Impact of Recent Developments Under the NLRA On The Workplace*, conference on The Changing Work Environment, sponsored by San Diego Industrial

Relations Research Association, Federal Mediation & Conciliation Service, and American Arbitration, San Diego, February 20, 1987.

Nine short course lectures: *Third Age of Reindustrialization Short Course on Labor and Employment Law*, (with Judge Harry Edwards of the U.S. Court of Appeal for the D.C. Circuit and Professor Theodore J. St.Antoine of the University Michigan School of Law), Dallas, December 8-12, 1986.

Luncheon Speaker: *EGAPS—Employee Grievance and Arbitration Plans*, 9th Annual Arbitration Conference, Los Angeles, November 13, 1986.

Speech: *NLRB Protection of Non-Union Concerted Activity—Meyers Industries and Sears Roebuck Revisited*, North Texas Chapter, Industrial Relations Research Association, Dallas, January 28, 1986.

Presentation: “APA Rulemaking by the NLRB—is the Time Finally Ripe?”, SMU Law Faculty Forum, Dallas, January 21, 1986.

Keynote address: *Recent Developments in Board Law Affecting Protected Concerted Activity of Non-Union Employees*, 21st Region NLRB—Orange County I.R.R.A. 3<sup>rd</sup> Annual Labor Law Conference, Anaheim, California, December 10, 1985

Speech: *Individual Rights in the Workplace: The Dimensions of Protected Nonunion Concerted Activity Under the NLRA*, NLRB Region 8 Labor Law Conference, Toledo, Ohio, November 15, 1985.

Presentation: *Board Procedures, Remedies and the Enforcement Process*, The Labor Board at Mid-Century Symposium sponsored by SMU School of Law, Washington, D.C., October 4, 1985.

Nine short course lectures: *Second Age of Reindustrialization Short Course on Labor and Employment Law*, (with Judge Harry Edwards of the U.S. Court of Appeal for the D.C. Circuit and Professor Theodore J. St.Antoine of the University Michigan School of Law), Colorado Springs, August 12-16, 1985.

Luncheon address: *The Reagan NLRB: Revisionism & Reindustrialization*, Edison Institute Annual Labor Relations Conference, Dallas, May 14, 1985.

Presentation: *NLRB Deferral to the Arbitration Process*, Rutgers University Conference Commemorating 50th Anniversary of the NLRB, Rutgers University, Jamesburg, New Jersey, April 24, 1985.

Lecture: *The Reagan NLRB: Revisionism and Reindustrialization*, Third Annual Multi-State Labor and Employment Law Seminar, Dallas, March 29, 1985.

Speech: *The National Labor Relations Board and Deferral to Arbitration: The Arbitrator's*

*Awesome Responsibility*, Annual Meeting of the National Academy of Arbitrators in Chicago, May 24, 1984.

Presentation: *Grievance and Arbitration Procedures in Non-Union Establishments in the Private Sector*, National Academy of Arbitrators Southwest Regional annual program, Oklahoma City, March 23, 1984.

Keynote address: *The British Columbia Labor Code: A Comparison*, Labor Law Section of the British Columbia Bar Association, Vancouver, January 1984.

Keynote Address: *Bankruptcy and the Duty to Bargain under the National Labor Relations Act*, Annual Dinner, Minnesota Labor Law Section, Minneapolis, December 13, 1983.

Four short course lectures: *The Law of the National Labor Relations Act*, (with Judge Harry Edwards, U.S. Court of Appeals for D.C. Circuit and Professor Douglas Leslie, University of Virginia School of Law), Dallas, December 5-9, 1983.

Speech: *How Arbitrators Decide Discipline and Discharge cases*, American Arbitration Association and Texas Municipal Personnel Association, Dallas, August 25, 1983.

Speech: *The American Industrial Relations System*, Dallas-Fort Worth Chapter, Planning Executives Institute, Dallas, March 10, 1983.

Presentation: *Electromation—a Garden Variety 8(a)(2) Case*, 19<sup>th</sup> Annual Labor and Employment Law Institute, Minneapolis, November 20, 1982.

