

MATTHEW T. BODIE

Saint Louis University School of Law
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ACADEMIC EXPERIENCE

SAINT LOUIS UNIVERSITY SCHOOL OF LAW

Callis Family Professor of Law, 2015 to present; *Professor*, 2011 to present
Co-Director, Wefel Center for Employment Law, 2017 to present
Faculty Editor, ABA JOURNAL OF LABOR & EMPLOYMENT LAW, 2018 to present
Associate Dean for Research and Faculty Development, 2010-2012
Associate Professor, 2007-2011; *Visiting Associate Professor*, 2006-2007

- Courses: Contracts I & II; Employment Law; Employee Benefits Law (with James I. Singer); Labor Law; Information Privacy Law; Information Privacy Law in the European Union (Madrid Program); Regulating Alcoholic Beverages (with Gary Rutledge); Seminar: Corporate Governance; Seminar: Social Media and Data Subjects

HARVARD LAW SCHOOL

Visiting Professor of Law, Fall 2016

- Courses: Contracts; Reading Group: The Future of Employment.

NOTRE DAME LAW SCHOOL

Visiting Professor of Law, Fall 2012

- Courses: Contracts; Seminar: Law and Theories of Employment.

HOFSTRA UNIVERSITY SCHOOL OF LAW

Associate Professor, 2002 to 2007

- Courses: Business Organizations; Contracts I & II; Employment Law; Seminar: Corporate Governance.

NEW YORK UNIVERSITY SCHOOL OF LAW

Acting Assistant Professor, Lawyering Program, 2000 to 2002

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, LL.M. in Labor & Employment Law, 2005.

- Thesis: *Information Disclosure and Union Representation Elections*

HARVARD LAW SCHOOL, J.D. *magna cum laude* 1996

- *Harvard Law Review*, Editor and Social Chair
- Best Team & Best Brief, Ames Moot Court Competition
- Labor Law Project, President
- Law and Philosophy Society, Co-Founder
- Third-Year Paper: *Uniting Ownership and Control: An Argument for Employee Representation on Boards of Employee-Owned Companies*

PRINCETON UNIVERSITY, A.B. *magna cum laude* 1991, School of Public and International Affairs

- Princeton Debate Panel, President
- Thesis: *The Disenfranchisement of Ex-Felons*

LEGAL EXPERIENCE

NATIONAL LABOR RELATIONS BOARD, REGION 2, New York, New York, 1997 to 2000

Field attorney.

Investigated unfair labor practice charges. Litigated cases involving complex bargaining and termination issues, including successful petition for § 10(j) injunction in federal district court. Won Board appeal of administrative law judge decision concerning application of contract law. Conducted hearings and elections in representation cases.

HON. M. BLANE MICHAEL, U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT, 1996 to 1997

Law clerk. Charleston, West Virginia.

ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, Summer 1996

Summer law clerk.

BREDHOFF & KAISER, Washington, D.C., Summer 1995

Summer associate.

OBER, KALER, GRIMES & SHRIVER, Baltimore, Maryland, Summer 1994

Summer associate.

PROFESSIONAL MEMBERSHIPS AND FELLOWSHIPS

ASSOCIATION OF AMERICAN LAW SCHOOLS (AALS)

Executive Committee, Section on Labor Relations & Employment Law, 2018 to present.

Chair, 2022.

Executive Committee, Section on Business Associations, 2014 to 2019. Chair, 2018.

Executive Committee, Section on Scholarship, 2014 to 2018. Chair, 2017.

AMERICAN LAW INSTITUTE (ALI)

Reporter, RESTATEMENT OF EMPLOYMENT LAW (2015). Member, 2011 to present.

INTERNATIONAL ASSOCIATION OF PRIVACY PROFESSIONALS (IAPP)

Member and Certified Information Privacy Professional (CIPP/US), 2018 to present.

NEW YORK UNIVERSITY SCHOOL OF LAW

Research Fellow, Center for Labor and Employment Law, 2002 to present.

GRANTS AND AWARDS

10 Most-Cited Labor and/or Employment Law Faculty in the U.S., 2016-2020, Brian Leiter Law School Reports, Nov. 4, 2021 (#8).

Beaumont Scholarship Research Award, \$10,000 grant for edited volume on codetermination.

Presidential Research Fund, Saint Louis University, 2014-2015. \$50,000 grant to research law and business ethics of People Analytics. Administrative PI (with three co-PIs).

Thompson Coburn Award for Faculty Scholarship, Saint Louis University School of Law, 2006, 2008, 2013, and 2017.

PUBLICATIONS

Books and Book Chapters

RECONSTRUCTING THE CORPORATION: FROM SHAREHOLDER PRIMACY TO SHARED GOVERNANCE (with Grant M. Hayden) (Cambridge Univ. Press, 2021).

LABOR LAW (with Samuel Estreicher) (Foundation Press: Concepts and Insights Series)

- 2d ed. 2020.
- 1st ed., 2016.

Worker Participation, Sustainability, and the Puzzle of the Volkswagen Emissions Scandal, in CAMBRIDGE HANDBOOK OF CORPORATE LAW, CORPORATE GOVERNANCE AND SUSTAINABILITY (Beate Sjøfjell & Christopher M. Bruner eds., Cambridge Univ. Press, 2020).

Organizational Power for Workers within the Firm, in CAMBRIDGE HANDBOOK OF U.S. LABOR LAW, REVIVING AMERICAN LABOR FOR A 21ST CENTURY ECONOMY (Richard Bales & Charlotte Garden eds., Cambridge Univ. Press, 2019).

Law and Norms in Sustainability Developments in the Major American Sports Leagues (with Lucas Jackson), in ROUTLEDGE HANDBOOK OF SPORT AND THE ENVIRONMENT 418 (Brian P. McCullough & Timothy B. Kellison eds., 2017).

