

JEFFREY M. HIRSCH
Associate Professor
University of Tennessee College of Law
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ACADEMIC EXPERIENCE

Vanderbilt University Law School, Nashville, TN Spring 2010
Visiting Associate Professor.

- Will teach Employment Discrimination and Labor Relations Law.

University of Tennessee College of Law, Knoxville, TN 2004-Present
Associate Professor.

- Teach Labor Relations Law, Employment Discrimination, Law of the Workplace, and Federal Courts.
- Received Tenure in Fourth Year of Teaching (2008).
- Received Marilyn V. Yarbrough Faculty Award for Writing Excellence (2007).
- Chair, Southeastern Association of Law Schools' New Scholars Committee.
- Editor, Workplace Prof Blog (http://lawprofessors.typepad.com/laborprof_blog/).
- Judicial Clerkship Advisor.
- Coach, Robert F. Wagner National Labor & Employment Law Moot Court Team.
- Committee Service: Admissions (Currently), Community (Currently Chair), *Geier* Taskforce.

American University,
Washington College of Law, Washington, D.C. 2001-2002
Adjunct Professor.

- Taught required, year-long Legal Rhetoric course to first-year students.

PUBLICATIONS

Articles and Essays

Making Globalism Work for Employees, __ ST. LOUIS UNIVERSITY LAW JOURNAL __ (forthcoming 2010) (invited symposium article).

Revolution in Pragmatist Clothing: Nationalizing Workplace Law, 61 ALABAMA LAW REVIEW __ (forthcoming 2009) (selected for the 2008 Seton Hall Third Annual Employment and Labor Law Scholars' Forum).

Paper Rights or Real Rights?, 157 UNIVERSITY OF PENNSYLVANIA LAW REVIEW PENNUMBRA 45 (2008) (closing Statement in *Workplace Federalism* debate with Paul M. Secunda).

The True Irony of Workplace Law: Less Is More, 157 UNIVERSITY OF PENNSYLVANIA LAW REVIEW PENNUMBRA 33 (2008) (rebuttal in *Workplace Federalism* debate with Paul M. Secunda).

The Law of Termination: Doing More With Less, 68 MARYLAND LAW REVIEW 89 (2008).

Rent-To-Own Unionism?, 94 VIRGINIA LAW REVIEW IN BRIEF 9 (2008).

Taking States Out of the Workplace, 117 YALE LAW JOURNAL POCKET PART 225 (2008).

The Silicon Bullet: Will the Internet Kill the NLRA?, 76 GEORGE WASHINGTON LAW REVIEW 262 (2008).

The Rise and Fall of Private Sector Unionism: What Next for the NLRA?, 34 FLORIDA STATE UNIVERSITY LAW REVIEW 1133 (2007) (with Barry T. Hirsch).

Taking State Property Rights Out of Federal Labor Law, 47 BOSTON COLLEGE LAW REVIEW 891 (2006).

Can Congress Use Its War Powers To Protect Military Employees from State Sovereign Immunity?, 34 SETON HALL LAW REVIEW 999 (2004).

Allowance Trading Under the Clean Air Act: A Model for Future Environmental Regulations?, 7 N.Y.U. ENVIRONMENTAL LAW JOURNAL 352 (1999) (Student Note).

Labor Law Obstacles to the Collective Negotiation and Implementation of Employee Stock Ownership Plans: A Response to Henry Hansmann and Other "Survivalists," 67 FORDHAM LAW REVIEW 957 (1998) (written and accepted while student at NYU).

Books, Book Chapters, and Proceeding Papers

E-Mail and the Rip Van Winkle of Agencies: The NLRB's Register-Guard Decision, in PROCEEDINGS OF THE N.Y.U. 61ST ANNUAL CONFERENCE ON LABOR (Jonathan Nash ed., forthcoming 2010).

PROCEEDINGS OF THE N.Y.U. 57TH ANNUAL CONFERENCE ON LABOR (Editor, forthcoming 2009).

Introduction to Balls or Strikes: Are Economic Weapons Finding the Zone, in REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR, GENDER, AND RACE IN THE 21ST CENTURY (andré douglas pond cummings & Anne Marie Lofaso eds., forthcoming 2009).

Employee Collective Action in a Global Economy, in ENCYCLOPEDIA OF LABOR AND EMPLOYMENT LAW AND ECONOMICS (Kenneth G. Dau-Schmidt, Seth D. Harris & Orly Lobel eds.) (forthcoming 2009), *reprinted in* 6 ICFAI JOURNAL OF EMPLOYMENT LAW 50 (2008).

Standard of Review, in A PRACTITIONER'S GUIDE TO APPELLATE ADVOCACY (Anne Marie Lofaso ed., forthcoming 2009).

UNDERSTANDING EMPLOYMENT LAW (2007) (with Richard A. Bales & Paul M. Secunda).

The NLRA After Seventy Years: What Next?, in PROCEEDINGS OF THE 58TH ANNUAL MEETING, LABOR & EMPLOYMENT RELATIONS ASSOCIATION SERIES 133 (2006) (with Barry T. Hirsch).

Labor Law Obstacles to the Collective Negotiation and Implementation of Employee Stock Ownership Plans, in PROCEEDINGS OF THE N.Y.U. 50TH ANNUAL CONFERENCE ON LABOR 643 (Samuel Estreicher ed., 1998).

WORKS IN PROGRESS

Unjust Dismissal Laws: An International Perspective (Article) (with Sam Estreicher).

Communication Breakdown: Regulating Employee Access To Information (Article).

MASTERING EMPLOYMENT DISCRIMINATION LAW (with Paul M. Secunda).

