

## MATTHEW W. FINKIN

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### **COLLATERAL SERVICE:**

Co-General Editor, *Comparative Labor Law & Policy Journal*,  
(with Sanford Jacoby) (1997-present)

### **EMPLOYMENT HISTORY:**

Professorial: University of Illinois College of Law, 1988-present;  
Southern Methodist University School of Law, 1973-1988  
Professional: American Association of University Professors  
(AAUP), 1967-1975

### **HIGHER EDUCATION:**

LL.M., 1973, Yale Law School  
LL.B., 1967, N.Y.U. Law School  
B.A., 1963, Ohio Wesleyan University

### **HONORS:**

Doctor iur. honoris causa, the University of Padua (Italy) (2022)

Bob Hepple Award for Distinguished Contributions to Labour  
Law, Labour Law Research Network (International  
Consortium) (2021)

Susan C. Eaton Outstanding Scholar-Practitioner Award, Labor and  
Employment Relations Association (U.S.) (2020)

Maybelle Swanlund Endowed Chair (2019)

Chevalier de l'Ordre des Palmes Académiques (France) (2015)

Fellow, Labor and Employment Relations Association (U.S.) (2014)

Doctor iur. honoris causa, the University of Trier (Germany) (2012)

Doctor iur. honoris causa, the University of Athens (Greece) (2011)

University of Illinois Center for Advanced Study Professor (2009)

Alexander von Humboldt Foundation Research Prize (Germany)  
(1995)

**COURSES:** Surveys: labor law, individual employment law, comparative labor &  
employment law  
Seminars: labor law & public policy, higher education law

**GRANTS:** Resident Fellow, Institute of Advanced Studies, Nantes, France  
(Spring, 2016)

Alexander von Humboldt Foundation Research Grant, Max Planck  
Institute for Comparative and International Private Law  
Hamburg, Germany  
(Summer, 2005)

Dartmouth Humanities Research Fellow  
Dartmouth College  
(Summer, 1999)

German Marshall Fund Lecturer  
Konstanz University  
Federal Republic of Germany  
(Second Semester, 1989)

Fulbright Professor  
Münster University  
Federal Republic of Germany  
(Second Semester, 1987)

Carnegie Council on Policy Studies in Higher Education Research  
Grant (1975-1976) (with David Feller)

**PUBLICATIONS:**

**BOOKS AND MONOGRAPHS:**

PRIVACY IN EMPLOYMENT LAW (Bloomberg BNA) (electronic ed. since 2020);  
(5th ed. 2018); (4th ed. 2013); (3d ed. 2009); (2d ed. 2003); (1st ed. 1995)

COX, BOK & GORMAN'S LABOR LAW (Foundation Press) (17th ed. 2021) (with  
Timothy Glynn); COX & BOK'S LABOR LAW (Foundation Press) (16th ed.  
2016) (with Robert Gorman & Timothy Glynn); (15th ed. 2011), (14th ed.

2006), (13th ed. 2001), (12th ed. 1996), (11th ed. 1991) (all with Robert Gorman)

LEGAL PROTECTION FOR THE INDIVIDUAL EMPLOYEE (West Pub. Co.) (6th ed. 2021) (with Kenneth Dau-Schmidt, Ruben Garcia & Jason Bent); (5th ed. 2016) (with Kenneth Dau-Schmidt and Robert Covington); (4th ed. 2011), (3d ed. 2002) (with Alvin Goldman, Clyde Summers, and Kenneth Dau-Schmidt); (2d ed. 1996) (with Goldman and Summers); (1st ed. 1989) (with Goldman and Summers)

AMERICAN LABOR AND THE LAW: DORMANT, RESURGENT, AND EMERGENT PROBLEMS, Bull. Comp. Lab. Rel. No. 104 (2019)

COMPARATIVE LABOR LAW (Edward Elgar Pub. 2015) (co-editor with Guy Mundlak)

MULTINATIONAL HUMAN RESOURCE MANAGEMENT AND THE LAW (Edward Elgar Pub.) (2013) (with Joel Cutcher-Gershenfeld *et. al.*)

LABOR LAW ANALYSIS AND ADVOCACY (Juris Pub. Co.) (2013) (with Robert A. Gorman and practitioner commentary) *revised from* BASIC TEXT ON LABOR LAW: UNIONIZATION AND COLLECTIVE BARGAINING (West Pub. Co.) (2d ed. 2004) (with Robert Gorman)

FOR THE COMMON GOOD: PRINCIPLES OF AMERICAN ACADEMIC FREEDOM (Yale U. Press 2009) (with Robert C. Post) (Spanish language edition 2012)

THE CASE FOR TENURE (Cornell ILR Press 1996) [a *Choice* “Outstanding Academic Book”]

INTRODUCTION TO GERMAN LAW (Kluwer Law Int’l 1996) (co-editor with Werner Ebke)

THE LEGAL FUTURE OF EMPLOYEE REPRESENTATION (Cornell ILR Press 1994) (editor)

INDIVIDUAL EMPLOYMENT LAW AND LITIGATION (The Michie Co.) (2 vols.) (1989) (with Howard Specter)

#### ARTICLES AND CHAPTERS:

*The Surveillance Capitalism Controversy*, in PRIVACY E LAVORO Ch. 11 (Carlo Pisani, Giampiero Proia & Adriana Topo eds., 2022)