Employment Law in the Roberts Court: Public Goals, Private Enforcement, in BUSINESS AND THE ROBERTS COURT (Jonathan H. Adler ed., Oxford Univ. Press, 2016).

RESTATEMENT OF EMPLOYMENT LAW (American Law Institute Publishers 2015).
Primary reporter for *Chapter 7: Employee Privacy and Autonomy*.

Employees and the Boundaries of the Corporation, in RESEARCH HANDBOOK ON THE ECONOMICS OF CORPORATE LAW (Claire Hill & Brett McDonnell eds., Edward Elgar Publishing, 2012).

Open Source and the Reinvention of Legal Education, in THE DIGITAL PATH OF THE LAW: THE FUTURE OF THE LAW SCHOOL COURSE BOOK (Edward L. Rubin ed., Cambridge Univ. Press, 2012).

Restatement Third of Employment Law Preliminary Formulation of Chapter 7: Workplace Privacy and Autonomy, in WORKPLACE PRIVACY (Jonathan R. Nash & Samuel Estreicher eds., Kluwer Law International, 2010).

Editor (with Samuel Estreicher), WORKPLACE DISCRIMINATION, PRIVACY AND SECURITY IN AN AGE OF TERRORISM (Kluwer Law International 2007).

Articles

From Mandates to Governance: Restructuring the Employment Relationship (with Brett H. McDonnell), 81 MD. L. REV. (forthcoming 2022).

The Law of Employee Data: Privacy, Property, Governance, 97 IND. L.J. (forthcoming 2022).

Codetermination in Theory and Practice (with Grant M. Hayden), 73 FLA. L. REV. 321 (2021).

The Market as Negotiation (with Rebecca Hollander-Blumoff), 96 NOTRE DAME L. REV. 1257 (2021).

- The Corporation Reborn: From Shareholder Primacy to Shared Governance* (with Grant M. Hayden), 61 B.C. L. REV. 2419 (2020).
- Shareholder Voting and the Symbolic Politics of Corporation as Contract* (with Grant M. Hayden), 53 WAKE FOREST L. REV. 511 (2018).
- Holacracy and the Law*, 42 DEL. J. CORP. L. 619 (2018).
- 2018 University Scholarly Works Award, Honorable Mention
- The Law and Policy of People Analytics* (with Miriam A. Cherry, Marcia L. McCormick & Jintong Tang), 88 U. COLO. L. REV. 961 (2017).
- Employment as Fiduciary Relationship*, 105 GEO. L.J. 819 (2017).
- Chosen for 2017 Annual Meeting of the American Law and Economics Association.
- The Best Way Out Is Always Through: Changing the Employment At-Will Default Rule to Protect Personal Autonomy*, 2017 U. ILL. L. REV. 223.
- Participation as a Theory of Employment*, 89 NOTRE DAME L. REV. 661 (2013).
- Chosen for 2013 Annual Meeting of the American Law and Economics Association.
- The Roberts Courts and the Law of Human Resources*, 34 BERKELEY J. EMP. & LAB. L. 159 (2013).
- The Bizarre Law & Economics of Business Roundtable v. SEC* (with Grant M. Hayden), 38 J. CORP. L. 101 (2012).
- Shareholder Democracy and the Curious Turn Toward Board Primacy* (with Grant M. Hayden), 51 WILLIAM & MARY L. REV. 2071 (2010).
- Arrow's Theorem and the Exclusive Shareholder Franchise* (with Grant Hayden), 62 VAND. L. REV. 1217 (2009). Reprinted in 51 CORP. PRAC. COMMENTATOR 591 (2009).
- One Share, One Vote and the False Promise of Shareholder Homogeneity* (with Grant M. Hayden), 30 CARDOZO L. REV. 445 (2008).
- Mother Jones Meets Gordon Gekko: The Complicated Relationship Between Labor and Private Equity*, 79 U. COLO. L. REV. 1317 (2008).
- Information and the Market for Union Representation*, 94 VA. L. REV. 1 (2008).
- Chosen for 2006 Stanford/Yale Junior Faculty Forum.
 - Chosen for 2007 Annual Meeting of the American Law and Economics Association.
- Workers, Information, and Corporate Combinations: The Case for Non-Binding Employee Referenda in Transformative Transactions*, 85 WASH. U. L. REV. 871 (2007).
- Chosen for First Annual Seton Hall Law School Labor & Employment Law Scholars' Forum.
- The Future of the Casebook: An Argument for an Open Source Approach*, 57 J. LEGAL EDUC. 10 (2007).
- AOL Time Warner and the False God of Shareholder Primacy*, 31 J. CORP. L. 975 (2006).

The Effects of Jury Ignorance about Damages Caps: The Case of the 1991 Civil Rights Act (with Rebecca Hollander-Blumoff), 90 IOWA L. REV. 1361 (2005). Reprinted in NYU SELECTED ESSAYS ON LABOR AND EMPLOYMENT LAW: VOLUME 3: BEHAVIORAL ANALYSES OF WORKPLACE DISCRIMINATION (Mitu Gulati & Michael J. Yelnosky eds., Kluwer Law International 2007).

Questions about the Efficiency of Employment Arbitration Agreements, 39 GA. L. REV. 1 (2004).

The Potential for State Labor Law: The New York Greengrocer Code of Conduct, 21 HOFSTRA LAB. & EMP. L.J. 183 (2003). Reprinted in COMPENSATION, WORK HOURS AND BENEFITS: PROCEEDINGS OF NEW YORK UNIVERSITY 57TH ANNUAL CONFERENCE ON LABOR (Jeffrey M. Hirsch ed., Kluwer Law International 2009).

Aligning Incentives with Equity: Employee Stock Options and Rule 10b-5, 88 IOWA L. REV. 539 (2003). Reprinted in 45 CORP. PRAC. COMMENTATOR 665 (2003).

Symposium Contributions, Essays, and Book Reviews

HIPPA, CARDOZO L. REV. DE•NOVO (forthcoming 2022).

