Labor and Employment Law Colloquium  
September 24-25, 2010  
Agenda

Friday, September 24  
Location: Washington University School of Law

7:30 a.m. Beginning at 7:30 a.m. and ending at 9 a.m., mini-coach transportation has been arranged through Silver Star/Primo Ground Transportation Company for transportation to Washington University School of Law. (This service cannot carry all participants in one trip, so please do not wait until the last scheduled pick-up time. Your other transportation options include hotel shuttle [which you will need to arrange individually with the hotel], as well as Metro transit (www.metrostlouis.org) and taxi service (www.countycab.com) [both of which will be at your own expense]).

8:30 a.m. Registration  
Continental Breakfast  
Location: 3rd floor foyer in front of Room 310

9:00-10:30 a.m. Session I  
Panel A – Room 310 – Moderator: Marcia McCormick  
- Lucinda Jesson, Rethinking Workplace Wellness Plans  
- Sandra Sperino, Taking Off the Long-Worn Glasses: A Call to Reconsider the Framework Approach to Discrimination Law  
- Kerri Stone, Shifting Paradigms: Court Confusion About Supervisors’ Dispositions  
Panel B – Room 320 – Moderator: Miriam Cherry  
- Jeff Hirsch, Unjust Dismissal Laws in Other Countries  
- Fiona McQuarrie, Regulating The Duty of Fair Representation: A Comparison of Two Canadian Jurisdictions  
- Steven Willborn, The International Labor Organization: Paradox and Promise  
Panel C – Room 309 – Moderator: Peggie Smith  
- Bradley Areheart, Disability Trouble  
- Sharona Hoffman, The Importance of Immutability  
- Michelle Travis, Toward a New Universality: The Americans With and Without Disabilities Act

10:30-11:00 a.m. Break
11:00-12:30 p.m. Session II
Panel A – Room 310 – Moderator: Marion Crain
- Nancy Levit, Separate Silos: Feminist Theory, Masculinity Theory and Sex Segregation in Employment
- Ann McGinley, Separate Silos: Feminist Theory, Masculinity Theory and Sex Segregation in Employment
- Letitia Saucedo, Separate Silos: Feminist Theory, Masculinity Theory and Sex Segregation in Employment

Panel B – Room 320 – Moderator: Peggie Smith
- Keith Cunningham-Parmeter, Floods, Crimes, and Aliens: Representations of Immigrant Workers in the Law
- Paul Secunda, Psychological Realism in Labor Law
- Marley Weiss, Anti-Retaliation Law, Employment Protection Law, and Effective Regulation of the Workplace

Panel C – Room 309 – Moderator: Miriam Cherry
- Pamela Gershuny, Single Mothers and Work
- Robin Runge, Leave, Poverty, and Low Income Women

12:30-1:30 p.m. Lunch – Room 305
1:00-1:30 p.m. – Rick Bales Presentation
- An Empirical Snapshot of Teachers of Labor/Employment Law Courses

1:30-2:00 p.m. Break

2:00-3:30 p.m. Session III
Panel A – Room 310 – Moderator: Pauline Kim
- Matt Bodie, The Roberts Court and the Law of Human Resources
- Ruben Garcia, Citizenship at Work

Panel B – Room 320 – Moderator: Marcia McCormick
- Thomas Burch, Arbitration Pragmatism
- Zev Eigen, The Forum for Adjudication of Employment Disputes
- Ariana Levinson, Initiating a Project to Discern What Arbitration Cases Tell Us about Union Waivers of Employees’ Statutory Rights
Panel C – Room 309 – Moderator: Tonie FitzGibbon
• Matthew Dimick, Paths to Power: Labor Law, Union Density, and the Ghent System
• Michael Zimmer, Unions & the Great Recession: Which Way the Movement?

Panel D – Room 305 – Moderator: Marion Crain
• Angela Onwuachi-Willig, Punishing Work and Marriage
• Laura Rosenbury, Work Wives
• Deborah Widiss, Reconfiguring Sex, Gender, and the Law of Marriage

3:30-4:00 p.m. Break

4:00-5:30 p.m. Session IV
Panel A – Room 310 – Moderator: Tonie FitzGibbon
• Pauline Kim, The Equal Employment Opportunity Commission and Structural Reform of the American Workplace (co-author Margo Schlanger)
• Daniel O’Gorman, Labor Activity and the Contract-Law Doctrine of Impossibility
• Joseph Seiner, The Future of Workplace Punitive Damages

Panel B – Room 320 – Moderator: Matt Bodie
• Marion Crain, Consuming Work
• Dianne Avery, Ladies In Red
• Michael Green, Employer-Provided Mobile Communication Devices: Keeping the Employees’ Expectation of Privacy Realistic?