*Union Dispossession of Labour Protection: A Paradox, in Two Legal Systems*, 36 Int'l J. Comp. Lab. L. & Indus. Rel. 1 (2020)

*Worker rights as human rights: regenerative reconception or rhetorical refuge?* in RESEARCH HANDBOOK ON LABOUR, BUSINESS AND HUMAN RIGHTS LAW Ch. 7 (Janice Bellace & Beryl ter Haar eds., 2019)

*Technology and Jobs: The Agony and the Ecstasy*, 41 Comp. Lab. L. & Pub. Pol'y J. 221 (2019) (preprinted from REGULATING THE PLATFORM ECONOMY Ch. 10 (Lourdes Mella Méndez ed., 2020)

*Comparative Labour Law*, in THE OXFORD HANDBOOK OF COMPARATIVE LAW ch. 40 (Mathias Reimann & Reinhard Zimmermann eds., 2d ed, 2019) revised from 1<sup>st</sup> ed., 2006.

*Pay Privacy in Comparative Context*, 22 Employee Rts. & Employment Pol'y J. 355 (2018)

*Chapter 7: Privacy and Autonomy*, 21 Employee Rts. & Emp. Pol'y J. 589 (2017) (in collection on the RESTATEMENT OF EMPLOYMENT LAW)

*The Legal Ambiguity of Fissured Work in the United States* in THE NOTION OF EMPLOYER IN THE ERA OF THE FISSURED WORKPLACE Ch. 1 (Hiroya Nakakubo & Takashi Araki, eds) (Bull. Comp. Lab. Rel. No. 95) (2017)

*Beclouded Work, Beclouded Workers in Historical Perspective*, 37 Comp. Lab. L. & Pol'y J. 603 (2016)

*"The Kindness of Strangers": The Tip and the Minimum Wage in France, Germany, and the United States*, 32 Int'l J. Comp. Lab. L. & Indus. Rel. 3 (2016).

*The Acquisition and Dissemination of Employee Data: the Law of the European Union and the United States Compared*, in STUDIA Z ZAKRESU PRAWA PRACY I POLITYKI SPOŁECZNEJ [STUDIES IN LABOUR LAW AND SOCIAL POLICY] 57 (Andrzej Swiatkowski, ed. 2015)

*"Privacy: Its Constitution and Vicissitudes" – A Half-Century On*, 18 Canadian Labor & Employment L.J. 349 (2015)

*Employee autonomy, privacy, and dignity under technological oversight* in COMPARATIVE LABOR LAW Ch. 6 (Matthew Finkin & Guy Mundlak eds. 2015) (with Rüdiger Krause & Hisashi Takeuchi-Okuno)

- From Weight Checking to Wage Checking: Arming Workers to Combat Wage Theft*, 90 Ind. L.J. 251 (2015) (Stewart Lecture)
- Introduction: The Past and Future of Labor Law in Comparative Perspective in XV INTERNATIONAL ENCYCLOPEDIA OF COMPARATIVE LAW* (Otto Kahn-Freund & Bob Hepple, Chief Editors 2014)
- Workplace Justice: Does Private Judging Matter?* 113 ZVglRWiss 166 (2014) translated and reprinted in *L'ACCÈS À LA JUSTICE SOCIALE: LA PLACE DU JUGE ET DES CORPS INTERMÉDIAIRES* Ch. VII (Isabelle Daugareilh ed., 2019)
- The Meaning and Contemporary Vitality of the Norris-LaGuardia Act*, 93 Neb. L. Rev. 6 (2014) revised and expanded from *The Privatization of Workplace Justice and the Atomization of the American Worker* in *MODERNE ARBEITSWELT: FESTSCHRIFT FÜR ROLF WANK* 95 (Martin Henssler, Jacob Jousen, Martin Matiese & Ulrich Preis eds. 2014).
- Academic Freedom and Professional Standards: A Case Study* in *ACADEMIC FREEDOM IN CONFLICT* Ch. 3 (James Turk ed., 2014)
- Employee Self-Representation and the Law in the United States*, 50 Osgoode Hall L.J. 937 (2013)
- An Excursion Through Strange Terrain: Chapter 6 (Defamation) and 7 (Privacy and Autonomy)*, 16 EMPLOYEE RTS. & EMPLOYMENT POL'Y J. 465 (2012)
- Captive Audition, Human Dignity, and Federalism: Ruminations on an Oregon Statute*, 15 Emp. Rts & Emp. Pol'y J. 355 (2011)
- Gli Stati Come Laboratori Di Diritto Del Lavoro. Stati Uniti E Unione Europea A Confronto*, *Rivista Italiana di Diritto del Lavoro* (2011) 401
- Some Further Thoughts on the Usefulness of Comparativism in the Law of Employee Privacy*, 14 EMP. RTS. & EMP. POL'Y J. 11 (2010), revised and expanded from *Employee Privacy: American Exceptionalism and the Usefulness of Comparative Law*, *GEDÄCHTNISSCHRIFT FÜR ULRICH ZACHERT* 372 (Thomas Dietrich et al. eds., 2010)
- An Employee's Right Not to Obey Orders in the United States*, 31 COMP. LAB. L. & POL'Y J. 497 (2010) (part of a collection on "Objectionable Work")
- Solving the Employee Reference Problem: Lessons from the German Experience*, 57 AM. J. COMP. L. 387 (2009) (with Kenneth Dau-Schmidt)