GLOBAL ISSUES IN LABOR LAW (2nd ed.) (with Sam Estreicher).

Job Tasks and the NLRA's Supervisory Exclusion Rule: An Empirical Assessment of the Supervisory Rule's Impact on Union Density (Article) (with Barry Hirsch).

SELECTED PRESENTATIONS

Communication Breakdown: Regulating Employee Access To Information, AALS Mid-Year Meeting, Workshop on Work Law, Long Beach, CA (forthcoming June 2009).

Collective Action in a Global Workplace, Competition in the Global Workplace: The Role of Law in Economic Markets, St. Louis University School of Law, St. Louis, MO (April 2009).

Collective Action in a Global Workplace, West Virginia University College of Law, Morgantown, WV (February 2009).

State or Federal Workplace Governance?, Third Annual Colloquium on Current Scholarship in Labor & Employment Law, University of San Diego School of Law, San Diego, CA (October 2008).

Regulatory Pragmatism At Work, Seton Hall Third Annual Employment and Labor Law Scholars' Forum, Newark, NJ (October 2008).

Pedagogical Methods for Teaching Labor and Employment Law in the 21st Century, Southeastern Association of Law Schools Conference, Palm Beach, FL (August 2008).

Internet Use in Workplace After the NLRB's Decision in Register-Guard, Law and Technology Committee of the ABA Labor and Employment Section, Chicago, IL (May 2008).

Regulatory Pragmatism in the Workplace, Second Annual Colloquium on Current Scholarship in Labor & Employment Law, University of Colorado Law School & University of Denver, Sturm College of Law, Marquette University Law School, Boulder & Denver, CO (September 2007).

Regulatory Pragmatism in the Workplace: The Law of Termination, Southeastern Association of Law Schools Conference, Amelia Island, FL (July 2007).

Regulatory Pragmatism in the Workplace: The Law of Termination, Faculty Presenter, University of Tennessee College of Law, Knoxville, TN (June 2007).

The Silicon Bullet: Will the Internet Kill the NLRA?, University of Kentucky College of Law, Lexington, KY (April 2007).

Taking State Property Rights Out of Federal Labor Law, Annual Colloquium on Current Scholarship in Labor & Employment Law, Marquette University Law School, Milwaukee, WI (October 2006).

The Rise and Fall of Private Sector Unionism: What Next for the NLRA?, Faculty Presenter, University of Tennessee College of Law, Knoxville, TN (July 2006).

The Rise and Fall of Private Sector Unionism: What Comes Next? (with Barry T. Hirsch), Labor and Employment Relations Association/American Economic Association session "The NLRA After Seventy Years: An Assessment," Boston, MA (January 2006).

Taking State Property Rights Out of Federal Labor Law: A New Paradigm for Union Right-To-Access Cases, Southeastern Association of Law Schools Conference, Hilton Head, S.C. (July 2005).

Taking State Property Rights Out of Federal Labor Law, Faculty Presenter, University of Tennessee College of Law, Knoxville, TN (July 2005).

University of Tennessee BLSA Forum on Affirmative Action, Panelist, University of Tennessee College of Law, Knoxville, TN (February 2005).

EDUCATION

New York University School of Law

Juris Doctor, *cum laude*, 1998

- Co-Editor-in-Chief, *NYU Environmental Law Journal*
- Institute for Judicial Administration Fellow
- ABA/BNA Prize for Excellence in Labor and Employment Law
- Seymour M. Goldstein Prize for Academic Excellence in Labor Relations

College of William and Mary

Thomas Jefferson Program in Public Policy

Masters in Public Policy, 1995

- First in class (out of 15)
- Tang Fellowship (highest award given by Public Policy Program)

University of Virginia

Bachelor of Arts, *cum laude*, in American Government and Economics, 1992

LEGAL EXPERIENCE

National Labor Relations Board, Office of the General Counsel

Appellate Court Branch, Washington, D.C.

2000-2004

Trial Attorney. Briefed and argued cases in the United States Courts of Appeal. Handled all aspects of appellate litigation, including substantive motions and mediation efforts.

Supreme Court Branch, Washington, D.C.

Spring 2003

Attorney, on detail. Wrote brief in opposition to petition for certiorari and memos to the National Labor Relations Board recommending whether to petition the United States Supreme Court for certiorari.

Honorable Robert R. Beezer, United States Court of Appeals for the Ninth Circuit , Seattle, WA <i>Judicial Law Clerk.</i>	1999-2000
Honorable Haldane R. Mayer, United States Court of Appeals for the Federal Circuit , Washington, D.C. <i>Judicial Law Clerk.</i>	1998-1999
Vladeck, Waldman, Elias & Engelhard , New York, N.Y. <i>Clerk.</i> Worked as student law clerk for labor and employment firm.	1997-1998
American Civil Liberties Union, Workplace Rights Project , New York, N.Y. <i>Volunteer.</i>	1995-1996
American Civil Liberties Union of Virginia , Richmond, VA <i>Intern.</i>	Summer 1994

ADMISSIONS AND MEMBERSHIPS

Research Fellow and Recent Graduate Advisor, New York University Center for Labor and Employment Law.

Admitted to the Bar of the State of New York.

Admitted to, or appeared before, the United States Court of Appeals for the Second, Third, Fourth, Fifth, Sixth, Eighth, Ninth, D.C., and Federal Circuits.

REFERENCES

Dean Douglas Blaze
University of Tennessee College of Law
1505 W. Cumberland Ave.
Knoxville, TN 37996

Professor Charles Craver
The George Washington University Law School
2000 H Street, N.W.
Washington, DC 20052

Professor Samuel Estreicher
New York University School of Law
40 Washington Square South, 329
New York, NY 10012