

**MICHAEL H. LeROY**  
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## ACADEMIC APPOINTMENTS

### UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN, SCHOOL OF LABOR AND EMPLOYMENT RELATIONS, AND COLLEGE OF LAW

*LER Alumni Chair*, 2019 – Present; *Professor with Tenure*, 2000 - Present; *Associate Professor with Tenure*, 1994 - 2000; *Assistant Professor*, 1988-1994; Visiting Assistant Professor (Political Science), 1986-1988.

## EDUCATION

UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW, J.D. (1986)  
UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN, M.A. (Political Science, 1983; Labor and Employment Relations, 1981); B.A. (Political Science, 1979, Phi Beta Kappa)

## I. IMPACT OF SCHOLARLY RESEARCH

### A. FEDERAL COURTS

**Johnson et al., Plaintiff Appellees v. National Collegiate Athletic Association, et al., Defendant-Appellants**, 2022 WL 2828262 (Third Circuit), Amicus Curiae Appellate Brief, Prof. Michael H. LeRoy (July 14, 2022).

**U.S. Court of Appeals for the Second Circuit:** *Mulvaney Mechanical, Inc. v. Sheet Metal Workers International Association, Local 38*, 288 F.3d 491, 500 (2d Cir. 2002).

**U.S. Court of Appeals for the Sixth Circuit:** *Raceway Park v. SEIU Local 47*, 167 F.3d 953, 959 (6<sup>th</sup> Cir. 1999).

**U.S. Court of Appeals for the Eighth Circuit:** *Employer's Ass'n, Inc. v. United Steelworkers of America*, 19 F.3d 405, n.1, n.2 (8th Cir. 1994).

**U.S. District Court:** *Schafer v. Multiband Corp.*, 2013 WL 607910 (E.D. Mich. 2013), at \* 7, n.4.

**U.S. District Court:** *Green v. Wyndham Vacation Resorts, Inc.*, 2010 WL 11507353 (M.D.Fla. 2010), at \*4, n. 4.

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**CV for Michael H. LeRoy (September 1, 2022)**

**U.S. District Court:** *Aponte v. Brown & Brown of Florida, Inc.*, 2019 WL 12536008 (M.D. Fla 2019), at \*6, n. 9.

**B. STATE COURT CITATIONS**

**Iowa Supreme Court:** *Baldwin v. City of Estherville*, 915 N.W.2d 259, 288 (2018), (J. Appel, dissenting).

**Mississippi Supreme Court:** *Robinson v. Henne*, 115 So.3d 797, 801 (2013).

**Minnesota Supreme Court:** *Midwest Motor Express v. Local 120, Int'l B'hd of Teamsters*, 512 N.W.2d 881 (1994), at 885, n.2, and 893, n.1

**C. U.S. PRESIDENT**

- Advised the President's Commission on the United States Postal Service in 2003. The bi-partisan Commission adopted my recommendations to Congress for final offer interest arbitration.
- Consulted at the request of the President's Council of Economic Advisers (CEA) on the use of emergency presidential powers in connection with the Taft-Hartley labor dispute involving Pacific Maritime Association and International Longshore and Warehouse Union (October 1 – October 25, 2002). The CEA posed questions about the adverse effects of presidential involvement in 29 previous "Taft-Hartley labor disputes" that were the subject of research in my article, *Death by Lethal Injunction: National Emergency Strikes Under the Taft-Hartley Act and the Moribund Right to Strike*, 43 ARIZONA LAW REVIEW 63 (2001).

**D. U.S. CONGRESS**

- Testified before the full U.S. Senate Committee on Labor and Human Resources (February 12, 1997). Presented my research on work teams at Fortune 500 companies in California, Texas, Illinois, Ohio, Kansas, Vermont, and South Dakota (*Can TEAM Work? Implications of an Electromation and DuPont Compliance Analysis*, 71 NOTRE DAME LAW REVIEW 216 (1996)).

**D. STATE LEGISLATURE**

- Testified before the Nevada Assembly Committee to Conduct an Interim Study Concerning the Use of the Name, Image, and Likeness of a Student Athlete (May 26, 2022). Presented my

research on state NIL laws (*Do College Athletes Get NIL? Unreasonable Restraints on Player Access to Sports Branding Markets*, 2022 UNIVERSITY OF ILLINOIS LAW REVIEW \_\_ (forthcoming, 2022).

## **II. BOOKS**

COLLECTIVE BARGAINING IN SPORTS & ENTERTAINMENT: PROFESSIONAL SKILLS AND BUSINESS STRATEGIES, ASPEN 2014 (sole author).

IMMIGRATION, EMPLOYMENT AND PUBLIC POLICY (in development).

## **III. LAW REVIEW PUBLICATIONS**

[66] “Are College Athletes Employees under the Fair Labor Standards Act? Revealing Comparisons to Strip Club Dancers,” Harvard Journal of Sports and Entertainment Law, Vol. 14, No. 1, pp. \_\_ - \_\_ (2023).

[65] “Do College Athletes Get NIL? Unreasonable Restraints on Player Access to Sports Branding Markets,” University of Illinois Law Review, Vol. 2022, pp. \_\_ - \_\_ (2022) (forthcoming).

[64] “The Professional Labor Market for Teenage Basketball Players: Disruptive Competition to the NCAA’s Amateur Model,” Berkeley Journal of Entertainment and Sports Law, Vol. 11, No. 1, pp. 1-44 (2022) (forthcoming).

[63] “Refusing Work To Avoid Serious Injury or Death: An Empirical Study of Legal Protections Before and During COVID-19,” Pepperdine Law Review, Vol. 49, No. 3 (2021), pp. 1-62 (2021) (forthcoming).

