

## **ANN C. HODGES**

Professor of Law

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## **EMPLOYMENT**

**University of Richmond:** Professor of Law (1994 to present); Associate Professor of Law (1991 - 94); Assistant Professor of Law (1988 - 91)

**Courses Taught:** Labor Law, Constitutional and Statutory Law of Public Employment, Alternative Dispute Resolution in the Workplace, Employment Discrimination, Employment Law, Employment Lawyering, Nonprofit Organizations, and Feminist Legal Theory

**Honors:** University Distinguished Educator, 1995, 2009; Willie L. Moore Award, 2006.

**Significant Committees:** Co-chair, Dean Search Committee, 1996-97; Chaired Promotion & Tenure Committee; Admissions and Financial Aid Committee; Gender Study Committee; Diversity Committee; Member, Faculty Council - 1998-2001, Secretary - 1999-2001

## **PUBLICATIONS**

### **Books:**

Public Sector Employment: Cases and Materials (2d ed. ThomsonWest, 2011) (with Martin H. Malin and Joseph E. Slater)

Principles of Employment Law (ThomsonWest 2009) (with Rafael Gely, Peggie Smith and Susan Stabile)

### **Book Chapters:**

*Union Representation in Employment Arbitration*, in *Beyond Elite Law: Access to Civil Justice for Americans of Average Means* (Samuel Estreicher & Joy Radice, eds., Cambridge University Press, forthcoming 2014)

*Bargaining for Privacy in the Unionized Workplace*, *Workplace Privacy: Here and Abroad*, Proceedings of New York University 58<sup>th</sup> Annual Conference on Labor (Kluwer Legal International, 2010), reprinted in *22 International Journal of Comparative Labour Law and Industrial Relations* No. 2 (2006)

*The Limits of Multiple Rights and Remedies: A Call for Revisiting the Law of the Workplace*, in *Discrimination At Workplace: A Critical Study* (The Icfai University

Press, 2007) (reprinted from 22 Hofstra Labor & Employment Law Journal 601)

*Arbitration of Statutory Claims in the Unionized Workplace: Is Bargaining with the Union Required?* in *Alternative Dispute Resolution in the Employment Arena: Proceedings of New York University 53d Annual Conference on Labor* (S. Estreicher & D. Sherwyn, eds., Kluwer Legal International 2004) (reprinted from 16 Ohio State Journal on Dispute Resolution 513)

*Dispute Resolution Under the Americans with Disabilities Act*, Administrative Conference of the United States, Recommendations and Reports, 1994-95

### **Law Review Articles:**

*Trilogy Redux: Using Arbitration to Rebuild the Labor Movement*, 98 Minnesota Law Review 1682 (2014)

*Using Experiential Education to Develop Human Resources for the Nonprofit Community: A Course Study Analysis*, 6 Drexel Law Review 47 (2013)

*Maintaining Union Resources in an Era of Public Sector Bargaining Retrenchment*, 16 Employee Rights & Employment Policy Journal 599 (2013)

*Southern Solutions for Wisconsin Woes*, 43 University of Toledo Law Review 633 (2012) (Symposium on Public Sector Labor Law: At the Crossroads)

*The Sheathed Sword: Union Efficacy in Nonbargaining States*, 27 ABA Journal of Labor and Employment Law 275 (Winter 2012) (with William Warwick) (Symposium on Public Sector Employment in Times of Crisis)

*Avoiding Legal Seduction: Reinvigorating the Labor Movement to Balance Corporate Power*, 94 Marquette Law Review 889 (2011) (Symposium on Promoting Employee Voice in the New American Economy).