- A Consumer Warning for the Restatement of Employment Law: Read Carefully Before Applying*, 70 LA. L. REV. 193 (2009)
- Privatization of Wrongful Discharge Protection in Comparative Perspective*, 37 INDUS. L.J. 149 (2008) [U.K.], revised from *The Privatization of Wrongful Dismissal Protection*, in FESTSCHRIFT FÜR ROLF BIRK ZUM SIEBZIGSTEN GEBURTSTAG 77 (Horst Konzen et al. eds., 2008) reprinted in COMPARATIVE LABOUR LAW 678 (Anne Trebilcock ed., 2018) (collection of the most important contributions to the study of comparative labor law)
- Bearing the burdens of decisions made by others: The corporate reallocation of employee risk in the United States*, in PERSPEKTIVEN DER CORPORATE GOVERNANCE 501 (Ulrich Jürgens et al. eds., 2007)
- Disloyalty! Does Jefferson Standard Stalk Still?*, 28 BERKELEY J. EMP. & LAB. L. 541 (2007)
- Shoring Up the Citadel (At-Will Employment)*, 24 HOFSTRA LAB. & EMP. L.J. 1 (2006)
- Life Away From Work*, 66 LA. L. REV. 945 (2006)
- Employer Neutrality as Hot Cargo: Thoughts on the Making of Labor Policy*, 20 NOTRE DAME J. LAW, ETHICS & PUB. POL'Y 541 (2006), revised from *Is Non-Belligerence Hot Cargo?: Thoughts on American Exceptionalism and Social Partnership*, in ARBEITNEHMER MITWIRKUNG IN EINER SICH GLOBALISIERENDEN ARBEITSWELT: LIBER AMICORUM MANFRED WEISS 507 (Armin Höland et al. eds., 2005)
- Employee Privacy and the "Theory of the Firm"*, 26 J. LAB. RES. 711 (2005)
- Second Thoughts on a Restatement of Employment Law*, LIBER AMICORUM REINHOLD FAHLBECK 191 (Birgitta Nyström et al., eds. 2005), reprinted in 7 U. PA. J. LAB. & EMP. L. 279 (2005)
- Gewerkschaften als Kläger: Gerechliche class action und Gruppenvertretung in der Vereinigten Staaten*, ZAIS 2005, 1
- Labor Mobility in a Federal System: The United States in Comparative Perspective*, 20 INT'L J. COMP. LAB. L. & INDUS. REL. 313 (2004) (with Sanford Jacoby)

- Law Reform, American Style: Thoughts on a RESTATEMENT OF THE LAW OF EMPLOYMENT*, in CHANGING INDUSTRIAL RELATIONS AND MODERNIZATION OF LABOUR LAW: LIBER AMICORUM MARCO BIAGI 139 (Roger Blanpain & Manfred Weiss eds., 2003) *pre-printed* at 18 LAB. LAW 405 (2003)
- Menschenbild: The Conception of the Employee as a Person in Western Law*, 23 COMP. LAB. L. & POL'Y J. 577 (2002) [Spanish monograph edition 2003]
- Information Technology and Workers' Privacy: The United States Law*, 23 COMP. LAB. L. & POL'Y J. 471 (2002) [Spanish monograph edition 2003]
- Die Bedeutung des Arbeitsrechts für die Wirtschaftsleistung in Deutschland aus Sicht der USA*, RdA 2002, 333
- Employee Representation Outside the Labor Act: Thoughts on Arbitral Representation, Group Arbitrations, and Workplace Committees*, 5 U. PA. J. LAB. & EMP. L. 75 (2002)
- United States Law*, in ON-LINE RIGHTS FOR EMPLOYEES IN THE INFORMATION SOCIETY Ch. 16 (R. Blanpain ed., 2002) (2001 in the Japanese language edition)
- Bridging the "Representation Gap,"* 3 U. PA. J. LAB. & EMP. L. 391 (2001)
- International Governance and Domestic Convergence in Labor Law as Seen From the American Midwest*, 76 IND. L.J. 143 (2001)
- From Anonymity to Transparency: Screening the Workforce in the Information Age*, 2000 COLUM. BUS. L. REV. 403 (2000)
- Quatsch!*, 83 MINN. L. REV. 1681 (1999)
- Employee References: A Very Small Study in Comparative Law* in FESTSCHRIFT FÜR BERNHARD GROßFELD 265 (Ulrich Hübner und Werner Ebke, eds., 1999)
- The Law of Employee Loyalty in the United States*, 20 COMP. LAB. L. & POL'Y J. 321 (1999) (with Benjamin Aaron)
- Employee Privacy in COMPARATIVE LABOR LAW AND INDUSTRIAL RELATIONS IN INDUSTRIALIZED MARKET ECONOMIES* Ch. 11 (Roger Blanpain and Chris Engels eds.) (6th ed. 1998)

*Discharge and Disgrace: A Comment on the "Urge to Treat People as Objects,"*  
1 EMPLOYEE RTS. & EMPLOYMENT POL'Y J. 1 (1997)

*Employee Privacy, American Values, and the Law*, 72 CHI.-KENT L. REV. 221  
(1996) (Piper Lecture)

*"Workers' Contracts" Under the United States Arbitration Act: An Essay in  
Historical Clarification*, 17 BERKELEY J. EMP. & LAB. L. 282 (1996)

