

## **JOSEPH E. SLATER**

Eugene N. Balk Professor of Law and Values  
University of Toledo College of Law  
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### **EDUCATION**

**Georgetown University.** Ph.D. in History, with Distinction, 1998. Dissertation: "Down By Law: Public Sector Unions and the State in America, World War I to World War II." Passed comprehensive examinations with Distinction. Received full Fellowship and Scholarship.

**University of Michigan Law School.** J.D., *cum laude*, 1986. Certificate of Merit in Legal Ethics.

**Oberlin College.** B.A., with Highest Honors in History, 1983. Phi Beta Kappa; Comfort Starr Scholarship for Excellence in History; Carrie Life Scholarship for Distinguished Achievement in American History. **Bristol University, England,** 1980-81, study abroad.

### **TEACHING**

**University of Toledo College of Law.** August 1999-present. Teaching Torts, Labor Law, Employment Law, Employment Discrimination, and Public Sector Labor Law.

**Awards:** University Outstanding Teaching Award, 2008 (one of four chosen from over 250 nominations from the entire University faculty); voted Outstanding Professor of the Year by the Law School Class of 2006; voted Professor of the Year for 2000-01 by the Black Law Students Association.

**Georgetown University: Law Center.** Adjunct Professor, "History of U.S. Labor Law," 1996. **History Department.** Designed and team taught America in the Age of Reform, 1994. Teaching Assistant: American Diplomatic History, 1992-94; Empire & Independence, 1994.

### **PUBLICATIONS**

"Public Sector Bargaining Impasse Dispute Procedures as ADR: From 1919 to the Present," OHIO STATE JOURNAL ON DISPUTE RESOLUTION (forthcoming 2012).

"The Rise and Fall of SB-5 in Political and Historical Context," UNIVERSITY OF TOLEDO LAW REVIEW (forthcoming 2012).

MODERN LABOR LAW IN THE PRIVATE AND PUBLIC SECTORS: CASES AND MATERIALS (with Seth Harris, David Gregory, and Anne Lofaso) (LEXIS Publishing, forthcoming 2012).

“Public Sector Labor in the Age of Obama,” 87 INDIANA LAW JOURNAL 189 (2011).

“Employee Voice: Lessons from the Public Sector,” 94 MARQUETTE LAW REVIEW 917 (2011).

“The Assault on Public Sector Collective Bargaining: Real Harms and Imaginary Benefits,” *American Constitution Society for Law and Policy Issue Brief* (June 2011), available at [http://www.acslaw.org/sites/default/files/Slater\\_Collective\\_Bargaining.pdf](http://www.acslaw.org/sites/default/files/Slater_Collective_Bargaining.pdf) and in 5 ADVANCE (The Journal of the American Constitution Society Issue Groups) 58 (2011).

PUBLIC SECTOR EMPLOYMENT: CASES AND MATERIALS (West Publishing, 2<sup>nd</sup> ed. 2010) and TEACHER’S MANUAL to this casebook (both with Marty Malin and Ann Hodges).

Essay, “Public Sector Labor in 2010: View of a Legal Historian,” *Labor and Working Class History Association Newsletter* (Spring 2010).

Book Review, John F. Lyons, *Teachers and Reform: Chicago Public Education 1929-70*, 114 AMERICAN HISTORICAL REVIEW 783 (2009).

“Working Group on Chapter 1 of the Proposed Restatement of Employment Law: Existence of Employment Relationship,” 13 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 43 (2009) (with Theodore St. Antoine, Dennis Nolan, and Alvin Goldman).

“Labor and the Boston Police Strike of 1919,” in Aaron Brenner, Benjamin Day, Immanuel Ness, eds., THE ENCYCLOPEDIA OF STRIKES IN AMERICAN HISTORY (M.E. Sharpe, 2009).

Book Review: James B. Jacobs, *Mobsters, Unions, and Feds: The Mafia and the American Labor Movement*, 26 LAW AND HISTORY REVIEW 224 (2008).