*Fallout From 14 Penn Plaza v. Pyett: Fractured Arbitration Systems in the Unionized Workplace*, 2010 Journal of Dispute Resolution 19 (Symposium on The Creeping Legalism of Labor Arbitration)

*Lessons From the Laboratory: The Polar Opposites on the Public Sector Labor Law Spectrum*, 18 Cornell Journal of Law and Public Policy 735 (2009)

*The Electronic Workplace*, 12 Employee Rights and Employment Policy Journal 1 (2008) (with L. Camille Hebert) (Symposium Introduction)

*Bargaining for Privacy in the Unionized Workplace*, 22 International Journal of Comparative Labour Law and Industrial Relations 147 (2006)

*Strategies for Combating Sexual Harassment: The Role of Labor Unions*, 15 Texas Journal of Women and the Law 183 (2006)

*The Limits of Multiple Rights and Remedies: A Call for Revisiting the Law of the Workplace*, The 40<sup>th</sup> Anniversary of Title VII of the Civil Rights Act of 1964 Symposium, 22 Hofstra Labor & Employment Law Journal 601 (2005)

*The Business Fallout from the Rapid Obsolescence and Planned Obsolescence of High-tech Products: Downsizing of Noncompetition Agreements*, Columbia Science & Technology Law Review, Vol. 6 (2004-2005) (www.stlr.org) (with Porcher L. Taylor, III)

*Mediation and the Transformation of American Labor Unions*, 69 Missouri Law Review 365 (2004)

*Can Compulsory Arbitration Be Reconciled With Section 7 Rights?* 38 Wake Forest Law Review 173 (2003)

*The Changing Labor Markets of the Western Hemisphere: Introduction and Symposium Overview*, 2 Richmond Journal of Global Law & Business 125 (2001)

*The Employment Law Decisions of the October 2000 Term of the Supreme Court: A Review and Analysis*, 5 Employee Rights and Employment Policy Journal 391 (2001) (with Douglas D. Scherer)

*Arbitration of Statutory Claims in the Unionized Workplace: Is Bargaining with the Union Required?* 16 Ohio State Journal on Dispute Resolution 513 (2001) (Symposium)

*The Employment Law Decisions of the October 1999 Term of the Supreme Court: Review and Analysis*, 4 Employee Rights and Employment Policy Journal 177 (2000) (with Douglas D. Scherer)

*Judicial Review of Arbitration Awards on Public Policy Grounds: Lessons from the Case Law*, 16 Ohio State Journal on Dispute Resolution 91 (2000)

*Protecting Unionized Employees Against Discrimination: The Fourth Circuit's Misinterpretation of Supreme Court Precedent*, 2 Employee Rights and Employment Policy Journal 123 (1998)

*Mediation and the Americans with Disabilities Act*, 30 Georgia Law Review 431 (1996)

*Dispute Resolution Under the Americans with Disabilities Act: A Report to The Administrative Conference of the United States*, 9 The Administrative Law Journal of the American University 1007 (1996)

*The Americans With Disabilities Act in the Unionized Workplace*, 48 University of

Miami Law Review 567 (1994)

*The Preclusive Effect of Unemployment Compensation Determinations in Subsequent Litigation: A Federal Solution*, 38 Wayne Law Review 1803 (1992)

*The Steelworkers Trilogy in the Public Sector*, 66 Chicago-Kent Law Review 631 (1990) (Symposium)

*The Interplay of Civil Service and Collective Bargaining Law in Public Sector Employee Discipline Cases*, 32 Boston College Law Review 95 (1990)

*Note: Retail Store Employees Union Local 1001 v. NLRB (Safeco Title Insurance Co.): Extending Tree Fruits to Protect Picketing of Predominant Product Secondaries*, 74 N.U.L. Rev. 970 (1980).

**Other publications:**

*Harris v. Quinn: What Happened and What Didn't Yet*, American Constitution Society Blog, June 30, 2014

*Repeating History: The Naïve Belief that Eliminating Teacher Tenure Will Improve Education for Low Income Students*, American Constitution Society Blog, June 13, 2014

*Oral Argument in Harris v. Quinn: Observations of a Labor Lawyer*, American Constitution Society Blog, January 22, 2014

*Harris v. Quinn: Disrupting 75 Years of Labor Law?* American Constitution Society Blog, December 2, 2013

*Union Dues in the Public Sector: Legislative Changes and Legal Challenges*, ILL. PUB. EMP. REL. REP., Vol. 30, Issue 2 (2013)

*Judicial Amendments to the National Labor Relations Act*, Series of 21 essays, Truthout.org, March 28, 2013 – Sept. 12, 2013 (with Ellen J. Dannin)

*Charlotte's fast-food workers have good reason to strike*, The Charlotte Observer, Op/Ed, p. 8A, August 29, 2013

