

*the improvement of the legal profession  
through legal education*

WORKSHOP ON  
**Work Law**

June 10–12, 2009

Westin Long Beach Hotel

Long Beach, California

**[www.aals.org/midyear2009/](http://www.aals.org/midyear2009/)**



Association of American  
Law Schools

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# Workshop on Work Law

June 10-12, 2009

Long Beach, California

## **Why Attend?**

The law of the workplace, including labor, employment, antidiscrimination, and employee benefits law, is an important and pervasive part of people's lives, and the social and economic culture of the United States and the world. It has also changed substantially in the last 20 years. The physical and organizational contexts in which people work and the nature of work have changed, as have workers' backgrounds, expectations, commitments, and competing obligations. The relationship between work and other fundamental social and legal regimes, such as the regulation and provision of health insurance and care and the debates around government-provided social safety nets, becomes ever more apparent as the gap widens between the haves and the have-nots in America and around the world.

These remarkable changes in the context and content of work life require significant development and reevaluation of Work Law. Labor and employment litigation now accounts for about 12 to 14 percent of the federal courts' docket. Work law scholarship is increasingly empirical, interdisciplinary, and international. The teaching of Work Law has expanded, even while several of the traditional law school courses that comprise the field have undergone dramatic changes in the last several decades. Labor Law, traditionally focused on collective bargaining in an industrial economy, has been transformed by the globalization of the economy and the diversity of the workforce to include issues of race, gender and immigration status. The at-will paradigm that dominated Employment Law has been modified in important respects by case law and a proliferation of statutes that apply to individual employees. And the content of Employment Discrimination courses has grown with the enactment of new federal and state laws, including those prohibiting discrimination based on disability and sexual orientation, and the adoption of new frameworks for analyzing forms of discrimination, and institutional dynamics that af-

## Workshop on Work Law

fect the law. Laws regulating leave, benefits, wages and hours, and a host of other issues have grown and changed. Finally, international issues now find their way into work law courses, and are now forming the basis for casebooks and stand-alone courses.

Participants in the 2009 Workshop on Work Law will have a chance to consider these and many other topics. The panels will appeal to law teachers in a diverse group of fields. Panels will address the institutional dynamics of the discrimination law, how work law teachers are incorporating the findings of the Carnegie Report into their teaching, and recent Supreme Court decisions.

The Workshop on Work Law will overlap with a Conference on Business Associations and a concurrent Workshop on Transactional Law. We think scholars and teachers in diverse and related areas will make connections between their primary fields and work law. It is our hope that by attending you come away from the conference with new ideas for your scholarship and teaching.

### **~Planning Committee for AALS Workshop on Work Law**

Anthony Baldwin, Mercer University

Catherine L. Fisk, University of California, Irvine (at Duke University when Planning Committee met)

Ruben J. Garcia, California Western School of Law, **Chair**

Harry G. Hutchison, George Mason University

Kevin R. Johnson, University of California at Davis

Michael L. Selmi, The George Washington University

Jay Tidmarsh, Notre Dame Law School

# Workshop on Work Law

## Who Should Attend?

Teachers of employment law, business associations, employee benefits, employment discrimination, immigration, labor law, minority groups and workers compensation will find this workshop of interest.

## When is this Workshop?

The workshop will be held at the Westin Long Beach Hotel in Long Beach, California June 10–12, 2009. The workshop will begin on Wednesday, June 10, with a plenary session starting at 1:45 p.m., followed by two full days (June 11–12) of plenary and concurrent sessions as well as small group discussions. In addition to the workshop sessions, receptions will be held on Wednesday and Thursday evenings and luncheons will be held on Thursday and Friday.

Type of Registration	Received by May 20	Received After May 20
<b>Conference on Business Associations</b>		
Faculty of Member and Fee-Paid Schools	\$535	\$595
Faculty of Non Fee-Paid Law Schools	\$585	\$645
<b>Workshops on Transactional Law and Work Law</b>		
Faculty of Member and Fee-Paid Schools	\$495	\$545
Faculty of Non Fee-Paid Law Schools	\$545	\$595
<b>Entire Mid-Year Meeting</b> (includes conference and both workshops)		
Faculty of Member and Fee-Paid Schools	\$780	\$865
Faculty of Non Fee-Paid Law Schools	\$830	\$915

## Program

**Wednesday, June 10, 2009**

1:45 – 2:00 p.m.

### **Welcome**

Rachel Moran, University of California,  
Berkeley and AALS President

### **Introduction**

Ruben J. Garcia, California Western School  
of Law and Chair, Planning Committee for  
AALS Workshop on Work Law

2:00 – 3:30 p.m.