PUBLIC SECTOR EMPLOYMENT: CASES AND MATERIALS, 2007 Professors’ Update (with Professors Martin Malin and Ann Hodges).

Book Review: Dennis Gaffney, *Teachers United: The Rise of New York State United Teachers*, 94 JOURNAL OF AMERICAN HISTORY 1011 (2007).

“The ‘American Rule’ that Swallows the Exceptions,” 11 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 53 (2007).

“‘Homeland Security vs. Workers Rights?,” in Samuel Estreicher and Matthew T. Bodie, eds., WORKPLACE DISCRIMINATION, PRIVACY, AND SECURITY IN AN AGE OF TERRORISM: PROCEEDINGS OF THE NEW YORK UNIVERSITY 55TH ANNUAL CONFERENCE ON LABOR (Kluwer Law International, 2007).

"The History of Public Workers," essay in THE ENCYCLOPEDIA OF U.S. LABOR & WORKING-CLASS HISTORY, Eric Arnesen, Bruce Laurie, Joe McCartin, Cindy Hahamovitch, Tera Hunter, and Leon Fink, eds. (2006).

"Do Unions Representing A Minority of Employees Have the Right To Bargain Collectively?: A Review of Charles Morris, *The Blue Eagle at Work*," 9 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 383 (2005).

"Homeland Security vs. Workers Rights? What the Federal Government Should Learn from History and Experience, and Why," 6 PENNSYLVANIA JOURNAL OF LABOR & EMPLOYMENT LAW 295 (2004).

PUBLIC WORKERS: GOVERNMENT EMPLOYEE UNIONS, THE LAW, AND THE STATE, 1900-62 (Cornell University Press, 2004).

"The Court Does *Not* Know 'What a Labor Union is': How State Structures and Judicial (Mis)Constructions Deformed Public Sector Labor Law," 79 OREGON LAW REVIEW 981 (2000).

"Petting the Infamous Yellow Dog: The Seattle High School Teachers Union and the State, 1928-31," 23 SEATTLE UNIVERSITY LAW REVIEW 485 (2000).

"Public Workers: Labor and the Boston Police Strike of 1919," 38 LABOR HISTORY 7 (1997).

"The Rise of Master-Servant and the Fall of Master Narrative: A Review of *Labor Law In America*," 15 BERKELEY JOURNAL OF EMPLOYMENT & LABOR LAW 141 (1994).

"Policing Your Paycheck: Wage & Hour Law for Cops," 1 *Police Union Quarterly* 113 (1989).

## **PROFESSIONAL ACTIVITIES**

### **Positions, Grants, and Legal Work**

Beginning 2011, member of the Employment Policy Research Network, an invitation-only group of scholars specializing in labor and employment relations, affiliated with the Labor and Employment Research Association.

Expert witness on the history of public and private sector labor law in Springfield Nat'l Educ. Ass'n v. Springfield Bd. of Educ., Case No. 0931-CV08322 (Cir.Ct. Greene Cty, MO 2009) and in Bayless Education Association v. Bayless School District, No. 09SL-CC1481 (Cir.Ct. St. Louis Cty, MO, Feb. 10, 2010).

Board member, Labor and Employment Relations Association Section on Labor and Employment Law, beginning 2010.

Contributor to online journal Jotwell (Journal of Things We Like a Lot) (reviewing labor and employment law articles).

Executive Board member, AALS Labor and Employment Law Section, 2009.

Made Eugene N. Balk Professor of Law and Values, 2007.

Member, The Labor Law Group, beginning 2007 (an invitation-only organization of law professors dedicated to producing quality scholarship and teaching materials on labor and employment law).

Outside peer reviewer of book manuscripts for New York University Press and University of Michigan Press; outside peer reviewer of articles for *Law and History Review*, *Labor History*, and *Law & Society Review*.