Trademark's 'Ship of Theseus' Problem, 95 S. CAL. L. REV. POSTSCRIPT 27 (2021).

Artificial Intelligence and the Challenges of Workplace Discrimination and Privacy (with Pauline T. Kim), 35 ABA J. LAB. & EMP. L. 289 (2021).

Employee Testing, Tracing, and Disclosure as a Response to the Coronavirus Pandemic (with Michael McMahon), 64 WASH. U. J.L. & POL'Y 31 (2021).

Taking Employment Contracts Seriously, 50 SETON HALL L. REV. 1261 (2020) (A Symposium in Honor of the Work of Charles A. Sullivan).

Labor Interests and Corporate Power, 99 B.U. L. REV. 1123 (2019) (Symposium, Institutional Investor Activism in the 21st Century: Responses to a Changing Landscape).

Lessons from the Dramatists Guild for the Platform Economy, 2017 U. CHI. LEGAL F. 17 (Symposium on Law and the Disruptive Workplace).

Workplace Freakonomics, 14 I/S: J. L. & POL'Y FOR INFO. SOC'Y 37 (2017).

The Next Iteration of Progressive Corporate Law, 74 WASH. & LEE L. REV. 739 (2017) (Lara D. Gass Annual Symposium on Corporate Law, Governance, and Purpose: A Tribute to the Scholarship of Lyman Johnson and David Millon).

Faith and the Firm, 60 ST. LOUIS U. L.J. 609 (2016) (Childress Symposium: Religious Freedom, Social Justice, and Public Policy).

The Natural-Born Citizen Clause, Popular Constitutionalism, and Ted Cruz's Eligibility Question (with Christopher W. Schmidt), 84 GEO. WASH. L. REV. ARGUENDO 36 (2016).

Income Inequality and Corporate Structure, 44 STETSON L. REV. 69 (2015) (Symposium: Inequality, Opportunity, and the Law of the Workplace).

Foreword: The Restatement of Employment Law Project (with Samuel Estreicher, Michael C. Harper & Stewart J. Schwab), 100 CORNELL L. REV. 1245 (2015).

Funding Legal Scholarship, 4 J.L. 107 (2014).

Larry from the Left: An Appreciation (with Grant M. Hayden), 8 VA. L. & BUS. REV. 121 (2014).

Collaboration and Community: The Labor Law Group and the Future of Labor and Employment Law Casebooks, 58 ST. LOUIS U. L.J. 61 (2013) (Symposium: Teaching Labor and Employment Law).

Labor Speech, Corporate Speech, and Political Speech: A Response to Professor Sachs, 112 COLUM. L. REV. SIDEBAR 206 (2012).

The Post-Revolutionary Period in Corporate Law: Returning to the Theory of the Firm, 35 SEATTLE U. L. REV. 1033 (2012) (Berle III Symposium).

Law Students and Legal Scholarship, 1 J.L. 223 (2011).

NASCAR Green: A Case Study of Sustainability and the Nature of the Firm, 46 WAKE FOREST L. REV. 491 (2011) (Symposium: The Sustainable Corporation).

The Uncorporation and the Unraveling of “Nexus of Contract” Theory (with Grant M. Hayden), 109 MICH. L. REV. 1127 (2011) (reviewing LARRY E. RIBSTEIN, *THE RISE OF THE UNCORPORATION* (2010)).

Mandatory Disclosure in the Market for Union Representation, 5 FLA. INT’L U. L. REV. 617 (2011) (Symposium: Whither the Board? The National Labor Relations Board at 75).

Comment, *The Case for Employee Referenda in Transformative Transactions as Shareholder Proposals*, 87 WASH. U. L. REV. 897 (2010).

Reply: The Market for Union Services: Reframing the Debate, 94 VA. L. REV. IN BRIEF 23 (March 24, 2008).

Thoughts on the New Era of Law Review Companion Sites, 39 CONNTEMPLATIONS 1 (May 6, 2007).

Open Access in Law Teaching: A New Approach to Legal Education, 10 LEWIS & CLARK L. REV. 885 (2006) (Symposium: Open Access Publishing and the Future of Legal Scholarship).

Administrative Delay at the NLRB: Some Modest Proposals (with Samuel Estreicher), 23 J. LAB. RES. 87 (2002) (reviewing EDWARD B. MILLER, *AN ADMINISTRATIVE APPRAISAL OF THE NLRB* (1999)).

Amicus Briefs

Brief, *Amicus Curiae* to the U.S. Supreme Court, *Janus v. AFSCME*.

Co-counsel with Charlotte Garden for Labor Law & Labor Relations Professors, filed January 19, 2018.

Brief, *Amicus Curiae* to the U.S. Supreme Court, *Friedrichs v. California Teachers Association*.
Co-counsel with Charlotte Garden for Labor Law & Labor Relations Professors, filed
November 13, 2015.

Brief, *Amicus Curiae* to the U.S. Supreme Court, *Harris v. Quinn*.
Co-counsel with Charlotte Garden for Labor Law Professors, filed December 30, 2013.

Student Works

Note, *The Principle of Equality in Takings Clause Jurisprudence*, 109 HARV. L. REV. 1030 (1996).

The Supreme Court, 1994 Term - Leading Cases, 109 HARV. L. REV. 111, 170 (1995) (discussing
Capitol Square Review & Advisory Board v. Pinette, 515 U.S. 753 (1995)).

Recent Legislation, 108 HARV. L. REV. 519 (1994) (discussing Utah takings statute).

Book Note, 31 HARV. J. ON LEGIS. 511 (1994) (reviewing GEORGE WILL, *RESTORATION* (1992)).

Op-Eds and Other Media Publications

To reopen the economy, businesses need a 'safe haven' protocol to avoid liability, (with Brett
McDonnell), STAR TRIBUNE, May 27, 2020.

