

Labor Law Group Conference
Lake Arrowhead, CA
June 3-6, 2010

THURSDAY, JUNE 3

Cocktail Reception: 5:30 p.m. [Main Lodge]

Dinner: 6:30 – 7:30 p.m. [Main Lodge]

Social Room [the “Tavern”] with wine, beer, soda and snacks, open 8:00 p.m. – midnight

FRIDAY, JUNE 4

Breakfast: 8:00 - 9:00 a.m. [Main Lodge]

Panel 1: 8:45 – 10:15 a.m. [Iris Room—building across from Main Lodge]

INTERNATIONAL LABOR LAW AND THE “NEW” (CRISIS-RIDDEN) GLOBAL ECONOMIC CONTEXT

Moderator/discussant: Lance Compa (Cornell ILR School)

Owen Herrnstadt (International Association of Machinists and Georgetown Law School) will discuss innovative trade union strategies for international labor solidarity campaigns and international collective bargaining, with particular attention to the relatively new phenomenon of global "framework agreements" between cross-border union federations and multinational companies.

Marley Weiss (University of Maryland) will discuss developments in the European Union, with particular attention to the Laval-Viking-Ruffert-Luxembourg line of cases in which collective bargaining and the right to strike run up against EU rules on free movement of workers and free establishment of companies.

Kenneth Rose (Rose Law Group) will discuss key international labor and employment law issues of concern to multinational employers.

Coffee Break: 10:15 – 10:30 a.m.

Panel 2: 10:30 a.m. – 12:00 p.m.

THE EVOLVING LAW OF EMPLOYMENT DISCRIMINATION

Moderator/Discussant: Marion Crain (Washington University, St. Louis)

Melissa Hart (University of Colorado) will discuss how employers, lawyers and courts have responded to the Supreme Court's decision in *Ricci v. DiStefano* and will consider what these responses suggest for the future of disparate impact litigation and voluntary affirmative action efforts.

Paul Miller (University of Washington) will consider how social and political movements, legislative action and judicial interpretation have interrelated to affect the development of legal doctrine under the Americans with Disabilities Act and other discrimination statutes.

Kimberly Yuracko (Northwestern University) will discuss the growing wave of cases treating discrimination against transsexuals as a form of sex discrimination and examine how these cases may actually signal a retrenchment of traditional gender norms rather than increased acceptance of gender flexibility and fluidity.

Lunch: 12:00 –1 p.m. [Main Lodge]

Panel 3: 1:30 – 3:00 p.m.

IMMIGRANT WORKERS

Moderator/discussant: Maria Ontiveros (University of San Francisco)

Michael Wishnie (Yale University) will discuss, based on his experience as the director of the Yale Law School immigrant workers' clinic, recent initiatives to address the challenges facing immigrant workers.

Ruben Garcia (California Western Law School) Ruben Garcia will discuss an ongoing socio-legal research project on whether and how changes in the law affect organizations. The project, which is based on interviews with union leaders and labor lawyers who have litigated major immigrant worker cases, examines whether changes in the legal treatment of immigrant workers in the courts affected the policy positions of the AFL-CIO and major unions on immigration reform.

Victor Narro (UCLA Labor Center) will discuss organizing efforts among immigrant workers in Southern California.

Free Time: 3:00- 6:30 p.m.

Wine Tasting on the 'Zen' Deck: 5:00 – 6:00 p.m.

Dinner: 6:30 – 7:30 p.m. [patio off Main Lodge, weather permitting]

Social Room open for Cocktails: 8:00 p.m. – midnight [the Tavern]

Executive Committee Meeting: 8:00 p.m. [Iris Room]

SATURDAY, JUNE 5

Breakfast: 8:00 – 9:00 a.m. [Main Lodge]

Panel 4: 8:45 – 10:15 a.m. [Iris Room--building across from Main Lodge]

LABOR AND EMPLOYMENT PEDAGOGY AND ITS IMPACT ON THE PROFESSION

Moderator/discussant: Catherine Fisk (University of California, Irvine)

Laura Cooper (University of Minnesota) will discuss the Capstone Project that she has developed and is currently teaching at the University of Minnesota Law School. The Project involves a semester-long complex simulated work-law problem in which students play the role of lawyers for various parties in a multi-party scenario set in a hospital.

Angela Cornell (Cornell University) will discuss the Labor Law Clinic that she developed and directs. Students deepen their understanding of labor law by representing unions with typical labor law inquiries, e.g. ULPs, arbitrations, organizing and collective bargaining issues. In addition, the Clinic accepts a few international labor law projects each semester.

Coffee Break: 10:15 – 10:30 a.m.

Panel 5: 10:30 a.m. – 12:00 p.m.

NEW APPROACHES TO COLLECTIVE REPRESENTATION

Moderator/discussant: Alan Hyde (Rutgers University, Newark)

Scott Cummings (UCLA) will discuss recent efforts of low-wage workers to organize themselves through techniques of community organizing and grass-roots activity outside the context of union representation.

Rafael Gely (University of Missouri, Columbia) & Martin Malin (University of Michigan & Chicago Kent) will discuss recent developments in the area of public sector unions, including card check recognition.

Sara Slinn (York University) will discuss her ongoing empirical work on first contract arbitration in Canada.

Lunch: 12:00 – 1 p.m. [Main Lodge]

1:30- 2:15 Keynote Speaker: Wilma Liebman, Chair, National Labor Relations Board **[Iris Room]**

Panel 6: 2:30 – 4:00 p.m.

REGULATING THE INDIVIDUAL EMPLOYMENT RELATIONSHIP

Moderator/discussant: Catherine Fisk (University of California, Irvine)

Orly Lobel (University of San Diego) will discuss the increased reliance on individuals to report misconduct, and will present the results of experiments that seek to explore the best ways to incentivize individual motivation and behavior.

Cynthia Estlund (New York University) will discuss employers' internal self-regulatory systems with a focus on how to distinguish between effective self-regulators and those who are unable or unwilling to self-regulate effectively. One part key to effective self-regulation is to include worker participation with greater transparency also playing an important role.

Noah Zatz (UCLA) will discuss the challenges to regulating work that fall outside conventionally defined labor markets. He will suggest that to make headway, we will need to give up the idea that "work" can be a universal basis for regulation or social citizenship. Instead, we must develop multi-dimensional accounts both of fairness in particular domains in which work occurs and of how to regulate the migration of work and workers between those domains.

Free Time: 4:00-6:30 p.m.

Pontoon Boat Tours 4:15-5:30 p.m. [advance signup required—see Main Desk]

Social Room open for Cocktails: 5:30-6:30 p.m. [the Tavern]

Dinner: 6:30 – 7:30 p.m. [Main Lodge]

Labor Law Group Meeting (members only), Part I: 7:30-9:00 p.m., Iris Room

Social Room open for Cocktails: 8:00-midnight

SUNDAY, JUNE 6

Breakfast: 8:00 – 9:00 a.m. [Main Lodge]

Labor Law Group Meeting (members only), Part II: 8:45 – 10:15 a.m. [Iris Room]