Arbitrator for Toledo Federation of Teachers / Toledo Public Schools.

Editorial board member for the journal *Labor History*, beginning in 2003.

Chair, American Association of Law Schools (AALS) Employment Discrimination Section, 2004, Chair-elect, 2003, and Executive Board Member, 2002 and 2006.

Fellow, Willard Hurst Legal History Institute, University of Wisconsin Law School, June 2001, Madison, Wisconsin. This two-week program had more than 100 applicants and 11 Fellows.

Awarded the Albert Shanker Educational Research Fellowship from the Walter Reuther Labor Archives, Wayne State University, July 2001.

### **Conference Papers, Talks, Media, and Blogs**

On-line debate on the topic, "Are Dues Check-Off and Agency Shop in the Public Interest?" with Prof. Daniel DiSalvo, hosted by Public Sector Inc., April, 2012, available at [http://www.publicsectorinc.com/online\\_debates/2012/04/are-dues-check-off-and-agency-shop-in-the-public-interest.html](http://www.publicsectorinc.com/online_debates/2012/04/are-dues-check-off-and-agency-shop-in-the-public-interest.html)

Talk, "Legislative Attacks On Teachers' Collective Bargaining Rights," American Federation of Teachers' Lawyers Conference, Washington, DC, April 2012.

Talk, "The Assault on Collective Bargaining Rights in the Public Sector," Rush McKnight Labor Law Lecture, Center for the Interdisciplinary Study of Conflict and Dispute Resolution, Case Western University Law School, Cleveland, OH, March 2012.

Paper, "Attacks on Public Sector Bargaining as Attacks on Employee Voice: A (Partial) Defense of the Wagner Act Model," Voices at Work North American Workshop, Osgoode Hall Law School, York University, Toronto, Ontario, March 2012.

Paper, "Public Sector Labor Law in the U.S., and its Discontents," University of Western Ontario conference, "Faultlines & Borderlines in Labo(u)r Law," London, Ontario, March 2012.

Paper, "Public Sector Bargaining Impasse Dispute Procedures as ADR: From 1919 to the Present," Ohio State Journal on Dispute Resolution Symposium, "The Role of ADR Mechanisms in Public Sector Labor Disputes," Columbus, OH, Feb. 2012.

Paper, "State Legislators Target Public Sector Labor Rights," ABA Section of Labor and Employment Law, State and Local Government Bargaining & Employment Law Committee Midwinter Meeting, Puerto Vallarta, Mexico, Jan. 2012.

Paper, "In Defense of Public Sector Collective Bargaining," Federalist Society 14<sup>th</sup> Annual Faculty Conference, Washington, DC, Jan. 2012.

Paper, "A Brief History of Public Sector Labor Law," AALS Section on Labor Relations and Employment Law panel, Washington, DC, Jan. 2012

Paper, "A Survey of Recent State Law Changes in Public Sector Labor Law," on the panel "Public Sector Bargaining in Crisis," ABA Section of Labor & Employment Annual Conference, Seattle, WA, Nov. 2011.

Paper, "SB-5: A Critique," University of Toledo College of Law Symposium, "Public Sector Labor Law at the Crossroads," Toledo, OH Oct. 2011.

Panelist, "Ohio Senate Bill 5: What it Will Mean for Public Employees and Employers in Ohio if it Survives the Upcoming Referendum Vote," Cleveland-Marshall College of Law, Cleveland, OH, Oct. 2011.

Paper, "Ohio SB-5: the Law and the Politics," University of Richmond College of Law / Labor Law Group conference, "Public Employment in Times of Crisis," Richmond, VA, Sept. 2011.

Paper, "State Legislators Target Public Sector Rights," American Bar Association Annual Meeting, Toronto, Ontario, Canada, Aug. 2011.