Presentation: *Relationship between NLRB Jurisdiction and Arbitration: What to do in a Spielberg or Collierized case*, Southwest Regional Meeting National Academy of Arbitrators, Brownsville, Texas, October 24, 1982.

Panel moderator: *Law and Dispute Resolution*, 10<sup>th</sup> International Conference of Society of Professionals in Dispute Resolution, Detroit, October 18, 1982.

Speech: *What's Wrong with the N.L.R.B?*, North Texas Chapter Industrial Relations Research Association, Dallas, March 11, 1982.

Speech: *What's Wrong with the N.L.R.B?*, Texas Building and Construction Trades Council AFL-CIO 8<sup>th</sup> Seminar, Austin, Texas, February 20, 1982.

Lecture: *Labor Arbitration*, S.M.U. Law School Seminar on Labor Relations Practice and Procedure, Dallas, October 22, 1981.

Workshop presentation: *Labor Law for Federal Unions*, Texas AFL-CIO Convention, Austin, Texas, July 24, 1981.

Presentation: *Impasse, Trauma or Triumph*, Advanced Bargaining Seminar of the Department of the Air Force, Lackland Air Force Base, San Antonio, June 4, 1981.

Presentation: *Assortment of Settlement Tools*, National Symposium of Society of Federal Labor Relations Professionals, Arlington, Texas, March 26, 1981.

Presentation: *A Potpourri of Recent NLRA Cases*, 11<sup>th</sup> Annual Louisiana Labor Relations Seminar of Louisiana State Bar Association, New Orleans, April 3, 1981.

Speech: *Current Trends in Labor Law: a Summation*, Labor Law Focus: 1981, Labor Law Section of State Bar of Texas, Brownsville, Texas, March 28, 1981.

Panel moderator: *Creating an Adequate Record Without a Reporter*, Southwest Regional Conference, National Academy of Arbitrators, Houston, March 20, 1981.

Presentation: *New Approaches to Resolving Impasses: How Are They Working?* Faculty Forum, S.M.U. Law School, November 11, 1980.

Presentation: *Twenty Years of Trilogy: A Cerebration*, 33<sup>rd</sup> Annual Meeting of National Academy of Arbitrators, Los Angeles, June 13, 1980.

Keynote address: *Interest Arbitration: Panacea's Art or Pandora's Box*, Conference on Interest Arbitration, Continuing Legal Education Society of British Columbia, Vancouver, April 15, 1980.

Speech: *Scope and Role of Public Unions in Texas*, Public Employees Seminar, Texas AFL-CIO, Austin, Texas, March 28, 1980.

Speech: *Establishment and Application of Past Practice in Arbitration Cases*, American Arbitration Association Labor Management Conference, Dallas, March 27, 1980. What's Wrong with the N.L.R.

Presentation: *New Techniques in Impasse Resolution in the Federal Sector*, 8<sup>th</sup> Annual Symposium, Society of Federal Labor Relations Professionals, Washington, D.C., March 20, 1980.

Luncheon speaker: *Federal Service Impasses Panel: New Directions*, Annual Meeting of Dallas-Fort Worth Chapter of Society of Federal Labor Relations Professionals, Dallas, December 12, 1979.

Luncheon speaker: *Federal Service Impasses Panel, Labor Relations in the Federal Service*, sponsored by Federal Bar Association and BNA Education Systems, New Orleans, April 17, 1979, & San Francisco, May 3, 1979.

Presentation: *Interest Arbitration: What is it? How Extensively is it Used? What has been the Experience?*, Public Sector Labor Relations Center, Memphis State University, Memphis, December 7, 1978.

Speech: *The New Labor Relations Reform Bill*, Joint Labor-Management Meeting, Material Handling Society of the Southern Tier, Elmira, New York, January 1978.

Presentation: *Recent Interest Arbitration Developments in Labor Law*, Faculty Seminar, Law School, Cornell University, Ithaca, New York, December 5, 1977.