*Senate Compromise on Labor Issues is Possible*, American Constitution Society Blog, July 19, 2013

*Partial Remedy for Governmental Abandonment of Workers' Rights: Confirm Five Members of the NLRB*, American Constitution Society Blog, May 14, 2013

*NLRB Decision Limiting Class Action Waivers Based on Longstanding Precedent*, American Constitution Society Blog, January 17, 2012

*OurBlook Interview on Teacher Unions and School Management*, 2011,  
<http://www.ourblook.com/Future-of-Education/Ann-Hodges-on-Teacher-Unions-and-School-Management.html>

*The Case against Boeing: Why Congressional Interference is Unjustified*, American Constitution Society Blog, June 29, 2011

*Boeing Should Try its Case in Court*, Richmond Times-Dispatch, Op/Ed, June 5, 2011

*EFCA Would Benefit Virginians*, Richmond Times-Dispatch, Op/Ed, p. A-13, Sept. 26, 2009

*Virginians Deserve a Living Wage: Commonwealth Should Follow Maryland's Lead*, Washington Post, Close to Home, p. B8, May 6, 2007

*2007 Professors' Update to Grodin, Malin & Weisberger's Public Sector Employment: Cases and Materials* (with Martin H. Malin and Joseph E. Slater)

*Pending Cases at the NLRB: The Implications for Employers and Unions*, Views and Visions, pp. 14-17 Winter 2007

*Speech of Government Employees*, Encyclopedia of American Civil Liberties (Routledge 2007)

*Disciplining Public Employees for Expressive Activity*, Encyclopedia of American Civil Liberties (Routledge 2007)

*Matters of Public Concern Standard in Free Speech Cases*, Encyclopedia of American Civil Liberties (Routledge 2007)

*Fulfilling the Promise of the National Labor Relations Act: A Review of Taking Back the Workers* Law, 57 Lab. L. J. 176 (2006)

*Weingarten in the Nonunion Workplace: Looking in the Funhouse Mirror*, 53 Lab. L.J. 89 (2002) (with Courtney Mueller Coke & Robert R. Trumble)

*U.S. Supreme Court Round-up, Take 'em to Arbitration: Five Times This Term, Justices Have Stood Up for Integrity of ADR*, Legal Times at 76 (June 25, 2001)

*The Age Discrimination in Employment Act at Thirty*, Education & Practice, Vol. V, No. 2 (Winter 1997)

*Employment Rights of Women with Cancer*, Lex Claudia, Vol. XIII, No. 1 (Fall 1994)

*The Americans With Disabilities Act: A Lawyer's Guide to the Basics*, Lex Claudia, Vol. XII, No. 1 (Summer 1993)

*Application of the Civil Rights Act of 1991 to Pre-existing Claims: The Judicial Dilemma*, 41 Virginia Lawyer 25 (March 1993) (with M. Barsotti)

*The Americans With Disabilities Act and the Civil Rights Act of 1991: Is Your Workplace in Compliance?*, Richmond Law, Vol. 6, No.1 (Winter 1993)

*Sexual Harassment, Intentional Infliction of Emotional Distress and the 1991 Virginia Supreme Court*, Lex Claudia, Vol X, No.2 (Fall 1991)

## **SELECTED PROFESSIONAL PRESENTATIONS**

*Employment Law Update*, National Workshop for District Judges, May 1, 2014

*An Institutional-specific COIL Program: What Would it Take?* 6th COIL Conference: Reimagining Education: Can Collaborative Online International Learning Be Normalized?, State University of New York, March 20, 2014

*Trilogy Redux: Using Arbitration to Rebuild the Labor Movement*, Symposium on The Future of Organized Labor, University of Minnesota, October 2013

Panelist, *The Worker Voice in a New Era of Organizing*, American Constitution Society National Convention, June 2013

*Employment Discrimination Law Update*, Workshop for Judges of the Fourth Circuit, November 2012

*Contemporary Issues of Law in the Workplace*, Virginia Bar Association, Young Lawyers Division, April 2012

Panelist, *Public Employees: Labor Issues in an Era of Economic Recession*, American Association of Law Schools, January 2012