Supreme Court Evenly Split on Public Sector Agency Fees, ABA LABOR & EMPLOYMENT LAW
NEWSLETTER, Vol. 44, No. 3, Spring 2016.

The Internet Wants You to Lose Your Job, QUARTZ, Feb. 3, 2016, <http://qz.com/608697>.

Who Controls Corporate Culture? (with Grant Hayden), ST. LOUIS POST-DISPATCH, July 16, 2014.

Leaving It to the Workplace, Room for Debate: A Death Blow to Class Action?, N.Y. TIMES, June
21, 2011.

Welfare Assistance is not Parental Oversight, Debate Club: Should Welfare Recipients Be Tested
for Drugs?, U.S. NEWS & WORLD REPORT, Dec. 15, 2011.

Legal Blogs

American Constitutional Society Expert Forum, Guest Contributor, *Unfair Choices: Can Workers
Refuse to Return If Their Workplaces Are Unsafe?*, May 2020.

CLS Blue Sky Blog, Guest Contributor, *What Comes After Shareholder Primacy? Employee
Empowerment* (with Grant Hayden), Sept. 16, 2019.

Concurring Opinions (concurringopinions.com), Guest Post, *Talent Wants to Be in Control*, in Book
Club on ORLY LOBEL, *TALENT WANTS TO BE FREE*, Nov. 11-15, 2013.

The Conglomerate (www.theconglomerate.org), Contributor or Guest Contributor, 2005-2016.

Jotwell (jotwell.com), Section Editor, 2015 to 2020, Contributor, 2010 to present

- *What If I Told You That Employer Power is a Legal Construct* (reviewing Gali Racabi, *Abolish
the Employer Prerogative, Unleash Work Law*, 43 BERKLEY J. EMP. & LAB. L. ____
(forthcoming)).

- *The Unexpected Virtue of Congressional Ignorance* (reviewing Bradley A. Areheart & Jessica L. Roberts, *GINA, Big Data, and the Future of Employee Privacy*, 128 YALE L. J. 710 (2019)).
- *Ghosts in the Shell* (reviewing MARY L. GRAY & SIDDHARTH SURI, *GHOST WORK: HOW TO STOP SILICON VALLEY FROM BUILDING A NEW GLOBAL UNDERCLASS* (2019)).
- *Who Names the Price?* (reviewing Naomi R. Sunshine, *Employees as Price-Takers*, 22 LEWIS & CLARK L. REV. 105 (2018)).
- *Limiting the Limitless* (reviewing Ifeoma Ajunwa, Kate Crawford & Jason Schultz, *Limitless Worker Surveillance*, 105 CAL. L. REV. 735 (2017)).
- *When Big Brother is Your Boss* (reviewing Pauline T. Kim, *Market Norms and Constitutional Values in the Government Workplace*, 94 N.C. L. REV. 601 (2016)).
- *We Are What We Work* (reviewing Orly Lobel, *The New Cognitive Property: Human Capital Law and Reach of Intellectual Property*, 93 TEX. L. REV. 789 (2015)).
- *A Grand Unified Theory of Employment Law* (reviewing Samuel R. Bagenstos, *Employment Law and Social Equality*, 112 MICH. L. REV. 225 (2013)).
- *Choose or Lose* (reviewing Zev J. Eigen & David Sherwyn, *A Moral/Contractual Approach to Labor Law Reform*, 63 HASTINGS L.J. 695 (2012), and Brishen Rogers, *Passion and Reason in Labor Law*, 47 HARV. CIV. RTS.-CIV. LIB. L. REV. 313 (2012)).
- *Labor Speech is Corporate Speech* (reviewing Charlotte Garden, *Citizens, United and Citizens United: The Future of Labor Speech Rights*, 53 WILLIAM & MARY L. REV. 1 (2011), and Benjamin I. Sachs, *Unions, Corporations, and Political Opt-Out Rights after Citizens United*, 112 COLUM. L. REV. 800 (2012)).
- *Ramble On: How Workplace Rights Depend on Employee Conversations* (reviewing Jeffery M. Hirsch, *Communication Breakdown: Reviving the Role of Discourse in the Regulation of Employee Collective Action*, 44 U.C. DAVIS L. REV. 1091 (2011)).
- *Deconstructing Stock Options* (reviewing David I. Walker, *The Non-Option: Understanding the Dearth of Discounted Employee Stock Options*, 89 B.U. L. REV. 1505 (2009)).

LPE (Law & Political Economy) Blog (lpeproject.org/blog/), Guest Contributor, *Codetermination: The Missing Alternative in Corporate Governance*, December 2021

On Labor (onlabor.org), Guest Contributor

- *Bonuses versus Bargaining*, February 2018
- *Unity and the 1987 NFL Players' Strike*, October 2017
- *Analyzing James Damore's Employment-Related Claims against Google* (Parts One, Two, and Three), August 2017

PrawfsBlawg (prawfsblawg.blogs.com/prawfsblawg), Contributor, 2005 to 2015.

Thomson Reuters Legal Solutions Blog, *The Fraught World of Social Media and Employee Privacy*, July 27, 2015

SELECTED CITATIONS AND QUOTATIONS IN MEDIA

- Karen Weise, *Amazon Reaches Labor Deal, Giving Workers More Power to Organize*, N.Y. TIMES, Dec. 23, 2021.
- Kellen Browning, *Another Apple Worker Says the Company Retaliated Against Her*, N.Y. TIMES, Nov. 2, 2021.
- Noam Scheiber, *As Starbucks Workers Seek a Union, Company Officials Converge on Stores*, N.Y. TIMES, Oct. 18, 2021.