Presentation: *Resolving Collective Bargaining Impasses: Strikes, Binding Arbitration, Etc.*, Fall Conference of National Association of Teacher Attorneys, San Diego, November 17, 1977.

Paper: *The Deterrent Effect of Quick, Certain and Strong Remedies on Unfair Labor Practices under the LMRA*, Groat Conference, sponsored by New York State School of Industrial & Labor Relations of Cornell University, Washington, D.C., November 9, 1977.

Lecture: *Arbitration, Public Sector Bargaining*, Texas AFL-CIO Advanced Labor Law School, Austin, June 24, 1977.

Presentation: *Collective Bargaining Remedies, Current Developments in Labor Law*, State Bar of Texas Labor Law Section, May 20, 1977.

Speech: *Arbitration and the Duty of Fair Representation*, Industrial Relations Research Association, Houston Chapter, Houston, May 19, 1977.

Keynote address: *New Techniques in Labor Dispute Settlement*, Conference on Labor Dispute Settlement, George Meany Center for Labor Studies, Bethesda, Maryland, April 13, 1977.

Speech: *An Outsider's Affectionate View of Labour Trends in Canada: A Comparison of Developments on Both Sides of the Border*, The Direction of Labour Policy in Canada, 25<sup>th</sup> Annual Conference, Industrial Relations Centre, McGill University, Montreal, March 31, 1977.

Presentation: *Recent Developments in Labor Relations Law in the 5<sup>th</sup> Circuit*, 7<sup>th</sup> Annual Louisiana Bar Association Labor Relations Seminar with Tulane University School of Law, New Orleans, March 4, 1977.

Presentation: *An Overview of Recent Labor Law Developments*, Developing Labor Law Conference, Labor Law Section of American Bar Association, Washington, D.C., March 1, 1977.

Keynote address: *Conventional Wisdom and Conventional Remedies: A Fresh Look at the Functions of the NLRB and the Courts in the Collective Bargaining Process*, Mid-Winter Meeting of ABA Labor Law Section Committee on the Development of the Law under the NLRA, Barbados, West Indies, February 8, 1977.

Two lectures: *American Labor Law*, Law School of Utrecht University, Utrecht, The Netherlands, December 7, 1976.

Two lectures: *American Labor Law* to 3rd and 5th year law students, Institute for Labor Relations, University of Leuven, Leuven, Belgium, November 30, 1976.

Luncheon address: *The Legality of Public Sector Labor Relations Agreements in Texas*, SMU Law School Symposium on Public Employee Labor Relations, November 12, 1976.

Panel presentation: *Arbitration Procedures and Techniques*, Conference on Arbitration for Labor and Management Representatives, sponsored by American Arbitration Association, El Paso, November 8, 1976.

Paper: *The Role of Interest Arbitration In A Collective Bargaining System*, Conference on The Future of Labor Arbitration sponsored by the American Arbitration Association at Wingspread Center, Racine, Wisconsin, November 15, 1975.

Two lectures: *Legal Aspects of Union Organizational Campaigns*, Practicing Law Institute and SMU School of Law, San Francisco, October 16, 1975, and Dallas, November 6, 1975.

Paper: *Scope of Public Sector Collective Bargaining in Texas*, George W. Taylor Conference on Public Sector Collective Bargaining, Temple University, Philadelphia, September 4, 1975.

Lecture: *Collectively Bargained Plans and Multi-Employer Plans; Enforcement of Employee's Rights; Jurisdiction of the Labor Department, Seminar on Pension Reform Act of 1974*, sponsored by SMU Law School, June 26, 1975.

Presentation: *Significant Administrative and Court Cases in the Area of Labor Law*, Federal Bar Association's 1975 Southwestern Regional Conference, Houston, February 7, 1975.

Four lectures: *Collective Bargaining in the North American System*, July 15, 1974; *Collective Bargaining in the Australian System*, July 16, 1974; *Enforcement and Administration of Collective Bargains—Some North American and Australian Comparisons*, July 17, 1974; *Forms of Worker-Participation in Managerial Decision Making—Some International Comparisons*, July 18, 1974, Conference at Law School of University of Western Australia, Perth, Australia.