*The Unfolding Tendency in the Federal Relationship to Private Accreditation in  
Higher Education*, 57 LAW & CONTEMP. PROBS. 89 (1994)

*The Road Not Taken: Some Thoughts on Nonmajority Employee Representation*,  
69 CHI.-KENT L. REV. 195 (1993), reprinted in THE LEGAL FUTURE OF  
EMPLOYEE REPRESENTATION 191 (M. Finkin ed. 1994)

*"A Higher Order of Liberty in the Workplace": Academic Freedom and Tenure in  
the Vortex of Employment Practices and Law*, 53 LAW & CONTEMP.  
PROBS. 357 (1990) reprinted in FREEDOM AND TENURE IN THE ACADEMY  
357 (W. Van Alstyne ed., 1993)

*Reflections on Labor Law Scholarship and Its Discontents: The Reveries of  
Monsieur Verog*, 46 U. MIAMI L. REV. 1101 (1992), substantially revised  
from *Labor Law Scholarship: A Critical Survey*, in RESEARCH FRONTIERS  
IN INDUSTRIAL AND HUMAN RESOURCES 525 (D. Lewin, O. Mitchell and  
P. Sherer eds. 1992)

*Labor Policy and the Enervation of the Economic Strike*, 1990 U. ILL. L. REV. 547

*Intramural Speech, Academic Freedom, and the First Amendment*, 66 TEX. L.  
REV. 1323 (1988)

*The Bureaucratization of Work: Employer Policies and Contract Law*, 1986 WIS.  
L. REV. 733

*Labor Law by Boz - A Theory of Meyers Industries, Inc., Sears, Roebuck & Co.,  
and Bird Engineering*, 71 IOWA L. REV. 155 (1985)

*Revisionism in Labor Law*, 43 MD. L. REV. 23 (1984)

*On "Institutional" Academic Freedom*, 61 TEX. L. REV. 817 (1983)



- The Individual and the Requirement of "Concert" Under the National Labor Relations Act*, 130 U. PA. L. REV. 286 (1981) (with Robert Gorman)
- The Limits of Majority Rule in Collective Bargaining*, 64 MINN. L. REV. 183 (1980)
- Regulation by Agreement: The Case of Private Higher Education*, 65 IOWA L. REV. 1119 (1980)
- The Truncation of Laidlaw Rights by Collective Agreement*, 3 INDUS. REL. L.J. 591 (1979)
- Reforming the Federal Relationship to Educational Accreditation*, 57 N.C. L. REV. 379 (1979)
- Legislative Issues in Faculty Collective Bargaining*, in FACULTY BARGAINING IN PUBLIC HIGHER EDUCATION 73-183 (Carnegie Council Series) (1977) (with David Feller)
- The Supervisory Status of Professional Employees*, 45 FORDHAM L. REV. 805 (1977)
- The Arbitration of Faculty Status Disputes in Higher Education*, 30 SW. L.J. 389 (1976)
- A PRIMER ON COLLECTIVE BARGAINING FOR COLLEGE & UNIVERSITY FACULTY (1975) (with Robert Goldstein & Woodley Osborne)
- The NLRB in Higher Education*, 5 U. TOL. L. REV. 608 (1974)
- Federal Reliance on Voluntary Accreditation: The Power to Recognize As the Power to Regulate*, 2 J. LAW & EDUC. 339 (1973)
- Toward a Law of Academic Status*, 22 BUFFALO L. REV. 575 (1973) reprinted in THE CONSTITUTIONAL STATUS OF ACADEMIC TENURE (W. Metzger, ed. 1977)
- Grievance Procedures*, in FACULTY UNIONS AND COLLECTIVE BARGAINING 66 (E.D. Duryea & Robert Fisk eds., 1973)
- Collective Bargaining and University Government*, 1971 WIS. L. REV. 125 (1971)

**SHORT PAPERS, COMMENTS, AND REPLIES:**

*Hard Bargains: Economic Duress in German, French, and U.S. Employment Law* in DEUTSCHES, EUROPÄISCHES UND VERGLEICHENDES WIRTSCHAFTSRECHT: FS WERNER EBKE 231 (B. Paal, D. Poelzig & O. Fehrenbacher eds. 2021).

*Free Speech and Academic Freedom in THE ACADEMIC'S HANDBOOK* Ch. 36 (Lori Flores & Jocelyn Olcott eds., 4th ed. 2020).

*Le contrôle de la vie privée par les employeurs: la topographie karstique du droit américain*, *Revue de Droit Comparé du Travail et de la Sécurité Sociale* 2020/2 at 102.

*"What Should Be the Tasks of Comparative Law?" Condorcet, Montesquieu, and Supiot*, *CONCERTE LES CIVILISATIONS: MÉLANGES EN L'HONNEUR D'ALAIN SUPIOT*, 169 (Samantha Besson & Samuel Jubé eds. 2020)

*Le Droit Du Travail Sous Le Régime Trump: Est-il "Populist"?*, *Revue de Droit Comparé du Travail et de la Sécurité Social* 2019/1 at 51.