### **Joint Plenary of AALS Workshop on Work Law and AALS Conference on Business Associations**

### **Corporate Law Approaches to Employee/Labor Interests**

Matthew T. Bodie, Saint Louis University  
Timothy Glynn, Seton Hall University  
Paul L. Hoffman, Esquire, Schonbrun, De  
Simone, Seplow, Harris and Hoffman LLP,  
Venice, California  
Cynthia Williams, University of Illinois

This panel will look at the opportunities for  
convergence of shareholder, union and employee  
interests.

3:30 – 3:45 p.m.

### **Refreshment Break**

3:45 – 5:00 p.m.

### **Changing Nature of Contemporary Employment Discrimination**

Samuel R. Bagenstos, Washington University  
William T. Bielby, Ph.D., University  
of Illinois, Department of Sociology,  
Chicago, Illinois  
Leticia Saucedo, University of Nevada, Las  
Vegas  
Vicki Schultz, Yale Law School

## Workshop on Work Law

*Wednesday, June 10 continued*

This panel will explore the emerging issues in employment discrimination relating both to the changing demographics of the workplace and the evolving nature of discrimination. Panelists will also discuss issues that arise in challenging contemporary employment discrimination.

5:15 – 7:00 p.m.

### **Joint AALS Reception for Conference on Business Associations, Workshop on Work Law and Workshop on Transactional Law**

**Thursday, June 11, 2009**

9:00 – 10:15 a.m.

### **How Does Law Change Organizational Culture? The Problem of Compliance with Workplace Law**

Robert Belton, Vanderbilt University

Lauren B. Edelman, University of California, Berkeley

Orly Lobel, University of San Diego

Susan P. Sturm, Columbia University

One of the largest issues in labor and employment law is the question of compliance; there are extensive and detailed laws regulating the work relations and yet evidence suggests that some firms do not comply with some laws. This panel offers recent empirical evidence on the question of whether, why, and how firms comply with employment laws and how legal rules do or do not change organizational structure and culture. The panel will also discuss how courts consider the question of noncompliance in crafting legal rules.

10:15 – 10:30 a.m.

### **Refreshment Break**

10:30 a.m. – 12:00 p.m.

### **Small Group Discussions on Conducting Empirical Research on the Workplace**

Four scholars from the 9:00 a.m. session who conduct different kinds of empirical studies of the workplace and of organizational change in response to anti-discrimination laws will lead break out sessions in which participants can discuss how to design and conduct empirical research on the workplace.

## Workshop on Work Law

Thursday, June 11 continued

12:00 – 1:45 p.m.

### **AALS Luncheon**

#### **Teaching Work Law Through Simulation and Other Skills-Oriented Methods**

Richard A. Bales, Northern Kentucky University

Mark W. Bennett, Judge, United States District Court, Northern District of Iowa  
Sioux City, Iowa

Laura J. Cooper, University of Minnesota

Roberto L. Corrada, University of Denver

Steven L. Willborn, University of Nebraska

This session will discuss how to incorporate simulations and skills training into the work law curriculum.

2:00 – 3:30 p.m.

#### **National Origin and Immigration**

Sameer Ashar, City University of New York  
School of Law at Queens College

Christopher David Ruiz Cameron,  
Southwestern Law School

Camille G. Rich, University of Southern  
California

This session will explore recent developments in employment discrimination in national origin, broadly defined to include discrimination based on non-English language abilities and other proxies for race and national origin.

3:30 – 3:45 p.m.

#### **Refreshment Break**

## Workshop on Work Law

*Thursday, June 11 continued*

3:45 – 5:15 p.m.

### **Supreme Court Update and Legislation**

David L. Gregory, St. John's University  
Sharona Hoffman, Case Western Reserve  
University

Thomas C. Kohler, Boston College

Paul M. Secunda, Marquette University Law  
School

The economy, immigration, labor standards and health care are among the issues pressing a new President and Congress. Panelists will examine new laws and pending legislation on these and other Work Law topics.

5:30– 7:00 p.m.

### **AALS Joint Reception for Workshop on Work Law and Workshop on Transactional Law**

## **Friday, June 12, 2009**

9:00 – 10:15 a.m.

### **Labor Law in the 21st Century**

Jeffrey M. Hirsch, University of Tennessee  
Judith Scott, General Counsel, Service  
Employees International Union (SEIU),  
Washington, D.C.

Katherine Stone, University of California at  
Los Angeles

Dorian Warren, Assistant Professor,  
Department of Political Science and the  
School of International and Public Affairs,  
Columbia University, New York, New York

This panel will address the current state of labor law in the new economy, and the prospects for labor law reform with a new administration in Washington. The panel will also assess union organizing campaigns through empirical data.