Luncheon address: *Worker Participation in Managerial Decision Making*, Commercial Law Association of Victoria, Melbourne, Australia, May 28, 1974.

Speech: *Industrial and Labour Law—Some International Comparisons*, Annual Convention of Australian and New Zealand Association of Law Students, Hobart, Tasmania, Australia, May 22, 1974.

Four lectures: *Short Course on Labor Law*, Southwestern Legal Foundation, Dallas, May 21-26, 1973.

Speech: *The Destiny of Collective Bargaining*, Conference sponsored by Society for the Advancement of Management, University of Omaha, Omaha, Nebraska, April 27, 1973.

Presentation: *What Can You Expect from the Arbitrator and Arbitration? What does the Arbitrator Expect from Both Parties?*, Labor and Management Arbitration Conference, sponsored by American Arbitration Association and University of Texas at Arlington, Arlington, Texas, November 17, 1972.

Ten lectures: *Basic Labor Law: Employee Rights & Management Prerogatives*, Regina Magna Cruse Ship to North Cape, July 21 to August 5, 1972.

Four lectures: *Short Course on Labor Law*, Southwestern Legal Foundation, Dallas, Dallas, May 29-June 3, 1972.

Workshop presentation: *What to Consider Where There is no Statutory Scheme*, Briefing Conference on the Realities of Labor Relations in the Government Service sponsored by Federal Bar Association and Bureau of National Affairs, St. Petersburg, Florida, January 20-21, 1972.

Paper: *The Need for New and Coherent Regulatory Mechanisms*, Conference on Collective Bargaining: Survival in the '70's, sponsored by University of Pennsylvania Industrial Research Unit and Wharton School of Finance Labor Relations Council, Philadelphia, November 18, 1971.

Five lectures:., *Short Course on Labor Law*, Southwestern Legal Foundation, Dallas, Dallas, June 7-12, 1971.

Lecture: *The Journey from J.I. Case to Wm. J. Burns via Lincoln Mills, Great Dane, Fleetwood, Laidlaw, and John Wiley, with reflections and conclusions*, Pacific Coast Labor Law Conference, sponsored by University of Washington School of Law and Seattle-King County Bar Association, Seattle, May 7, 1971.

Comments: *The Role of Arbitration in State and Federal Labor Policy*, National Academy of Arbitrators 24<sup>th</sup> Annual Meeting, Los Angeles, January 28, 1971.

Lecture: *Labor Leadership—Organizing the Unorganized and Administering Contracts and Related Activities*, Labor Leadership Program, University of Texas at Arlington, Arlington, Texas, March 10, 1971.

Four lectures: *Short Course on Labor Law*, Southwestern Legal Foundation, Dallas, Dallas, June 15-20, 1970.



Lecture: *The Individual in Union Representation*, SMU School of Continuing Education, Dallas, November 13, 1969.

Speech: *Trends in Airline Industrial Relations—Past, Present and Future*, 5<sup>th</sup> Annual Seminary of New York Airlines Personnel Managers Association, Acapulco, Mexico, October 2, 1969.

Four lectures: *Short Course on Labor Law*, Southwestern Legal Foundation, Dallas, Dallas, June 16-21, 1969.

Lecture: *Labor Legislation for the Airlines: A Critique*, Symposium on Air Transport Labor Relations sponsored by Journal of Air Law & Commerce, Dallas, March 28, 1969.

Five lectures: *Short Course on Labor Law*, Southwestern Legal Foundation, Dallas, Dallas, June 10-15, 1968.

Keynote address: *Public Policy and the Law Relating to Collective Bargaining in the Public Service*, Conference on Collective Bargaining in the Public Service sponsored by North Texas Chapter, Industrial Relations Research Association, Denton, Texas, March 7, 1968.

Three lectures: *Arbitration*, Wimberly Institute of Texas AFL-CIO, Wimberly, Texas, March 14, 1968.

Speech: *Industrial Arbitration and its Impact on Manpower*, ALI-ABA Conference on Manpower Laws with American Law Institute and American Bar Association Labor Relations Law Section, Washington, D.C., May 6, 1967.