CULTURAL INSIGHT IN COMPARATIVE LABOR LAW, *Lezioni Magistrali* No. 85 (Universita degli Studi Sior Orsola Benincasa, 2018)

*L'arbitrage aux États-Unis, une véritable histoire d'amour*, *Droit Social* 128 (Février 2017)

*America's Disappearing Labor Law* in *LIBER AMICORUM MICHAEL SWERYNSKI* (Zibniewa Hajna & Dagmary Skupien eds. 2015).

*Freud, Ironie und LOI* in *RISOR SILVATICUS: FESTSCHRIFT FÜR RUDOLPH BUSCHMANN* 40 (Wolfgang Däubler & Peter Voight eds. 2013)

*"Lawful Activity" Laws* in *WORKPLACE PRIVACY, Proceedings of the New York University 58<sup>th</sup> Annual Conference on Labor* Ch. 12 (Jonathan Nash ed., 2010)

*Section 2.06 in Working Group on Chapter 2 of the Proposed Restatement of Employment Law*, 13 *Employee Rts. & Employment Pol'y J.*, 133 (2009) (collection of papers on the draft RESTATEMENT OF EMPLOYMENT LAW)

*Academic Tenure in the United States* in *KARRIÄR FÖR KVALITET* 395 (2007)

*Webers Frage*, 2007 *AuR* s.409

- The Tenure System*, in THE ACADEMIC'S HANDBOOK ch. 14 (Leigh Deneef & Craufurd Goodwin eds., 3d ed. 2007) revised from ch. 13 (2d ed. 1995) reprinted from ch. 8 (1st ed. 1988)
- Representation of Employees Within the Firm: The United States Report*, 54 (Supp.) AM. J. COMP. L. 395 (2006)
- The Marginalization of Academic Labor Law in the United States: A Footnote to Estlund and Summers*, 23 COMP. LAB. L. & POL'Y J. 811 (2002)
- Modern Manorial Law*, 36 INDUS. REL. 127 (1999)
- Two Paradoxes For Academic Freedom*, Proceedings of the 27<sup>th</sup> Annual Conference of the National Center for the Study of Collective Bargaining in Higher Education and the Professors 45 (1999)
- Tenure in the Entrepreneurial Academy: A Reply*, 41 SOCIOLOGICAL PERSPECTIVES 729 (1998)
- Bonding and Flexibility: Employment Ordering in a Relationless Age*, 46 (Supp.) AM. J. COMP. L. 379 (1998) (with Thomas Kohler)
- Employment Contracts Under the FAA -- Reconsidered*, 48 LAB. L.J. 328 (1997)
- The Future of Tenure: The Assault on Faculty Independence*, Proceedings of the Twenty-Fifth Annual Conference of the National Center for the Study of Collective Bargaining in Higher Education 49 (1997)
- Legal Craftsmanship? The Drafting of the Wagner Act*, Proceedings of the 48th Annual Meeting of the Industrial Relations Research Association 381 (1996)
- Regulation of the Individual Employment Contract in the United States*, in THE EMPLOYMENT CONTRACT IN TRANSFORMING LABOUR RELATIONS 167 (Lammy Betten ed. 1995)
- Employee's Duty of Loyalty: An Arbitral-Judicial Comparison* in ARBITRATION AND THE CHANGING WORLD OF WORK, Proceedings of the Forty-Sixth Annual Meeting of the National Academy of Arbitrators 200 (G. Gruenberg ed., 1994)

*Academic Freedom and Church-Related Higher Education: A Reply to Professor McConnell* (with Judith Jarvis Thomson), in *FREEDOM AND TENURE IN THE ACADEMY* 419 (W. Van Alstyne ed., 1993)

*Privacy and Personality in the Employment Relationship*, The Benjamin Aaron Annual Lecture Series on the Role of Public Policy in the Employment Relationship (1992), revised as *The Protection of Employee "Personality" in the United States*, 94 *ZEITSCHRIFT FÜR VERGLEICHENDE RECHTSWISSENSCHAFT* 109 (1995)

*Commentary on "Arbitration of Employment Disputes Without Unions,"* 66 *CHI.-KENT L. REV.* 799 (1990)

*Tenure After An Uncapped ADEA: A Different View*, 15 *J. COLLEGE & UNIV. LAW* 43 (1988), reprinted in *THE END OF MANDATORY RETIREMENT: EFFECTS ON HIGHER EDUCATION* (K. Holden and W. Hansen eds., 1989)

*"In Defense of the Contract at Will" - Some Discussion Comments and Questions*, 50 *J. AIR L. & COM.* 727 (1985)

*Does Karl Klare Protest Too Much?*, 44 *MD. L. REV.* 1100 (1985)

*Creationism and Academic Freedom - A Reply*, 68 *ACADEME* 10 (1982)

*The Yeshiva Decision: A Somewhat Different View*, 7 *J. COLLEGE & UNIV. LAW* 321 (1980-81)

*Some Thoughts on the Powell Opinion in Bakke*, 65 *Academe* 192 (1979)

*The Usefulness of AAUP Policy Statements*, 59 *EDUC. REC.* 30 (1978) (with Ralph S. Brown)

*Contract, Tenure and Retirement: A Comment on Rehor v. Case Western Reserve University*, 4 *HUMAN RIGHTS* 343 (1975)

*An Intervenor's Standing to Propose a Bargaining Unit: A Comment on the Vagaries of Decisional Rule-Making*, 25 *LAB. L.J.* 392 (1974)