- Alexis Keenan, *Texas judge's ruling adds to 'growing weight' against workers fighting COVID-19 vaccine mandates*, YAHOO! FINANCE, June 15, 2021.
- Alexis Keenan, *Lawsuits mushroom as workers test employers' right to mandate COVID-19 vaccination*, YAHOO! FINANCE, June 5, 2021.
- Paul Adler, *Fact Finders: Employee vs. Employer rights on COVID-19 vaccination cards*, KY3.COM, May 26, 2021.
- Tim Lince, *The trademark identity crisis: study calls for IP law rethink to "more accurately reflect our complicated reality,"* WORLD TRADEMARK REPORTER, May 5, 2021.
- Joe Harris, *Florida Wine Retailer Loses Challenge to Missouri Liquor Licensing Rules*, COURTHOUSE NEWS SERVICE, Feb. 16, 2021.
- Eli Rosenberg & Hannah Knowles, *They quit rather than risk COVID at work. Now they're hoping Biden can help them collect unemployment.*, WASH. POST, Feb. 8, 2021.
- Corinne Ruff, *St. Louis Aquarium Employees Raise Concerns About Lax COVID Rules Enforcement*, ST. LOUIS PUBLIC RADIO, January 15, 2021.
- Chris Nagus, *Governor Parson's top staff tracked by secret GPS devices; FBI involved*, KMOV4.COM, Nov. 7, 2020.
- Joe Harris, *Shaky Reception at 8th Circuit for Missouri Liquor Licensing Rules*, COURTHOUSE NEWS SERVICE, Sept. 24, 2020.
- Greg Edwards, *What St. Louis HR experts advise on reopening: flexibility and feedback, for starters*, ST. LOUIS BUSINESS JOURNAL, July 9, 2020.
- Erin Heffernan, *STL Fire Department finds TV spotlight, but privacy concerns linger*, ST. LOUIS POST-DISPATCH, Feb. 2, 2020.
- Annika Merrilees, *GM to invest \$1.5 billion in Wentzville plant, if union approves contract*, ST. LOUIS POST-DISPATCH, Oct. 23, 2019.
- Robert Iafolla, *Labor Board Repeatedly Topples Precedent Without Public Input*, DAILY LABOR REPORT, BLOOMBERG LAW, July 12, 2019.
- Chris Opfer, *Bosses Can Boot Union Organizers From the Cafeteria, With Limits*, DAILY LABOR REPORT, BLOOMBERG LAW, June 17, 2019.
- Noam Scheiber, *Google Workers Reject Silicon Valley Individualism in Walkout*, N.Y. TIMES, Nov. 6, 2018.
- Steph Kukuljan, *Federal Lawsuit Challenges Missouri's Three Tier Alcohol System*, ST. LOUIS BUSINESS JOURNAL, Dec. 7, 2017.
- Noam Scheiber, *NFL Players May Have an Ally in the Protests: Labor Law*, N.Y. TIMES, Oct. 12, 2017.
- Cale Guthrie Weissman, *James Damore's Case Against Google Isn't So Clear*, FAST CO., Aug. 9, 2017.
- Jacob Gershman & Sara Randazzo, *Fired Engineer Likely to Face Obstacles in Challenging Google*, WALL ST. J., Aug. 8, 2017.
- Erin Fuchs, *Here's what the fired 'anti-diversity' engineer would have to prove in his case against Google*, YAHOO! FIN., Aug. 8, 2017.
- Jim Howard, *Blunt Moves to Block National Labor Board Decision*, ST. LOUIS PUBLIC RADIO, Sept. 7, 2015.
- Jim Gallagher, *Is Somebody Snooping on Your Email?*, ST. LOUIS POST-DISPATCH, Jan. 10, 2015.
- Justin Fox, *Market Basket's Employees Were More Important Than Its Shareholders*, HARVARD BUSINESS REVIEW Blog, Aug. 28, 2014.
- Ben Crair, *Can't Work, Must Chat*, NEW REPUBLIC, March 5, 2014.
- Natasha Singer, *Rules Sought for Workplace Wellness Questionnaires*, N.Y. TIMES, Sept. 24, 2013.

- Natasha Singer, *On Campus, A Faculty Uprising Over Personal Data*, N.Y. TIMES, Sept. 14, 2013.
- Alana Semuels, *Supreme Court Clamping Down on Unions' Political Fundraising*, L.A. TIMES, June 21, 2012.
- Jeff Zillgitt & J. Michael Falgoust, *What You Need to Know about the NBA Lockout*, U.S.A. TODAY, Oct. 12, 2011.
- David Sarno, *Hewlett-Packard Sues to Keep Former CEO from Going to Oracle*, L.A. TIMES, Sept. 7, 2010.

PRESENTATIONS (listed by category in reverse chronological order)

American Bar Association

- Section on Labor and Employment Annual Meetin
 - 2014: Moderator and Speaker, *The Implications of Harris v. Quinn*
- Subsection on Technology in the Practice & Workplace Committee Annual Meeting
 - 2009: Luncheon Address, *The New Restatement of Employment Law: Employee Privacy*
 - 2008: Moderator, *The Use of Technology by Agencies in Labor and Employment Cases*

American Law & Economics Association (ALEA) Annual Meeting

- 2017: *Employment as Fiduciary Relationship*
- 2013: *Participation as a Theory of Employment*
- 2007: *Information and the Market for Union Representation*

American Law Institute

- Presentation of *Chapter 7, Privacy and Autonomy*, RESTATEMENT OF EMPLOYMENT LAW
 - Annual Meeting: 2012, 2013, 2014
 - ALI Council Meeting: October 2011, January 2012, October 2012, January 2013
 - Advisers and Members Consultative Group Meeting: June 2009, June 2011, September 2012