*Southern Solutions for Wisconsin Woes*, Panel on Recent Reforms and The Future of Public Sector Labor Law, Symposium on Public Sector Bargaining: At the Crossroads, University of Toledo, October 2011

*Ethical Considerations for Attorneys Working with Nonprofit Organizations*, Harry L. Carrico Center for Pro Bono Service, University of Richmond School of Law, September 2011

*Lessons from the Nonbargaining States*, Panel on Collective Bargaining: Existing Frameworks and Recent Changes, Symposium on Public Sector Employment in Times of Crisis, September 2011

*Avoiding Legal Seduction: Reinvigorating the Labor Movement to Balance Corporate Power*, Marquette University Law School Labor and Employment Law Symposium,

October 2010

*Fallout From 14 Penn Plaza v. Pyett: Fractured Arbitration Systems in the Unionized Workplace*, University of Missouri Center for the Study of Dispute Resolution Symposium on The Creeping Legalism of Labor Arbitration, October 2009.

*Union Negotiated Arbitration of Statutory Discrimination Claims After 14 Penn Plaza v. Pyett*, Southeastern Association of Law Schools, 62<sup>nd</sup> Annual Meeting, August 2009

*Employee Statutory Claims, Collective Bargaining Agreements, 14 Penn Plaza v. Pyett and Beyond*, AALS Workshop on Work Law, June 2009

*The Cancer Crisis: It's Not Only Medical*, Joining the Race to Conquer Cancer, A Statewide Conference on Cancer sponsored by the Virginia Cancer Plan Action Coalition, November 2008

*Employment Issues and Cancer*, Financial Seminar for Cancer Patients, VCU Massey Cancer Center, October, 2007, November 2008

*A Comparative Analysis of the Law and Practice of Labor Relations in the Public Sector: The Two Extremes - Illinois and Virginia*, The Labor Law Group, June 2006

*Employment Issues After a Breast Cancer Diagnosis*, Teleconference, Virginia Breast Cancer Foundation, March 2006

*Privacy Issues at the Bargaining Table*, New York University 58<sup>th</sup> Annual Conference on Labor, Workplace Privacy: Here and Abroad, Center for Labor and Employment Law, May 2005

*Labor Law*, Union Community Activist Network, Richmond Central Labor Council and United Way of Greater Richmond and Petersburg, May 2005, May 2006

*Forming and Guiding Law-Related Nonprofits*, Virginia State Bar Pro Bono and Access to Justice Conference, May 2005

*Ethical Considerations for Attorneys Working with Nonprofit Organizations*, University of Richmond Institute on Philanthropy and Richmond Bar Association, March 2004

*Labor Law*, National Labor College, September 2003

*Investigatory Interviews: Weingarten Rights and Beyond*, Virginia Labor Studies Center & University of Richmond School of Law, March & April 2002

*Arbitration of Statutory Claims: Mandatory, Permissive or Illegal Subject of Bargaining*, Ohio State Journal on Dispute Resolution Symposium 2000, *Gilmer v. Interstate/Johnson Lane Corporation*: Ten Years After, November 2000

*Arbitration of Statutory Claims, How Viable are ADR Alternatives*, 35<sup>th</sup> Anniversary Conference on Labor Law, NLRB Region 33 and College of Law, University of Illinois, October 1999

*Harassment Law*, Personnel Law Update 1999, Council on Education in Management, April 1999

*The History of Sexual Harassment Under Title IX*, Symposium, Sexual Harassment in the Nineties: The Issue That Won't Go Away, University of Richmond, November 1998

*The Americans With Disabilities Act*, Virginia Labor Studies Center, Virginia Commonwealth University, April 1998

*The Americans with Disabilities Act: The 10 Most Common Disabilities and How to Accommodate Them*, Council on Education in Management, Personnel Law Update, January 1997

*Employment Rights*, Breast Cancer Advocacy Institute, University of Richmond, May 1996

*The Americans with Disabilities Act*, Commonwealth of Virginia, Department of Employee Relations Counselors and Department of Personnel and Training, Training for Human Resource Officers, April 1996

*Contract Administration*, Labor Leadership Conference, Virginia Commonwealth University, Labor Studies Center, June 1995