*Faculty Collective Bargaining in Higher Education: An Independent Perspective*, 3 *J. LAW & EDUC.* 439 (1974)

*Bargaining and Professionalism*, *LABOR LAW DEVELOPMENTS* 79 (1974)

*Effect of Unionization on Collegiality, in* THE EFFECTS OF FACULTY COLLECTIVE BARGAINING ON HIGHER EDUCATION 24 (Raymond Hewitt ed., 1973) (Proceedings of Conference by the New England Board of Higher Education)

*The Hershey Letter*, 53 AAUP Bull. 412 (1967)

### BOOK REVIEWS:

101 ACADEME 48 (Nov.-Dec. 2015) [Hans-Joerg Tiede, UNIVERSITY REFORM: THE FOUNDING OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS (2015)]

33 COMP. LAB. L. & POL'Y J. 171 (2011) [THE IDEA OF LABOUR LAW (Guy Davidov & Brian Langille eds., 2011)]

3 EUR. J. LAB. L. 448 (2010) [THE TRANSFORMATION OF LABOUR LAW IN EUROPE: A COMPARATIVE STUDY OF 15 COUNTRIES 1945–2004 (Bob Hepple & Bruno Veneziani eds., 2009)]

24 LAW & HIST. REV. 459 (2006) [JURISTS UPROOTED: GERMAN SPEAKING ÉMIGRÉ LAWYERS IN TWENTIETH CENTURY BRITAIN (J. Beatson & R. Zimmermann eds., 2004)]

40 BRITISH J. INDUS. REL. 361 (2002) [K.D. EWING, HUMAN RIGHTS AT WORK (2000)]

21 COMP. LAB. L. & POL'Y J. 813 (2000) [J. CRAIG, PRIVACY & EMPLOYMENT LAW (1999) and ZUR AUTONOMIE DES INDIVIDUUMS (D. Simon & M. Weiss eds., 2000)]

53 INDUS. & LAB. REL. REV. 338 (2000) [Marc Linder & Ingrid Nygaard, VOID WHERE PROHIBITED (1998)]

50 INDUS. & LAB. REL. REV. 688 (1997) [Richard Bloch *et al.*, LABOR LAW, INDUSTRIAL RELATIONS AND EMPLOYEE CHOICE (1996)]

82 ACADEME 63 (1996) [Neil Hamilton, ZEALOTRY AND ACADEMIC FREEDOM: A LEGAL AND HISTORICAL PERSPECTIVE (1995)]

32 WM. & MARY L. REV. 1005 (1991) [P. Weiler, GOVERNING THE WORKPLACE: THE FUTURE OF LABOR AND EMPLOYMENT LAW (1990)]

8 INDUS. REL. L.J. 453 (1986) [THE CHANGING LAW OF FAIR REPRESENTATION (J. McKelvey ed. 1985)]

69 ACADEME: AAUP BULL. 41 (1983) [R. Chait & A. Ford, BEYOND TRADITIONAL TENURE (1982)], *revised and reprinted* 10 J. COLLEGE & UNIV. LAW 105 (1983-1984)

53 J. HIGHER EDUC. 726 (1982) [J. McCarthy & I. Ladimer, RESOLVING FACULTY DISPUTES (1981)]

123 U. PA. L. REV. 217 (1974) [R. Carr & D. Van Eyck, COLLECTIVE BARGAINING COMES TO THE CAMPUS (1973)]

**SELECTED OP-EDS:**

*Viking River Cruises Muddies the Waters*, Verdict (July 8, 2022) (online); *What's in a Name?*, 107 Academe 62 (Fall 2021); *Die Lehren aus Chattanooga*, Arbeit und Recht (2014) s. 2013; *Flawed Restatement*, National Law Journal (Sept. 24, 2007).

**EXTRAMURAL ACTIVITY:**

**ENDOWED OR NAMED LECTURES:**

The 85<sup>th</sup> *Lezioni Magistrali*, Università degli Studi Suor Orsola Benincasa, Naples, Italy, May 22, 2018

The Second Roger Blanpain Lecture, University of Leuven, Belgium, May 15, 2018

Richard R. Stewart Memorial Lecture on Labor and Employment Law, Indiana University School of Law, March 5, 2014

Center for Advanced Study Twenty-Second Annual Lecture, the University of Illinois, October 18, 2012

Rush-McKnight Labor Law Lecture, Case Western Reserve University Law School, January 31, 2008

18th Annual Kenneth M. Piper Lecture, Chicago-Kent Law School, April 9, 1996

The Benjamin Aaron Lecture, Institute of Industrial Relations, University of California at Los Angeles, April 2, 1992

C. Dallas Sands Memorial Lecture, University of Alabama Law School, April 14, 1983

**SELECTED LECTURES AND CONFERENCE PRESENTATIONS:**

“Technological Omniscience, Social Freedom, and the Law,” XIII European Regional Congress, Int’l Society for Labour and Social Security Law, Lisbon, Portugal, May 7, 2021 (online)

“Union Dispossession of Labor Protection: A Paradox, in Two Systems,” International Congress: Work Innovation, Are We Ready?, Porto, Portugal, September 19-20, 2019

“The Juridification of Labor Arbitration,” Biennial Midwest Arbitrators’ Symposium, Chicago, Il., October 3, 2018

“Compliance and Labour Law,” UPF Research Group in Labour and Social Security Law Seminar, Barcelona, Spain, May 30, 2017

“Chapter 7: Privacy and Autonomy,” Labor Law Trust Group Conference on the *Restatement of Employment Law*, Indiana University School of Law, November 17-18, 2016, Bloomington, Indiana

“The Legal Ambiguity of Fissured Work in the United States,” Japan Institute of Labor Policy and Training Tokyo Seminar, *Reconsidering the Notion of “Employer” in the Era of Fissured Workplace*, Tokyo, Japan, February 2-3, 2016.