Association of American Law Schools

- Annual Meeting
 - 2022: Panelist, *Workers, Boards, and the Global Corporation*, Section on Economic Globalization and Governance
 - 2018: Moderator, *Institutional Investors and Corporate Governance*, Section on Business Associations
 - 2018: Moderator, *The Role of AALS in Legal Scholarship*, Section on Scholarship
 - 2016: Commentator, *New and Emerging Voices in Workplace Law, Employment Discrimination Law and Labor Relations and Employment Law Joint Works-in-Progress*.
 - 2013: *Larry from the Left: An Appreciation*, Session in Honor of Larry Ribstein, Section on Agency, Partnership, LLCs and Unincorporated Associations
 - 2009: *NASCAR and the Theory of the Firm*, Session on Agency, Partnership, LLCs and Unincorporated Associations
- Mid-Year Meeting
 - 2009: Panelist, *Corporate Law Approaches to Employee/Labor Interests*, Joint Plenary of AALS Workshop on Business Associations and Workshop on Work Law
 - 2006: *Bringing Open Access to Legal Education*, Workshop on Intellectual Property

Carl A. Warns, Jr., Labor and Employment Law Conference, Brandeis School of Law, University of Louisville

- 2014: *Recent Developments in Workplace Privacy Law*
- 2010: *Privacy and Autonomy in the Restatement of Employment Law*

Colloquium on Scholarship in Employment and Labor Law

- 2021: *From Mandates to Governance: Restructuring the Employment Relationship* (with Brett McDonnell)
- 2021: *Bargaining Over Employee Data* (with Jeffrey Hirsch)
- 2020: *Employee Testing, Tracing, and Disclosure as a Response to the Coronavirus Pandemic*
- 2019: *Employees as Data Subjects*
- 2012: *SEIU and the Market for Public Sector Union Representation*
- 2011: *The Corporation and the Separation of Employees from the Firm*
- 2010: *The Roberts Court and the Law of Human Resources*
- 2009: Plenary Session: Draft of Chapter 7, Workplace Privacy and Autonomy, RESTATEMENT OF EMPLOYMENT LAW
- 2007: *Mother Jones Meets Gordon Gekko: The Complicated Relationship Between Labor and Private Equity*

Employment Law Workshop for Federal Judges, New York University School of Law

- *Workplace Privacy and Autonomy*, March 2012

Faculty Workshop Series

- *Holacracy and the Law*, Faculty Works in Progress, University of Minnesota Law School, April 19, 2018.
- *Employment as Fiduciary Relationship*, Law & Economics Seminar, Harvard Law School, November 8, 2016.
- *Employment as Fiduciary Relationship*, Faculty Workshop Series, Benjamin N. Cardozo School of Law, October 26, 2016.
- *Law and Theories of Employment*, Faculty Workshop Series, Notre Dame Law School, November 6, 2012.
- *Employees and the Boundaries of Corporate Law*, Workshop, Loyola Law School Los Angeles, September 15, 2011.
- *Open Source and Legal Education Reform*, videotaped presentation to faculty at Washington College of Law, American University, March 21, 2011.
- *Employees and the Boundaries of Corporate Law*, Class Presentation: Role of Corporations, Vanderbilt University Law School, February 28, 2011.
- *Stock Options: The Rise and Fall of a Financial Instrument*, Presentation, Salmon P. Chase College of Law, Northern Kentucky University, September 29, 2008.
- *The Future of the Casebook: An Argument for an Open Source Approach*, Faculty Workshop, Salmon P. Chase College of Law, Northern Kentucky University, September 29, 2008.
- *The False Promise of One Share, One Vote*, Workshop, University of St. Thomas School of Law, April 16, 2008.
- *Information and the Market for Union Representation*, George Mason School of Law, October 23, 2007.

- *Questions about the Efficiency of Employment Arbitration Agreements*, First Annual Georgia Law Review Invited Author Lecture, University of Georgia School of Law, February 7, 2005.
- *Information Disclosure and Union Representation Elections*, Hofstra University School of Law, 2005.
- *Aligning Incentives: Employee Stock Options and Rule 10b-5*, Workshop in Labor and Employment Law, New York University School of Law, September 5, 2001.

Fiduciary Law Workshop

- 2017 (UCLA): *Holacracy and the Law*
- 2015 (BYU): *A Theory of Reciprocal Fiduciary Obligations in Employment*

Government Programs

- *Conflict Between the NLRB and the Courts: Resolution or Amplification?*, Program on NLRA Developments, National Labor Relations Board, March 23, 2007.

Intellectual Privacy Scholars Conference

- 2017 (Cardozo): *Trademark, Employees, and the Firm*

Labor and Employer Relations Association (LERA), Gateway Chapter

- 2017: Presentation on Employee Autonomy
- 2016: Presentation on Employee Privacy

Labour Law Research Network (LLRN) Conference

- 2021 (Warsaw online): *Populism and Labor Law: A View from the Americas* (with Renan Kalil and Mauro Pucheta)
- 2019 (Valparaíso): *Labor Interests and Corporate Power*
- 2017 (Toronto): *Trademark, Employees, and the Firm*
- 2015 (Amsterdam): *A Theory of Reciprocal Fiduciary Obligations in Employment*

Law and Society Association Annual Meeting

- 2014: *Protection of Personal Autonomy as a “Sticky” Default in Employment*
- 2013: Discussant, Panel: Law & Entrepreneurship II
- 2013: *Law and Theories of Employment*, Panel: Interrogating Fundamental Assumptions about Labor and Employment Law
- 2012: *SEIU and the Market for Public Sector Union Representation*, in Panel: Collective Labor Law and Worker Participation
- 2010: *Entrepreneurship and Employee Ownership*, in Panel: Law & Entrepreneurship: Social Values
- 2010: *Mere Votes*, in Panel: New Models of Corporate Regulation
- 2005: *Information and the Union Representation Election: A New Role for the NLRB*

Midwestern Law & Economics Association Annual Meeting

- 2012: *Stock Options and the New Corporate Governance*
- 2009: *Corporate Voting Rights and the Myth of Contract*
- 2008: *Arrow’s Theorem and the Exclusive Shareholder Franchise*
- 2007: *Workers, Information, and Corporate Combinations: The Case for Non-Binding Employee Referenda in Transformative Transactions*