Panel C – Room 305 – Moderator: Laura Rosenbury
• Miranda Oshige McGowan, Engendered Differences--Sex Discrimination’s Failed Analogy to Race
• Emily Waldman, When Can -- and Should -- Schools Restrict Students’ Hostile Speech About School Officials?
• Rebecca Zietlow, Free at Last! Anti-Subordination and the Thirteenth Amendment

5:30-6:00 p.m. Cocktails
Crowder Courtyard, 3rd Floor Anheuser-Busch Hall

6:00 p.m. Dinner [same location]

7:30 -9 p.m. Beginning at 7:30 p.m. and continuing until 9 p.m., mini-coach transportation has been arranged through Silver Star/Primo Ground Transportation Company for transportation to Parkway Hotel.
Saturday, September 25*

Location: St. Louis University School of Law

7:30 a.m.  Beginning at 7:30 a.m. and continuing until 9 a.m., mini-coach transportation has been arranged through Silver Star/Primo Ground Transportation Company for transportation to St. Louis University School of Law. (This service cannot carry all participants in one trip, so please do not wait until the last scheduled pick-up time. Your other transportation options include hotel shuttle [which you will need to arrange individually with the hotel], as well as Metro transit and taxi service [both of which will be at your own expense]).

8:30 a.m.  Registration
Continental Breakfast
Location: Queen's Daughters Dining Room

9:00-10:30 a.m.  Session V
Panel A – Room 302 – Moderator: Pauline Kim
• Suja Thomas, The Case For Employment Discrimination Laws: A 21st Century Response to Professor Epstein's Forbidden Grounds
• Peggie Smith, Intimacy, Race, and Personal Preferences in Home Care
• Sachin Pandya, Affirmative Action after Ricci: Detecting the Stealth Erosion of Precedent
Panel B – Room 304 – Moderator: Tonie FitzGibbon
• Nicole Porter, Paycheck Fairness Act to the Rescue! Precluding the Use of Market Excuses and Reviving the Equal Pay Act
• Gowri Ramachandran, Pay Transparency
• Timothy Glynn, Taking the Employer Out of Employment Law: Extending Accountability for Wage and Hour Violations
Panel C – Room 307 – Moderator: Matt Bodie
• Sean Anderson, Textualism, Purposivism, and Shifting Generality in Statutory Interpretation: Some Lessons from ERISA
• Susan Cancelosi, Wave Bye-Bye: Retiree Health Benefits Post-Health Reform
• Lawrence Frolik, When 401(k) Plans Meet Evolutionary Biology, You Can Kiss Your Secure Retirement Goodbye

10:30-11:00 a.m.  Break – Room 306

* Please note that Saturday morning panels may be attended by alumni in conjunction with SLU Alumni Weekend.
11:00-12:30 p.m.  Session VI
Panel A – Room 302 – Moderator: Marion Crain
- Miriam Cherry, Virtual Work
- Alek Felstiner, Crowd Labor and the Law
- William A. Herbert/Sara Slinn, New Technology and Representation Elections: Don’t Go Mistaking Paradise for Technology Across the Road
Panel B – Room 304 – Moderator: Marcia McCormick
- Susan Carle, A New Look at the History of Title VII Disparate Impact Doctrine
- Noah Zatz, An Individualist Theory of Disparate Impact
- Sharon Rabin-Margalioth, Is Ricci v. DeStefano Good For Plaintiffs?

11:00-12:00 p.m.  Panel C – Room 307 – Moderator: Laura Rosenbury
- Scott Bauries, The "Strike Zone" in Garcetti v. Ceballos

12:30 – 2:00 p.m.  Lunch
Queen's Daughters Dining Room

Transportation:
Returning to the Parkway Hotel - hotel shuttle service will be provided (limit 13 passengers per trip). Going to the airport - you should arrange your own taxi service. Please note if you have a tight schedule you should call and pre-arrange your taxi ahead of time.
Taxi Company: St. Louis County Cab
Telephone: 314-993-TAXI (8294)
You can also pre-arrange your taxi online through this link: http://www.countycab.com/

6:30 p.m.  Dinner at the home of Miriam Cherry.
7439 Washington Ave., University City, MO 63130
(617) 605-1011

[Transportation to Miriam’s house will be arranged on-site on Saturday]