“Beclouded Work, Beclouded Workers: An Historical Perspective,” Conference on Crowd-Sourcing and the Law, the Wharton School, Philadelphia, Pennsylvania, November 7, 2015

“ ‘The Kindness of Strangers’: The Tip and the Minimum Wage in France, Germany, and the United States,” Labour Law Research Network Conference, Amsterdam, The Netherlands, June 26, 2015

Lectures on “Protection of Employee Data in E.U. and U.S.” and “Arbitration of Individual Employment Law”, Tokyo University, Tokyo, Japan, October 14 and 18, 2014, and on “The Fissurization of Work”, Japan Institute of Labor Policy and Training, Tokyo, Japan, October 16, 2014

“Labor Problems in Comparative Perspective,” Regional Labor Tribunal, Rio de Janeiro, Brazil, April 3-4, 2014

Queens University Faculty of Law Centre for Law in the Contemporary Workplace, “Privacy, Law and the Contemporary Workplace: New Challenges and Directions”, Toronto, Canada, November 22, 2013

“The Strange Saga of Academic Freedom and the Law”, Iowa State University, Ames, Iowa, September 30, 2013 (GSB Lecture Series)

Labor Law Research Network Inaugural Conference, Barcelona, Spain, June 13-15, 2013

Comptresec Conference, “L’accès à la justice sociale en droit international et comparé,” Bordeaux, France, June 6-7, 2013

Harry Crowe Foundation Conference on The Limits of Academic Freedom, Toronto, Canada, February 1-3, 2013

Giuseppe Pera Foundation Seminar, “Controlled Experiments in the Fields of Education, Employment and Social Services: Could They Help in the Design of Social Policies?,” Milan, Italy, March 23, 2012

“Voices at Work” North America Workshop, Osgoode Hall School of Law, Toronto, Canada, March 16-17, 2012

Seminar, “The Future of Labour Law,” Interuniversity Research Center on Globalization and Work, Montréal, Canada, December 15-16, 2011

Experts’ Meeting on the Restatement of Employment Law Project, sponsored by the Labor Law Group, Northwestern University School of Law, and the American Bar Foundation, Chicago, Illinois, November 18-19, 2011

The Giuseppe Pera Foundation Conference, “The Role of Experiments for the Advancement of Labor Legislation,” Lucca, Italy, March 25–26, 2011

National Labor Relations Board Symposium, “The National Labor Relations Act at 75: Its Legacy and Its Future,” Washington, D.C., October 28–29, 2010

The 2009 Annual Conference and National Accreditation Forum and International Seminar on Accreditation, Council on Higher Education Accreditation, Washington, D.C., January 26–29, 2009



- Lecture Series, “ ‘where laws do not govern’: American Employment Law from a European Perspective,” University of Padua, Padua, Italy, November 24–27, 2008
- 9th European Congress of the International Society for Labor and Social Security Law, Freiburg, Germany, September 16–19, 2008
- Conference, “Emerging Technology and Employee Privacy,” Hofstra University Law School, March 7, 2008
- Deutscher Führungskräfte Verband Conference, Perspectives on Corporate Governance, Berlin, Germany, December 8-9, 2006
- Conference, “On Examining Privacy in the Workplace,” Paul W. Hebert Law Center, LSU, Baton Rouge, La., February 9-10, 2006
- Korea Labor Relations Commission and Korea Institute of Labor, Conference on Industrial Dispute Resolution, Seoul, Korea, December 5, 2005
- Japan Institute of Labor Policy & Training, Conference on Individual Employment Dispute Resolution, Tokyo, Japan, December 2, 2005
- 58th Annual New York University Conference on Labor, New York City, May 19, 2005
- The British Institute of International and Comparative Law, London, June 15, 2004 (address to the Data Protection Research and Policy Group)
- 4th IRRA National Policy Forum, Washington, D.C. June 20-21, 2002
- U.S. Reporter, Conference on Computerization of Work and Employee Privacy, Open University of Catalonia, Barcelona, Spain, November 2, 2001 and June 7, 2002
- Arbeitsrechtliche Jahresarbeitsstagung 2001, Deutsche Anwaltsinstitut, Cologne, Germany, September 28, 2001 (keynote speech delivered *in absentia* due to terrorist disruption)
- 28 Tagung für Rechtsvergleichung, Gesellschaft für Rechtsvergleichung, Hamburg, Germany, September 20, 2001 (paper presented *in absentia* due to terrorist disruption)

Conference on Online Rights for Online Workers in the Information Society,  
Brussels, Belgium, November 13-14, 2000 (paper presented *in absentia*  
due to illness)

University of Pennsylvania Law School, Symposium on *What Do Workers Want:  
Reflections on the Implications of the Freeman & Rogers Study*,  
Philadelphia, Pennsylvania, April 7, 2000