Presentation: *The Union's Obligation to the Employee: An inquiry into the source and nature of the obligation and a fresh look at the problems of jurisdiction and remedy*, 13<sup>th</sup> Annual Southwestern Legal Foundation Labor Law Institute, Dallas, October 14, 1966.

Speech: *Fair Employment Title of the Civil Rights Act (Title VII)*, Program of American Ceramic Society, Southwest Section, Six Flags, Texas, June 10, 1966.

Seminar presentation: *The Fringe Benefit Package*, Federal Mediation and Conciliation Seminar, Houston, February 9, 1966.

### **Chairman and/or Organizer Continuing Legal Education Programs:**

All S.M.U. Law School labor law programs 1967-94, including: Labor Board at Mid-Century Symposium in Washington, 1985; Multi-State Labor and Employment Law Seminars, which included and cooperated with the Labor and Employment Law Sections of the Bar Associations of 14 states (in Dallas, 1984 and 1985; in New Orleans, 1986; in Atlanta, 1987; in Lake Buena Vista, Florida, 1988; in Nashville, 1989; in Phoenix, 1990; in San Antonio, 1991; in Marco Island, Florida, 1992; in Colorado

Springs, 1993, in Homestead, Virginia in 1994); Short Courses on Labor and Employment Law (in Dallas, 1983; in Colorado Springs, 1985; in Dallas, 1986). Symposium on Public Employee Labor Relations, in Dallas, 1976; Air Line and Railway Labor Relations Institute in Dallas, 1968.

All Labor Law Institutes and Short Courses of the Southwestern Legal Foundation from 1960-1972.

The National Academy of Arbitrators, Southwest Region, Arbitration Institute, Dallas, 1982.

Co-chairman: Conference on "Dispute Resolution in Federal Sector Employment: The Civil Service Reform Act—The First Ten Years," February 4-5, 1988, San Diego.

Chairman: Tenth Annual Labor-Management Arbitration Conference, sponsored by the National Academy of Arbitrators, Southwest Region, Dallas, March 1987.

### **Selected Legal Proceedings:**

United States Supreme Court: *Machinists v. Central Airlines*, 372 U.S. 682 (1963) (reversing prior law, held federal courts had exclusive jurisdiction to interpret and enforce collective bargaining contracts under the Railway Labor Act); *Garment Workers v. NLRB (Bernhard Altmann Texas Corp.)*, 366 U.S. 731 (1961) (held unlawful to extend exclusive recognition to a minority labor union).

#### Texas Supreme Court:

*Lunsford v. City of Bryan*, 297 S.W.2d 115 (1957), held state "Right to Work Law" prohibits governmental employers from discriminating against employees on account of their membership in a labor union; *Ex Parte Twedell*, 309 S.W.2d 834 (1958), established the doctrine of federal preemption in Texas labor cases involving matters affected by the National Labor Relations Act; *Sayre V. Mullins*, 681 S.W.2d 25 (1984) (on behalf of SMU Legal Clinic), established right of Texas public employee to be represented by an attorney in grievance proceedings.

#### Fifth Circuit Court of Appeals:

*Aaxico Airlines, Inc. v. Air Line Pilots Association*, 331 F.2d 433 (5th Cir. 1964), pursuant to which the order of the U.S. Dist. Ct. for Western Dist. of Texas in No. 2996, Mar. 3, 1967, and System Board of Adjustment Opinion and Award in *Aaxico Airlines, Inc.*, 47 Lab. Arb. (BNA) 289 (Platt, 1966) (ordering bargaining and back pay compensation in the approximate amount of \$1,500,000 to pilots discharged as a result of discrimination for union membership, which at the time was the largest award of back pay ever issued in a single union discrimination case).