10:15–10:30 a.m.

### **Refreshment Break**

## Workshop on Work Law

*Friday, June 12 continued*

10:30 a.m.-12:00 noon

### **Concurrent Sessions**

#### **Low Wage Work**

Scott L. Cummings, University of California at Los Angeles  
Peggie Smith, University of Iowa

#### **Health Benefits and ERISA Preemption**

Maria O. Hylton, Boston University  
Colleen E. Medill, University of Nebraska

12:00 noon – 1:45 p.m.

### **AALS Joint Luncheon of AALS Workshop on Transactional Law and Workshop on Work Law**

Marsha L. Berzon, Federal Appeals Judge, U.S. Court of Appeals for the Ninth Circuit, San Francisco, California

2:00 - 4:00 p.m.

### **Concurrent Sessions**

#### **Arbitration**

Michael Z. Green, Texas Wesleyan University  
Ann C. Hodges, The University of Richmond

#### **Reforming the Content of Work Law Courses**

Susan Bisom-Rapp, Thomas Jefferson School of Law  
Seth D. Harris, New York Law School  
Ann Mc Ginley, University of Nevada, Las Vegas  
Joseph E. Slater, University of Toledo  
Michael J. Zimmer, Northwestern University

**2009 Committee on  
Professional Development**

Dorothy Andrea Brown, Emory University

Devon Wayne Carbado, University of California,  
Los Angeles

Laura Hines, University of Kansas

Frederick M. Lawrence, The George Washington  
University

Leonard L. Riskin, University of Florida

Reva B. Siegel, Yale Law School

Charles D. Weisselberg, University of California,  
Berkeley

Stephanie M. Wildman, Santa Clara University

Alfred Chueh-Chin Yen, Boston College, **Chair**

## Upcoming AALS Programs

Visit [www.aals.org/calendar/](http://www.aals.org/calendar/) for more information.

### **Law Clinic Director's Workshop**

May 5-6, 2009  
Cleveland, Ohio

### **Conference on Clinical Legal Education**

May 6-9, 2009  
Cleveland, Ohio

### **Mid-Year Meeting**

June 7-12, 2009  
Long Beach, California

- **Conference on Business Associations**
- **Workshop on Transactional Law**
- **Workshop on Work Law**

### **Workshop For Pretenured Minority Law School Teachers**

June 17-18, 2009  
Washington, D.C.

### **Workshop For New Law School Teachers**

June 18-20, 2009  
Washington, D.C.

### **Workshop For Beginning Legal Writing Teachers**

June 20-21, 2009  
Washington, D.C.

### **Faculty Recruitment Conference (FRC)**

November 5-7, 2009, Washington, D.C.

### **2010 Annual Meeting**

January 6-10, 2010, New Orleans, Louisiana

### **2011 Annual Meeting**

January 4-8, 2011, San Francisco, California

## AALS Mid-Year Meeting

### Hotel Reservation Request

Westin Long Beach

333 East Ocean Boulevard

Long Beach, California 90802

Call (562) 436-3000 or Fax (562) 901-3432

Guest Name \_\_\_\_\_

School \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone Number \_\_\_\_\_

Fax Number \_\_\_\_\_

Arrival Date and Time \_\_\_\_\_

Departure Date and Time \_\_\_\_\_

I will arrive at the hotel after 12:00 midnight

Number of people in room:  1  2  3  4

Share With: \_\_\_\_\_

Bed Type Preference:  King  Double (2 beds)

Remarks/special needs:

\_\_\_\_\_

If anyone in the room has a disability, please indicate the nature of the disability and any special accommodations needed: \_\_\_\_\_

\_\_\_\_\_

**Single/Double:** \$179 for single/double occupancy;  
plus 15.045% sales tax

**CUT-OFF DATE: May 18, 2009**

I would like to guarantee for arrival after 6 p.m.

Deposit Enclosed:  Check or Money Order

American Express  Diners Club  Carte Blanche

Discover  JCB  MasterCard  Visa

Number: \_\_\_\_\_

Exp. Date: \_\_\_ / \_\_\_ / \_\_\_

Authorized Signature:

\_\_\_\_\_

## AALS Mid-Year Meeting

### Reservation Request

The Westin Long Beach is pleased you have chosen it for your upcoming visit.