Columbia University School of Law, Symposium on *The Changing Workplace in  
the New Millennium*, New York, New York, March 28, 2000

Indiana University Law School, Symposium on *New Rules for a New Game:  
Regulating the Employment Relationship in the Twenty-First Century*,  
Bloomington, Indiana, September 25, 1999

“Academic Freedom in Church-Related Higher Education,” University of St.  
Thomas’ Lecture Series on Diverse Voices in the Classroom, St. Paul,  
Minnesota, September 14, 1999

27th Annual Conference, NCSCBHEP, Baruch College, New York City, April  
19-20, 1999

25th Annual Conference, NCSCBHEP, Baruch College, New York City, April  
14-15, 1997

48th Annual Meeting, Industrial Relations Research Association, San Francisco,  
January 7, 1996

Colloquium: The Role of the Contract in Future Labor Relations, The Hague,  
April 21, 1995

Forty-Sixth Annual Meeting, National Academy of Arbitrators, Denver,  
Colorado, June 2, 1993

Sino-American Labor Relations Symposium, Taipei, July 13, 1992

Industrial Relations Research Association Symposium, The Wharton School,  
Philadelphia, Pennsylvania, October 5, 1991

Symposium on Academic Freedom, University of Texas School of Law,  
October 16, 1987

The Graduate School, Duke University, January 14, 1986

Industrial Relations and Labor Studies Center, University of Maryland,  
March 25, 1983

**PROFESSIONAL SERVICE:**

Member, Governing Board [*Kuratorium*], Institute for Labor Law and Labor Relations in the European Union [IAAEU], Trier, Germany (1999-present)

Life Member, American Law Institute

Fellow, The College of Labor & Employment Lawyers

Member, Editorial Board, *Canadian Labour & Employment Law Journal*

Member, Advisory Board, *European Labour Law Journal*

Member, Advisory Board, *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZAIS)*

Member, Editorial Board, *Employee Rights and Employment Policy Journal*

Senior Editor, INTERNATIONAL LABOR AND EMPLOYMENT LAWS, Bloomberg BNA Series

Member (*ex officio*), Executive Board, U.S. Branch, International Society for Labor and Social Security Law

Member (*ex officio*), International Association of Labor Law Journals

Member, The Labor Law Trust Group

Member, National Academy of Arbitrators

Chair or member of various committees and principal draftsman of Academy briefs *amicus curiae* before the United States Supreme Court

Sometime Member of Various Standing Arbitral Panels, e.g. Annual Baseball Salary Arbitration Panels (2001-2004), City of Chicago and AFSCME, FAA and the Professional Aviation Safety Specialists (PASS)(Southwest Region), United Airlines Pilots System Board of Adjustment (2018-present), United Airline Int'l Ass'n of Machinists Board of Adjustment (2019-present), and others; listed neutral by FMCS, NMB, ILRB, IELRB.

Published awards can be found in Bloomberg BNA *Labor Arbitration Reports*.

Various services on behalf of the AAUP including General Counsel (1976–1978); Chairman of Committee A on Academic Freedom and Tenure (1980–1990); chair or member of several committees of investigation and policy; principal draftsman of briefs *amicus curiae* in various state and federal courts.

Member, various international advisory boards to programs in labor law: the Giuseppe Pera Foundation (Italy) (2011-present); the University of Ferrara (Italy) (2017-2019); the University of Izmir (Turkey) (2018-present); the University of Lodz (Poland) (2018-present); Comunidad para la Investigación y el Estudio Laboral y Ocupacional (CIELO) (2018-present)

Member, Committee on Academic Freedom and Tenure, Association of American Law Schools (1985-1987)

#### **VISITORSHIPS:**

Visiting Professor of Law, Interdisciplinary Center (IDC), Herzliya, Israel, May, 2010

Visiting Professor of Law, University of Michigan, 1980-1981

Visiting Professor of Law, Duke University, Spring, 1978

#### **CONSULTANTSHIPS:**

For the Ministry of Education and Science of the Russian Federation research grant competition (2013-2022) (resigned); for the Polish National Science Centre research grant competition (2015); for the Swedish Ministry of Education on academic tenure (2007); for FSVC on labor law in Bosnia and Herzegovina (2004)

Consultant and sometime expert witness on issues of academic freedom and tenure in American higher education

#### **UNIVERSITY SERVICE (Illinois):**

Member and sometime chair, Faculty Senate Committee on Academic Freedom and Tenure; Member, Chancellor Search Committee; Member, University Vice President for Academic Affairs' "Seminar on Tenure"; Chancellor's Task Force

on Sexual Harassment Policy; Law Dean Search Committee; Provost's Advisory Committee on Endowed Appointments; Advisory Committee to the Vice Chancellor for Research; Governing Board, European Union Center; Chancellor's *ad hoc* Advisory Committee on the Academy of Capitalism and Limited Government Fund; Provost's Campus Budget Oversight Committee; University "Conflict of Interest and Commitment" Policy Review Committee; affiliated faculty (zero time appointment) School of Labor and Employment Relations; affiliated faculty (zero time appointment) Center for Global Studies.

**PERSONAL:**

Birth date: April 7, 1943

Family Status: Married, Eleanor Ann Bachthaler; two sons, Ezra and Jordan; two grandsons, Dashiell Leo and Emmett Worth

Bar Status: New York (retired); U.S. Supreme Court

[March 15, 2023]