2012 LABOR & EMPLOYMENT LAW
AGENDA

DAY 1: LOYOLA (FRIDAY)

Registration, 8am
Continental Breakfast, 8:00-9:00

WELCOME AND INTRODUCTION, 9-9:15AM
Room: Power Rogers & Smith Ceremonial Courtroom

SESSION 1, 9:15 -10:45

Accommodation / ADA / ADEA
Room: 1401
- Nicole Porter, Mutual Marginalization
- Michelle Travis, The "Part and Parcel" of Impairment Discrimination
- Michael Waterstone, Disability Constitutional Law
- Brian Clarke, Grossly Impractical Causation

Comparative
Room: 1402
- Susan Bisom-Rapp, Diverging Doctrine, Converging Outcomes: Evaluating Age Discrimination Law in the United Kingdom and the United States (paper co-authored with Professor Malcolm Sargeant, Middlesex University Business School, London, UK)
- Jeffrey Hirsch, A Comparative Perspective on Unjust Dismissal Laws
- Aditi Bagchi, The Political Economy of Mandatory Terms

Labor
Room: 1403
- Matthew Bodie, SEIU and the Market for Public-Sector Representation
- Paul Secunda, The Wagner Model of Labor Law is Dead, Long Live Labor Law!
BREAK, 10:45-11:00

SESSION 2, 11:00-12:30

Social Movements
Room: 1401
- Ariana Levinson, Founding Worker Cooperatives: Social Movement Theory and the Law
- Michael Oswalt, Law and the Sustainability of Mass Action: A Social Movement First Principle
- David Doorey, A Model of Responsive Workplace Law
- Brishen Rogers, Class and the limits of liberal justice

ERISA
Room: 1402
- Susan Cancelosi, A Trajectory of Federal Intervention in Retiree Health Benefits
- Dana Muir, Remedies for Fiduciary Relief in ERISA: A Framework Grounded in Equity
- Andrew Stumpff, The Law is a Fractal: The Attempt to Anticipate Everything
- Henry Drummonds, Public Employee Pensions -- Reflections of a Former Union Lawyer

Internet/IP / Privacy Rights
Room: 1403
- Miriam Cherry, Virtual Employment Discrimination
- Ruben Garcia, The Problematic Place of Anonymity in Workplace Law
- Victoria Schwartz, Tentatively: "Privacy and Executive Disclosure Obligations: Disclosing Non-Disclosure"

LUNCH: 12:30 – 2:00PM
Room: Kasbeer Hall, 15th floor
Luncheon Speaker: Catherine Fisk
Presentation Title: Political Speech and Association Rights after Knox v. SEIU Local 1000

SESSION 3, 2:00PM-3:30

Discrimination Law
Room: TBD
- Douglas Hass, Could the American Psychiatric Association Cause You Headaches? The Impact of the New DSM-5 on Employment Law
- Jessica Roberts, Healthism at Work: Can Employers Discriminate on the Basis of Employee Health?
- Jennifer Shinall, Legal Largesse or Big, Fat Failure: Do Weight-Discrimination Laws Improve Employment Outcomes for the Obese?
Race and Categories
Room: 1401
- **Wendy Green**, Categorical Discrimination

Workplace Culture and Rights Enforcement
Room: 1402
- **Charlotte Alexander**, Bottom Up Workplace Law Enforcement
- **Sam Bagenstos**, Employment Law and Commodification
- **Deborah Weiss**, Real Existing Labor and Human Rights in Free Trade and Investment Regimes: Mutual Support, Quid Pro Quo, or Mutual Destruction

BREAK, 3:30-4:00

Wrap up, 4:00-5:00pm
Reception, 5:00pm

RECEPTION & DINNER, 5:00pm

PAUL STEVEN MILLER MEMORIAL AWARD PRESENTATION
Day 2: Northwestern (Saturday)
Continental Breakfast, 8:30am

SESSION 1, 9-10:30

Comparative
Room: RB175

- **John Howe**, Rough Justice or Restorative Justice? The Use of Enforceable Undertakings and Accessorial Liability to Motivate Employment Standards Compliance by Corporations
- **Hilary Josephs**, Too Loved to be Regulated? Workplace Violations at Apple's Suppliers of Labor in China
- **Marley Weiss**, Real Existing Labor and Human Rights in Free Trade and Investment Regimes: Mutual Support, Quid Pro Quo, or Mutual Destruction
- **Sandra Sperino**, Tort Label

Labor
Room: RB180

- **Matthew Dimick**, What Do Labor Laws Do?
- **Michael Fischl**, Workplace Equality and the Challenge to Public Sector Collective Bargaining: Some Lessons from Wisconsin
- **Catherin Fisk**, The Labor History of Intellectual Property
- **Michael Green**, Political Gamesmanship Stifling the Make-Up of the National Labor Relations Board

Sex/Pregnancy
Room: RB 339

- **Marcy Karin**, Lactating Employees and Undue Hardship
- **Ann McGinley**, Because of Sex
- **Kim Yuracko**, Soul of a Woman: The Sex Stereotyping Prohibition at Work
- **Deborah Widiss**, The Pregnancy Exception: Rethinking Discrimination and Accommodation Under the Pregnancy Discrimination Act

BREAK, 10:30AM-10:45AM

SESSION 2, 10:45-12:30

Speech/Constitutional Rights
Room: RB175

- **Scott Bauries**, Constitutions and Public Employee Speech
- **Karl Camillucci**, Regretting Roth? Why and How the Supreme Court Could Deprive Tenured Public Teachers of Due Process Rights in Employment
- **Marcia McCormick**, From Constitutional Power to Constitutional Impediment: The Changing Role of the Constitution in Fighting Inequality through Law
- **Pauline Kim**, Constitutional Values in the Workplace
Systemic Discrimination/Wal Mart
Room: RB180
- Jason Bent, Hidden Priors: Plausibility and Inference in Systemic Discrimination Cases
- Joseph Seiner, Weathering Wal-Mart
- Lesley Wexler, Wal-Mart’s Gender Washing
- Fabian Flintoff, New Perspectives on Casual Employment and the Law

Statistics / Employment Success/Dispute Resolution Room: RB 339
- Zev Eigen, Justice or Just Between Us: Empirical Evidence of the Trade-Off Between Procedural and Interactional Justice in Workplace Dispute Resolution
- Theresa Beiner, Against Empty Courtrooms
- Rebecca Lee, On Judicial Leadership

Lunch, 12:30
Location: Atrium