National Business Law Scholars Conference

- 2021: Moderator, Plenary Session, *Beyond Shareholder Primacy*
- 2020: Moderator, Employment Law Panel
- 2019: *After Shareholder Primacy: A Firm-Centric Model of Corporate Governance*
- 2017: *Holacracy and the Law*
- 2016: *Employment as Fiduciary Relationship*
- 2016: *Faith and the Firm*

National Employment Lawyers Association (NELA) Conference

- 2011: *Privacy and Autonomy in the Restatement of Employment Law*

NYU Annual Conference on Labor

- 2020: *Causes of Inequality in the Workplace*
- 2019: *AI and the Embedded Employee*
- 2015: *The Dramatists Guild as a Model for the Post-Employment Economy*
- 2004: *The Potential for State Labor Law: The New York Greengrocer Code of Conduct*

Privacy Law Scholars Conference (PLSC)

- 2020: *Employees as Data Subjects*
- 2010: *Privacy and Autonomy in the Restatement of Employment Law*

Saint Louis University School of Law Symposia, Conferences & Faculty Workshops

- *COVID-19 and Employee Privacy*, Summer Half-Baked Workshop Series, June 2020.
- *The Market as Negotiation*, Faculty Workshop Series, February 5, 2020.
- *The Law and Business of People Analytics* (with Miriam Cherry & Marcia McCormick), Faculty Workshop Series, January 6, 2016.
- *Faith and the Firm*, Panel Respondent, Childress Lecture: Religious Freedom, Social Justice and Public Policy, Saint Louis University Law Journal Symposium, November 13, 2015.
- *A Theory of Reciprocal Fiduciary Obligations in Employment*, Faculty Workshop Series, September 2, 2015.
- *Stock Options as Corporate Governance*, “Extreme” Summer Faculty Workshop Series, June 2014.
- *Protection of Personal Autonomy as a “Sticky” Default in Employment*, October 2013.
- *Collaboration and Community: The Labor Law Group and the Future of Labor and Employment Law Casebooks*, Symposium: Teaching Employment and Labor Law, Saint Louis University School of Law, February 15, 2013.
- Draft of Chapter 7, Workplace Privacy and Autonomy, RESTATEMENT (THIRD) OF EMPLOYMENT LAW, September 2009.
- *NASCAR and the Theory of the Firm*, Summer Half-Baked Workshop Series, July 2008.
- *Stock Options: The Rise and Fall of a Financial Instrument*, Summer Workshop Series, June 2007.

Selected Saint Louis University Programs

- *Law in the Time of Pandemic: Employment Law*, Webinar, Sept. 1, 2020.
- *The Law and Business of People Analytics* (with Miriam Cherry & Marcia McCormick), John Cook School of Business, Faculty Workshop Series, January 29, 2016.

- *Legal and Compliance Standards for Building and Inclusive Workplace*, Leadership Matters: The St. Louis Confluence on Workforce Inclusion, Emerson Leadership Institute, John Cook School of Business, April 1, 2015.
- *Protecting Employee Autonomy through the Common Law*, Current Developments and New Directions in Employment Law, Wefel Center for Employment and Labor Law, October 2014.
- *The Wrongful Discharge Tort in Missouri: Present and Future*, Current Developments and New Directions in Employment Law, Wefel Center for Employment & Labor Law, November 2013.
- Response to *The Case Against Public Sector Unions* by John O. McGinnis, Saint Louis University Federalist Society, March 2012.
- Panel, Bargaining in the Big Leagues: Assessing Lockouts and Other Tactics in the NFL and NBA Labor Negotiations, Saint Louis University School of Law, September 2011.
- Commenter, Health Law Scholars Workshop, Saint Louis University School of Law, October 2008 (commenting on Susan Cancelosi, “The Automakers/UAW VEBA: A Knight in Shining Armor or a Trojan Horse?”).

Southeastern Association of American Law Schools (SEALS) Annual Meeting

- 2013: Discussant, Panel: The Rise and Fall of the Wagner Model: An International and Comparative Perspective.
- 2010: Discussant, Panel: Employee Privacy.

Stanford/Yale Junior Faculty Forum

- 2006: *Information Disclosure and Union Representation Elections* (chosen for Labor Law and Social Welfare category)

Symposia & Conferences (External)

- *Taking Employment Contracts Seriously*, A Symposium in Honor of the Work of Charles A. Sullivan, Seton Hall Law School, November 1, 2019.
- Commenter, Panel on JERRY DAVIS, THE VANISHING AMERICAN CORPORATION (Berrett-Koehler Publishers, 2016), *The New Business Scholarship: New and Recent Books on Business and Business Law*, University of Minnesota Law School, April 5, 2019.
- *Labor Interests and Corporate Power*, Symposium: Institutional Activism in the Trump Era, Boston University School of Law, November 16, 2018.
- Discussant, Roundtables on “Other Constituencies in Corporate Governance” and “Transformative Technology and Innovations in Finance,” *New Directions in Corporate Governance*, University of Minnesota Law School, April 20, 2018.
- *Worker participation, sustainability, and the puzzle of the Volkswagen emissions scandal*, Symposium for CAMBRIDGE HANDBOOK OF CORPORATE LAW, CORPORATE GOVERNANCE AND SUSTAINABILITY, March 12-14, 2018.
- *Privacy & Data Analytics in the Law*, Symposium: Predictive Analytics, Law, and Policy: Mapping the Terrain, I/S: Journal of Law and Policy for the Information Society, Mortiz College of Law, Ohio State University, March 24, 2017.
- *Lessons from the Dramatists Guild for the Platform Economy*, 2016 Annual Symposium on Law and the Disruptive Workplace, University of Chicago Legal Forum, November 4, 2016.
- *The Next Iteration of Progressive Corporate Law*, 2016 Lara D. Gass Annual Symposium on Corporate Law, Governance, and Purpose: A Tribute to the Scholarship of Lyman Johnson and David Millon, Washington & Lee School of Law, October 20, 2016.
- Discussant, Law & Policy Roundtable, Center for Corporate and Securities Law, University of San Diego School of Law, July 17, 2015.