Multiple media appearances, including interviews on NPR's "Morning Edition," MSNBC.com, Reuters, Fortune, interviews in Wisconsin newspapers and radio, interviews on Toledo television stations, and op-eds and interviews in the Cleveland Plain Dealer, Cincinnati Enquirer, Toledo Blade, and Le Monde (Paris, France).

Paper, "Public Sector Impasse Procedures as ADR: From Wisconsin to Ohio," St. John's University School of Law Conference, "The Theology of Work and the Dignity of Workers," New York, NY, March 2011.

Paper, "Public Sector Labor in the Age of Obama," Indiana University Law School Conference, "Labor and Employment Law Under the Obama Administration: A Time for Hope and Change," Bloomington, IN, Nov. 2010.

Paper, "Employee Voice: Lessons from the Public Sector," Marquette Law School Symposium on Labor and Employment Law, Milwaukee, WI, Sept. 2010.

Paper, "Is 'Collective Bargaining a Term of Art'? A Law Prof. As Expert Witness in Missouri," Fifth Annual Colloquium on Current Scholarship in Labor & Employment Law, St. Louis, MO, Sept. 2010.

Paper, "Collective Bargaining as a Term of Art? A Law Prof. As Expert Witness on What the History of Labor Relations Can Teach the Missouri Courts Today," Law & Society Annual Meeting, Chicago, IL, June 2010.

Chair and Commentator, Panel on "Creating a Culture of Professionalism," North American Labor History Conference, Detroit, MI, Oct. 2009.

Paper, "Pedagogy: Why We Should Teach Public and Private Sector Labor Law Together, and How to Do It," Fourth Annual Colloquium on Current Scholarship in Labor and Employment Law, Newark, NJ, Sept. 2009.

Paper, "Post-Pyett Decisions of the Lower Courts: Key Questions Remain," South East Association of Law Schools Annual Meeting, Palm Beach, FL, Aug. 2009

Paper, "Teaching Private and Public Sector Labor Law Together," AALS Mid-Year Meeting On Worklaw, Long Beach, CA, June 2009.

Chair, Panel on "Work, Discrimination, and Human Rights," American Society for Legal History Annual meeting, Ottawa, Ontario Canada, November 2008.

Paper, "Recent Supreme Court and Appellate Court Decisions in Labor Law," Region 8 NLRB/Ohio State Bar Association Labor Law Seminar, Toledo, OH, Sept. 2008.

Paper, "A Unified Theory of the Meaning of Collective Bargaining in the Public Sector," Law & Society Annual Meeting, Montreal, Quebec, Canada, May 2008.

Paper, "Collective Bargaining Means What? Why the D.C. Circuit and Missouri Supreme Court are Still Struggling with Basic Labor Law Terms," Second Annual Colloquium on Current

Scholarship in Labor & Employment Law, Denver, CO, September 2007.  
Invited commentator, panel on comparative labor and employment law, Law & Society Annual Meeting, Berlin, Germany, July 2007.

Invited commentator, panel on the history of public sector labor law, Joint Labor and Working Class History/Southern Labor Studies Conference, Duke University, Durham, NC, May 2007.

“Public Workers: History and Policy,” featured guest speaker, ABA Section on Labor and Employment Law, Committee on State and Local Government Bargaining, Riviera Maya, Mexico, Jan. 2007.

“The American Rule that Swallows the Exceptions,” the First Annual Colloquium on Current Scholarship in Labor & Employment Law, Marquette Law School, Milwaukee, WI, Oct. 2006.  
Note: I was one of the three organizers of this conference, which drew over fifty participants.

Guest blogger, Prawfsblog <http://prawfsblawg.blogs.com/prawfsblawg/> various stints, beginning in 2006.

“Supreme and Appellate Court Decisions in Labor and Employment Law,” National Labor Board Region 8 and Ohio State Bar Association Labor Law Seminar, Toledo, Ohio, Sept. 2006.

“How Employment At-Will Undermines Labor and Employment Discrimination Law” Law & Society Conference, Baltimore, MD, July 2006.