In guaranteeing your reservation for late arrival (arrival after 6:00 p.m.) the Westin Long Beach requires that you either:

1. Make your hotel reservations online. Visit [www.aals.org/midyear2009/](http://www.aals.org/midyear2009/) and click 'housing'.
2. Send the Hotel Reservation Request Form, with check or money order covering the first night's room and tax.
3. Fax (562) 901-3432 or call the hotel at (562) 436-3000 with your reservation, along with the entire number of one of the following credit cards: American Express, Carte Blanche, Discover, Diners Club, Enroute, JCB, MasterCard or Visa. If faxing the form, don't forget the expiration date and your signature, and be sure that you receive a confirmation from the hotel.

The Westin Long Beach will not hold your reservation after 6:00 p.m. on the day of arrival without guaranteeing the reservation with one of the above methods. AALS encourages you to guarantee your room because an unexpected arrival after 6:00 p.m. will result in a cancellation of the reservation. Deposits will be refunded only if cancellation notification is received by the hotel by 6:00 p.m. on the day of arrival.

**Single/Double:** \$179 for single or double occupancy; plus 15.045% sales tax.

**CUT-OFF DATE: May 18, 2009**

Check-in time is 3:00 p.m. and check-out time is 12:00 p.m.

**Making a reservation prior to the cut-off date does not guarantee availability of the AALS rate. To ensure accommodations, please make your hotel reservation early.**

# AALS Mid-Year Meeting

## How Do I Register?

The Workshop on Work Law is part of the AALS Mid-Year Meeting. The Mid-Year Meeting consists of three professional development programs. When registering for one workshop, you are automatically registered for both workshops. The Conference on Business Associations has a separate fee. The registration fee for the workshops and conference is discounted 30% when signing up for the entire Mid-Year Meeting. You can choose to register for the Conference and/or Workshops using the methods below.

### 1) Register Online

For those in the AALS Directory of Law Teachers, go to [www.aals.org/midyear/](http://www.aals.org/midyear/). You can pay the registration fee by using American Express, Visa or MasterCard.

### 2) Fax or Mail

You can register using the form in this brochure, or download the registration form at [www.aals.org/midyear/](http://www.aals.org/midyear/). The registration form can be faxed if paying by American Express, MasterCard or Visa to (202) 872-1829 or mailed with payment directly to AALS at 1201 Connecticut Avenue, NW, Suite 800, Washington, DC 20036

**Confirmation:** A confirmation letter for your paid registration will be mailed to you. If you have not received a confirmation letter, please contact AALS Registration at (202) 296-1662 or email [registration@aals.org](mailto:registration@aals.org) to verify your registration.

**On-Site Registration:** If your form with payment has not arrived at AALS by May 27, 2009 it will be necessary for you to register on-site. There is an additional charge of \$25.00 to register on-site. AALS accepts cash, personal or school checks, American Express, MasterCard and Visa for on-site payment.

**Refund Policy:** The registration fee will be refunded in full for cancellations through April 23; a refund less \$50, which covers administrative costs, will be given for cancellations received April 24 through April 29; 50% of the registration fee will be refunded for cancellations received April 30 through May 6; and no refunds will be given after May 6. Contact AALS Registration at (202) 296-1662 or email [registration@aals.org](mailto:registration@aals.org).

**Disability Related Accommodations:** If you require a disability-related assistance in attending sessions, please contact the Meetings Department at AALS by April 11, 2009 at (202) 296-8851 or by email to [disability@aals.org](mailto:disability@aals.org).

# AALS Mid-Year Meeting

## Registration Form

Name: \_\_\_\_\_

\*Badge name will appear as listed in AALS *Directory of Law Teachers*

Law School: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Years Teaching: \_\_\_\_\_

Type of Registration	Received by May 20	Received After May 20	Amount
<b>Conference on Business Associations</b>			
Faculty of Member and Fee-Paid Schools	\$535	\$595	
Faculty of Non Fee-Paid Law Schools	\$585	\$645	
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<b>Entire Mid-Year Meeting</b> (includes conference and both workshops)			
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Faculty of Non Fee-Paid Law Schools	\$830	\$915	

### Complete This Section Only if Registering for the Workshops or the Entire Mid-Year Meeting:

Primary workshop attendance interest:

Transactional Law  Work Law

Luncheon Attendance

Transactional Law

Work Law

Thursday, June 11

Friday, June 12

Vegan meal (no dairy; no animal products)

### Payment Information

Check (made payable to AALS in U.S. dollars). Mail form and payment to AALS, 1201 Connecticut Avenue, Suite 800, Washington, DC 20036

American Express  Mastercard  Visa

Print Name on Card: \_\_\_\_\_

Credit Card # \_\_\_\_\_

Exp. Date: \_\_\_\_ / \_\_\_\_

I authorize this charge on my credit card:

Signature of Cardholder

Date



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