*Dispute Resolution under the ADA*, Collaborative Approaches: A Conference on Disability, Aging, and Dispute Resolution, American Association of Retired Person, Consortium for Citizens with Disabilities, National Institute for Dispute Resolution and American Bar Association's Section of Dispute Resolution, Commission on Mental and Physical Disability Law and Commission on Legal Problems of the Elderly, March 1995

*Employment Rights*, Linkages: Community Partnerships Advocating for Women with Cancer, May 1994

*Legal Aspects of Hiring and Firing*, Personnel Law Conference, Management Institute, University of Richmond, October 1990 and March 1991

*Statutory Regulation of the Employment Relationship*, Virginia Committee on Continuing Legal Education, May 1990

*Wrongful Discharge*, Personnel Law Conference, Management Institute, University of Richmond, October 1989 and May 1990



*The Theory of Nondelegability in Public Sector Collective Bargaining*, Illinois State Bar Association Annual Meeting, 1987

*Age Discrimination*, Illinois State Bar Association Annual Meeting, 1986

*Collective Bargaining*, Illinois Institute of Continuing Legal Education, Conference on Labor Law, 1984

## **PROFESSIONAL ASSOCIATIONS AND ACTIVITIES**

Member, Consultant Panel on Labor and Employment, Legal Education, ADR, and Problem-Solving (LEAPS) Task Force of the ABA Section of Dispute Resolution's Law Schools Committee, 2011-13

Member, Employment Policy Research Network, Labor and Employment Relations Association, 2013

Co-Editor, Law Newsletter, Labor and Employment Relations Association, 2013-14

Scientific Advisor, E-Journal of International and Comparative Labour Studies, 2011-13

Member, Labor Law Group, 2007- 2013; Editorial Committee, 2011-13

AAUP Legal Defense Fund Governing Board, 2008-13

AALS Section on Labor Relations and Employment Law, Executive Committee, 2007-08

Advisory Board, Virginia Cancer Plan Action Coalition, 2006-10

Nonprofit Advisory Committee, Community Tax Law Project, 2006-13

Virginia Labor Studies Center Advisory Board, 2002-04

Law Columnist, Inside Business, 2001-2002

Editorial Board, Employee Rights and Employment Policy Journal, 1996-2013

Virginia Bar Association, Labor and Employment Law Section, 1990-2013; Academic Liaison, Section Council, 1996-2001

Legal Information Network for Cancer, Co-founder, 1996; Board of Directors, 1996-99, 2006-08; Co-president, 1999; Advisory Council, 2000-03

Consultant, The Americans with Disabilities Act and Alternative Dispute Resolution, Administrative Conference of the United States, 1993-95

Illinois State Bar Association, Labor Law Section, 1982-1988, Labor Law Section Council, 1985-1988; Newsletter Co-Editor, 1986-1988

Alumni Board of Directors, Institute of Labor and Industrial Relations, University of Illinois, 1982-87

American Bar Association, Section of Labor and Employment Law, 1981-2013

## **PRIOR EXPERIENCE**

**Katz, Friedman, Schur & Eagle**, Chicago, Illinois, Attorney, 1981-1988  
Representing major union clients in labor and employment law and litigation, as well as arbitration and collective bargaining negotiations

**National Labor Relations Board**, Region 33, Peoria, Illinois, Field Examiner, 1974 - 1978

## **EDUCATION**

**Northwestern University School of Law**, J.D., 1981  
Order of the Coif; Managing Editor, Northwestern University Law Review; John Henry Wigmore Scholar; Lowden-Wigmore 2d prize for outstanding article published in the Northwestern University Law Review; Research assistant to Professor Stephen B. Goldberg  
**University of Illinois**, M.A., Labor and Industrial Relations, 1974  
**University of North Carolina**, B.S., Industrial Relations, 1973  
Phi Beta Kappa; Sigma Delta Pi, Spanish Honorary Society

## **BAR MEMBERSHIPS**

Supreme Court of Illinois, Admitted 1981

United States Court of Appeals for the Seventh Circuit, Admitted 1985

United States Court of Appeals for the Ninth Circuit, Admitted 1986

United States District Court for the Northern District of Illinois, Admitted 1981

United States District Court for the Central District of Illinois, Admitted 1984