- *Income Inequality and Corporate Structure*, Symposium: Inequality, Opportunity, and the Law of the Workplace, Stetson University College of Law, March 6, 2015.
- *Corporation as Firm: A New Institutional Economics Approach to Corporate Law*, Berle III Conference, Seattle University School of Law, January 13, 2012.
- *NASCAR Green: A Case Study of Sustainability and the Nature of the Firm*, Symposium: The Sustainable Corporation, Wake Forest University School of Law, April 1, 2011.
- *The Roberts Court and the Law of Human Resources*, Roundtable, “Business Law and Regulation in the Roberts Court,” Center for Business Law & Regulation, Case Western Reserve University School of Law, September 17, 2010.
- *Mandatory Disclosure in the Market for Union Representation*, Symposium: Whither the Board? The NLRB at 75, Florida International University College of Law, March 26, 2010.
- *Stock Options as Corporate Governance*, Junior Scholar Workshop, New Research in Regulation of Corporations, Managers and Financial Markets, Washington University School of Law, March 6, 2009.
- Moderator, Panel, *Competing Online Architectural Formats: Advantages & Disadvantages*, Workshop on the Future of the Legal Casebook, Seattle University School of Law, September 27, 2008.
- *Arrow’s Theorem and the Exclusive Shareholder Franchise*, Washington University School of Law Junior Faculty Regional Workshop, June 21, 2008.
- *Workers, Information, and Corporate Combinations: The Case for Non-Binding Employee Referenda in Transformative Transactions*, First Annual Seton Hall Law School Labor & Employment Law Scholars’ Forum, October 13-14, 2006.
- *Workers, Information, and Corporate Combinations: The Case for Non-Binding Employee Referenda in Transformative Transactions*, Washington & Lee Works-in-Progress Workshop, June 6, 2006.
- *Open Access in Law Teaching: A New Approach to Legal Education*, Open Access Publishing and the Future of Legal Scholarship, Lewis & Clark Law Review Spring Symposium, March 10, 2006.
- *AOL Time Warner and the False God of Shareholder Primacy*, Third Summer Retreat, Sloan Program for the Study of Business in Society, June 26-30, 2005.
- *AOL Time Warner and the False God of Shareholder Primacy*, Conglomerate Junior Scholars Workshop (online), August 22, 2005, available at: http://www.theconglomerate.org/2005/08/conglomerate_ju_1.html.
- *The Future of the Casebook: An Argument for an Open Source Approach*, Conference for Law School Computing: Open Source :: Open Law :: Open Education, Center for Computer-Assisted Legal Instruction (CALI), June 11, 2005.
- *Questions about the Efficiency of Employment Arbitration Agreements*, Workshop in Labor and Employment Law, New York University School of Law, January 31, 2005.
- *Information and the Union Representation Election: Technology as a Means to More Rational Decisionmaking*, Conference, NextWave Organizing, New York Law School, January 28, 2005.
- *Arbitration in the Employment Relationship: An Economic and Behavioral Analysis*, Conference, The Role of Contract in the Modern Employment Relationship, Texas Wesleyan University School of Law, March 7, 2003.
- “You Can’t Handle the Truth”: *The Effects of Jury Ignorance about the Damages Caps in the 1991 Civil Rights Act* (with Rebecca Hollander-Blumoff), Conference, Behavioral Analyses of Workplace Discrimination (in memory of David Charny), New York University School of Law, April 19, 2002.
- *The Internationalization of Film and Television Production*, Conference, Transatlantic Perspectives on Labor and Employment Law, University College, Dublin, July 22, 2000.

Webcasts & Podcasts

- *The Workplace and the Pandemic*, SLU Law Summations Podcast, Feb. 24, 2021.
- *Supreme Court justices appear split along ideological lines in oral arguments on public employee unions case, so what's next?*, Air Talk hosted by Larry Mantle, Feb. 26, 2018.
- *The upcoming Supreme Court case that could have major implications for the future of public sector unions*, Air Talk hosted by Larry Mantle, Feb. 23, 2018.
- *The Internet Wants You to Lose Your Job*, SLU Law Summations Podcast, Feb. 16, 2016.
- *Looking at the Employment Relationship through the New Restatement of Employment Law*, West LegalEdCenter, September 28, 2015.

FACULTY SERVICE

Saint Louis University School of Law:

- Co-Director, Wefel Center for Employment Law (2017 to present).
- Member, Wefel Center for Employment Law (2006 to present).
- Member, Dean Reappointment Committee (2019).
- Member, Admissions Committee (2016-2017).
- Co-Chair, Curriculum and Academic Standards Committee (2013-2015).
- Member, Personnel Committee subcommittee (reviews) (2013-2019).
- Member, Graduate Academic Affairs Committee (2013-2015).
- Member, Dean Search Committee (2010-2011).
- Chair, Faculty Scholarship Committee (2010-2012).
- Chair, Faculty Appointments Committee (2008-2009).
- Co-Chair, Summer “Half-Baked Ideas” Workshop Series (2007-2013).
- Advisor, *Saint Louis University Public Law Review* (2007-2012).

Hofstra University Law School:

- Faculty Advisory Board, *Hofstra Labor and Employment Law Journal* (2003-2006).
- Member, Entry-level faculty appointments committee (2004-2005).
- Member, Curriculum committee (2002-2004).

ACADEMIC AND PROFESSIONAL ACTIVITIES

Academic Reviews

Referee/Reviewer

Cambridge University Press; Oxford University Press; Yale University Press; *Columbia Law Review*; *Journal of Law, Economics & Policy*; *Journal of Law & Political Economy*; *Journal of Philosophy, Science & Law*; *Yale Law Journal*