13th Annual Colloquium on Scholarship in Employment and Labor Law

September 27-29, 2018
Agenda

THURSDAY, SEPTEMBER 27
6 - 8:30 p.m.  WELCOME RECEPTION | PERRIN FAMILY LOBBY, SCHOOL OF LAW

FRIDAY, SEPTEMBER 28
6 - 8:30 a.m.  COMPLIMENTARY MADE-TO-ORDER BREAKFAST | INN AT USC

8:45 a.m.  WELCOME REMARKS | JUDGE KAREN J. WILLIAMS COURTROOM
Robert M. Wilcox, Dean, University of South Carolina School of Law

9 a.m.  PLENARY SESSION: JANUS, COLLECTIVE BARGAINING AND LABOR LAW
Matthew Dimick (University of Buffalo School of Law): Law, Labor Movements, and the State
Martin Malin (Chicago-Kent College of Law at Illinois Institute of Technology): After Janus
Joseph Slater (University of Toledo College of Law): After Janus: Against Optimism

10:30 a.m.  BREAK
10:45 a.m.  CONCURRENT SESSION 1
A. SEXUAL HARASSMENT, MeToo MOVEMENT, AND GENDER ISSUES | ROOM 136
Michael Green (Texas A&M University School of Law): Statutory Non-Consent to Sexual Harassment by the Boss
Elizabeth Tippett (University of Oregon School of Law): The Legal Implications of the MeToo Movement
Deborah Widiss (Indiana University Maurer School of Law): Nudging Fathers

B. PREFERENCE ISSUES & AFFIRMATIVE ACTION | ROOM 131
Hina Shah (Golden Gate University School of Law): Radical Reconstruction: (Re)Embracing Affirmative Action in Private Employment
Emily Waldman (Pace Law School): The Preferred Preferences

12:15 p.m.  LUNCH AND DISTINGUISHED SPEAKER, THE HONORABLE RICHARD M. GERGEL
PERRIN FAMILY LOBBY

1:30 p.m.  PLENARY SESSION: TEACHING LABOR AND EMPLOYMENT – USING COURSE SIMULATIONS | ROOM 136
Laura Cooper (University of Minnesota Law School): Capstone Course in Labor and Employment Law
Richard Bales (Ohio Northern University Pettit College of Law): Smaller-Scale Simulations & ADR in the Workplace
Roberto Corrada (University of Denver Sturm College of Law): Teaching with Full Course Simulations
Kenneth Dau-Schmidt (Indiana University Maurer School of Law): Teaching Labor Law as a Simulation: Labor Law I, Inc.

3:30 p.m.  BREAK

3:45 p.m.  CONCURRENT SESSION 2
A. HARASSMENT AND GENDER BIAS IN THE WORKPLACE | ROOM 136
Charlotte Alexander (Georgia State University College of Law): #MeToo Defenses
Ann McGinley (University of Nevada at Las Vegas School of Law): The Masculinity Motivation
Nicole Porter (University of Toledo College of Law): Ending Harassment by Starting with Retaliation

B. ACCOMMODATION QUESTIONS, TRADE SECRETS, & WORKPLACE RISK | ROOM 131
Jennifer Shinall (Vanderbilt Law School): Anticipating Accommodation
Andrew Elmore (University of Miami School of Law): Third-Party Accommodations of Workplace Risk
Jamillah Williams (Georgetown Law): Diversity Trade Secrets
SATURDAY, SEPTEMBER 29

5:15 p.m.  BREAK AND RELAX | INN AT USC

6:15 p.m.  COCKTAIL HOUR | NELSON MULLINS RILEY & SCARBOROUGH LLP, 1320 MAIN ST. 17TH FLOOR
TRANSPORTATION PROVIDED, BUSES WILL RUN FROM 6:15 - 7:15 P.M.

7:15 p.m.  DINNER AND AWARDS CEREMONY | BUSES TO HOTEL WILL RUN FROM 8:30 - 9:30 P.M.

SATURDAY, SEPTEMBER 29

6 - 8:45 a.m.  COMPLIMENTARY MADE-TO-ORDER BREAKFAST | INN AT USC

9 a.m.  CONCURRENT SESSION 3

A. NEW THOUGHTS ON TITLE VII: MCDONNELL DOUGLAS, RELIGION, AND THE BFOQ | ROOM 136
Katie Eyer (Rutgers Law School): The Return of the Technical McDonnell Douglas Paradigm
Dallan Flake (Ohio Northern University Pettit College of Law): Religion as Key to Protecting Transgender Employee from Discrimination
Marcia McCormick (Saint Louis University School of Law): When Is Authenticity Authentic Enough for a BFOQ that Doesn’t Exist?

B. NEW APPROACHES: BARGAINING AND DISPARATE IMPACT | ROOM 131
Roberto Corrada (University of Denver Sturm College of Law): A Proposal to Allow Unionization and Collective Bargaining in Certain NCAA Division I Collegiate Football and Basketball Programs
Michael Oswalt (Northern Illinois University College of Law): Alt-Bargaining
Craig Senn (Loyola University New Orleans College of Law): Reworking Employer Affirmative Defenses in Disparate Impact Cases

10:30 a.m.  BREAK

10:45 a.m.  PLENARY SESSION: EMERGING CONCERNS IN THE WORKPLACE | ROOM 136
Richard Bales (Ohio Northern University Pettit College of Law): A.I. in the Workplace
Llezlie Green Coleman (American University Washington College of Law): Wage Theft in Lawless Court
Sabine Tsuruda (Queen’s University Faculty of Law): Working as Equal Moral Agents

12:45 p.m.  LUNCH AND PLENARY DISCUSSION (TBA) | PERRIN FAMILY LOBBY

2 p.m.  END OF CONFERENCE
THANK YOU ALL VERY MUCH FOR ATTENDING THE SYMPOSIUM THIS YEAR WITH US!

Distinguished Speaker
THE HONORABLE RICHARD M. GERGEL
U.S. District Judge, District of South Carolina

Richard Mark Gergel is a native of Columbia, South Carolina, and is a graduate of Richland School District One public schools. He attended New College, Oxford University and Duke University, where he graduated in 1975 summa cum laude. Judge Gergel attended the Duke University School of Law and graduated in 1979. While at Duke Law School, he was a member of the editorial board of the Duke Law Journal. He was sworn in as a member of the South Carolina Bar in November 1979, initially practicing with the law firm of Medlock and Davis. He subsequently began his own law firm in 1983 and practiced with the firm, Gergel, Nickles and Solomon, until 2010. He was nominated as a United States District Judge by President Barack Obama in December 2009 and was confirmed by a unanimous vote of the United States Senate on August 5, 2010. Judge Gergel presides in the Charleston Federal Courthouse. He has a long-standing interest in the history of his native state and has written a book and numerous articles and book chapters on South Carolina history. He is married to Dr. Belinda Friedman Gergel and they have two sons, Richie and Joseph.