#### National Labor Relations Board:

*Electromation, Inc.* 309 NLRB 990 (1992), *enforced*, 35 F.3d 1148 (7<sup>th</sup> Cir. 1994), amicus brief and oral argument that were the principal presentations reflected in the

decision that held that employer-created “action committees” involving employees and various employment subjects violated the National Labor Relations Act; *Notice Posting*, Petitioner in 1993 for issuance of substantive rule by the National Labor Relations Board requiring general notice-posting of NLRA rights and remedies in all workplaces under NLRB jurisdiction, later joined by Samuel Estreicher, New York University Professor of Law, and in 2003 backed by the AFL-CIO—this petition has been often supported in various publications and is presently awaiting action by the current NLRB; *Dick’s Sporting Goods* (and United Steelworkers of America), NLRB Case No. 6-CA-24821 (2006) and the Rulemaking case that followed (2007 and pending) to confirm employers’ statutory duty to bargain with non-majority labor unions for their members only, also author of Amici Brief filed by 46 Labor Law Professors on June 14, 2010, in that proceeding.

### **Legislative Activity:**

*Written statement* regarding December 13, 2007, joint hearing of labor and employment subcommittees of U.S. Senate Committee on Health, Education, Labor and Pensions and U.S. House Committee on Education and Labor concerning NLRB performance, December 18, 2007.

Written Statement to Labor and Human Resources Committee, United States Senate, Feb. 12, 1997, on Teamwork for Employees & Managers Act, S. 295.

Written Statement Regarding Teamwork for Employees and Managers Act (S 295), to Committee on Small Business, U.S. Senate, May 28, 1996.

Written Statement Regarding Teamwork for Employees and Managers Act (S 295), to Labor and Human Resources Committee, U.S. Senate, Feb. 13, 1996.

Author of Employee Involvement Act, a proposed substitute bill for Teamwork for Employees and Managers Act, submitted to U.S. Senate and U.S. House of Representatives, June 26, 1995.

Written Supplemental Statement Regarding Teamwork for Employees and Managers Act (HR 743), to Committee on Economic and Educational Opportunities, U.S. House of Representatives, May 15, 1995.

Written Statement Regarding Teamwork for Employees and Managers Act (HR 743), to Committee on Economic and Educational Opportunities, U.S. House of Representatives, May 11, 1995.

Oral Testimony and Recommendations to the Commission on the Future of Worker-Management Relations, U.S. Department of Labor & U.S. Department of Commerce (Dunlop Commission), Dec. 1, 1993.

Oral Reported Interview on Labor Relations in the Federal Government, with General

Government Division, U.S. General Accounting Office, March 23, 1990.

Written Statement on Labor Law Reform Bill (H.B. 8410, S. 1883), before the Labor Sub-committee of the U.S. Senate Committee on Human Resources, 1978 (Labor Reform Act of 1977, Part 2, Hearings on H.R. 8410), p. 849).

Author of Texas Fire and Police Employee Relations Act (excepting local option feature), enacted as Tex. Rev. civ. Stat. Ann. Art. 5154c-1 (1973), reenacted as Ch. 174 of the Texas Local Government Code (1993).

Analysis Memorandum on Labor Policy Association Proposal to Transfer NLRA Unfair Labor Practice Jurisdiction to Federal District Courts, submitted to Subcommittee on Separation of Powers, U.S. Senate Judiciary Committee, 1973.

Written Statement and Testimony, 2 HEARINGS, THE COMMISSION ON POLITICAL ACTIVITY OF GOVERNMENT PERSONNEL, Vol. 3 at 403 (G.P.O. 1968).

### **Comparative Labor Law Activities:**

Research Abroad: Portugal, 2004; Italy 1998; Poland, 1991; Germany, 1986; United Kingdom 1979; Spain 1978; Belgium, France, Italy, The Netherlands, West Germany, 1976-77; Sweden, United Kingdom, The Netherlands, West Germany, Israel, Australia, Japan, and International Labor Office, Geneva 1973-74. Lectures abroad: University of Cracow, Poland, 1991; Universities of Leuven (Belgium), Utrecht, and Erasmus (Netherlands), 1976; Universities of Melbourne, Sydney, Tasmania, and Western Australia (Australia), 1974; also studies and lectures in Canada from time to time.