Paper, “Public Sector Labor Law, Past and Present,” The Labor Law Group, Saratoga Springs, NY, June, 2006.

“The Birth of Public Sector Labor Law,” North American Labor History Conference, Detroit, MI, Oct. 2004.

“Federal Sector Labor Relations,” keynote speech at Chicago-Kent College of Law’s 22<sup>nd</sup> annual Federal Sector Labor Relations & Labor Law Program, Chicago, IL, Sept. 2004.

“Labor’s New Star: Wisconsin’s Public Sector Labor Law Statutes of 1959 and 1961,” Law & Society Association Conference, Chicago, IL, June 2004.

“The New FLSA Regulations,” Toledo Bar Association, Toledo, OH, May 2004.

“Title VII of the Civil Rights Act in Historical Perspective” Owens Community College Commemoration of the 40<sup>th</sup> Anniversary of the Civil Rights Act,” Toledo, OH, Jan. 2004

“Federalism and the Rights of Public Sector Workers in Historical Perspective,” Law & Society Association Conference, Pittsburgh, PA, June 2003.

“Arbitration Agreements in Individual Employment,” Toledo Bar Association, Toledo, OH, May 2003.

“Protecting Union Speech: Defamation and Intellectual Property in the Labor Relations Context,” American Federation of Teachers’ Lawyers Conference, New York, NY, April 2003.

“Current Issues in Public Sector Labor Law,” University of Toledo College of Law/Federalist Society Conference on “The Future of Labor Law,” Toledo, OH, April 2003.

“Supreme and Appellate Court Review of Recent NLRB Decisions,” National Labor Board Region 8 and Ohio State Bar Association Labor Law Seminar, Toledo, OH, Sept. 2002.

“Labor’s New Star: The Battle for Wisconsin’s Public Sector Labor Law, 1951-62,” Wisconsin Labor History Society, Madison, WI, April 2002.

“Lessons from the Public Sector,” Bernard Gottfried Memorial Labor Law Symposium (sponsored by National Labor Relations Board Region 7 and Wayne State University Law School), Detroit, MI, October 2001.

“Recent Developments in Labor Law” and “Organizing in Cyberspace,” The Employers Association Conference, Toledo, OH, March 2001.

“The Court ‘Knows What a Union is’?: Explaining the Stunted Development of Public Sector Labor Law.” North American Labor History Conference, Detroit, MI, Oct. 2000.

“Supreme Court and Appellate Court Review of Recent NLRB Decisions,” National Labor Relations Board Region 8 and Ohio State Bar Association Labor Law Seminar, Toledo, OH, Sept. 2000.

“Petting the Infamous Yellow Dog: Teachers and Public Sector Labor Law in Seattle, 1928-31.” American Society for Legal History Conference, Seattle, WA, Oct. 1998.

## **EMPLOYMENT AS A LAWYER**

**Beins, Axelrod & Kraft , P.C.**, Washington, D.C. Full time associate 1990-1992, Of-Counsel and part-time 1992-1999. Represented unions and individual employees. Significant experience with public and private sector labor law, Title VII, the ADA, FLSA, and ERISA, and related state employment statutes. Appeared before courts, administrative agencies, and arbitrators. Was the chief negotiator on the first contracts for two AFSCME locals. Trained union members.

**Zwerdling, Paul, Leibig, Kahn, Thompson & Driesen**, Washington, D.C. Associate, 1987-90. Drafted pleadings for labor and employment law matters, especially the FLSA and ERISA. Revised two pension plans to bring them into conformity with major statutory amendments. Handled arbitrations and agency litigation.

**McTeague, Higbee, Libner, Reitman, MacAdam & Case**, Brunswick, Maine, 1986-87. Screened clients, handled many workers' compensation hearings, and did other labor and employment cases.

#### **BAR ADMISSIONS**

Admitted to practice in Washington, D.C. and in various federal courts.