[62] “COVID-19 Protocols for NCAA Football and the NFL: Does Collective Bargaining Produce Safer Conditions for Players?,” Utah Law Review, Vol. 2021, No. 1 (2021), pp. 1029-1077 .

[61] “Harassment, Abuse, and Mistreatment in College Sports: Protecting Players through Employment Laws,” Berkeley Journal of Employment and Labor Law, Vol. 41, No. 2 (2021), pp. 101-147.

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CV for Michael H. LeRoy (September 1, 2022)

[60] “Whitewashing Coaching Racism in NCAA Sports: Enforcing Civil Rights through the Ku Klux Klan Act,” Sports and Entertainment Law Journal, Vol. 10, No. 1 (2020), pp. 55-119.

[59] “The President’s Immigration Powers: Migratory Labor and Racial Animus,” NYU Annual Survey of American Law, Vol. 75, No. 2 (2020), pp. 187-254.

[58] “The Unborn Citizen,” The Georgetown Law Journal Online, Vol. 109 (2019), pp. 118-133.

[57] “The Labor Origins of Birthright Citizenship,” Hofstra Labor and Employment Law Journal, Vol. 37, No. 1 (2019), pp. 118-133.

[56] “Is the ‘Hire American’ Executive Order a Suspect Classification?” William & Mary Bill of Rights Journal, Vol. 28, No. 1 (2019), pp. 97-145.

[55] Michael H. LeRoy, “Targeting White Supremacy in the Workplace,” Stanford Law and Policy Review, Vol. 29, No. 3 (2018), pp. 107-158, republished in Civil Rights Litigation and Attorney Fees Annual Handbook (ed. Steven Saltzman, West Publishing, forthcoming).

[54] Michael H. LeRoy, “Slurred Speech: How the NLRB Tolerates Racism,” Columbia Journal of Race and Law, Vol. 8 (2018), pp. 209-276.

[53] Michael H. LeRoy, “Misclassification under the Fair Labor Standards Act: Court Rulings and Erosion of the Employment Relationship,” University of Chicago Legal Forum, Vol. 2017, pp. 327-345.

[52] Michael H. LeRoy, “Open for Business: Illinois Courts and Party Politics,” Journal of Law and Public Affairs [University of Pennsylvania Law School], Vol. 2, No. 2 (2017), pp. 38-63.

[51] Michael H. LeRoy, “Bare Minimum: Stripping Pay for Independent Contractors in the Share Economy,” William & Mary Journal of Women and the Law, Vol. 23, No. 2 (2017), pp. 249-270.

[50] Michael H. LeRoy, “NCAA Transfer Restraints: Free Agency for College Players?” Nebraska Law Review (Bulletin), Vol. 94, No. 3 (2016), pp. 1-9.

[49] Michael H. LeRoy, “How Courts View Academic Freedom,” Journal of College and University Law, Vol. 42, No. 1 (2016), pp. 1-58.

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CV for Michael H. LeRoy (September 1, 2022)

[48] Michael H. LeRoy, “Courts and the Future of ‘Athletic Labor’ in College Sports,” Arizona Law Review, Vol. 57, No. 2 (2015), pp. 476-521.

[47] Michael H. LeRoy, “#AcademicFreedom: Twitter and First Amendment Rights for Professors,” Notre Dame Law Review Online, Vol. 90, No. 3 (2015), pp. 158-166.

[46] Michael H. LeRoy, “Remedies for Unlawful Alien Workers: One Law for the Native and For the Stranger Who Resides in Your Midst? An Empirical Analysis,” Georgetown Immigration Law Journal, Vol. 28, No. 2 (2015), 623-661.

[45] Michael H. LeRoy, “Death of a Precedent: Should Justices Rethink Their Consensus Norms?” Hofstra Law Review, Vol. 43, No. 2 (2015), 377-415.

[44] Michael H. LeRoy, “How a ‘Labor Dispute’ Would Help the NCAA,” University of Chicago Law Review Dialogue, Vol. 81 (2014), 44-60 (invited).

[43] Michael H. LeRoy, “Overruling Precedent: ‘A Derelict in the Steam of the Law?’” SMU Law Review, Vol. 66, No. 4 (2013), 711- 755.

[42] Michael H. LeRoy, “An Invisible Union for an Invisible Labor Market: College Football and the Union Substitution Effect,” Wisconsin Law Review, Vol. 2012, No. 5 (2012), 1077-1136.

[41] Michael H. LeRoy, “Federal Jurisdiction in Sports Labor Disputes,” Utah Law Review, Vol. 2012, No. 1 (2012), 815-860.

[40] Michael H. LeRoy, “The Narcotic Effect of Antitrust Law in Professional Sports: How the Sherman Act Subverts Collective Bargaining,” Tulane Law Review, Vol. 86, No. 3 (2012), 859-899 [symposium].

[39] Michael H. LeRoy, “Are Arbitrators Above the Law? The ‘Manifest Disregard of the Law’ Standard,” Boston College Law Review, Vol. 52, No. 1 (2011), 137-187.

[38] Michael H. LeRoy, “The New Wages of War— Devaluing Death and Injury: Conceptualizing Duty and Employment in Combat Zones,” Stanford Law & Policy Review, Vol. 22, No. 2 (2011), 217-252.

- [37] Michael H. LeRoy, “Do Partisan Elections of Judges Produce Unequal Results? When Courts Review Employment Arbitrations,” Iowa Law Review, Vol. 95, No. 4 (2010), 1569-1620.
- [36] Michael H. LeRoy, “Irreconcilable Deferences? The Troubled Marriage of Judicial Review Standards under the *Steelworkers Trilogy* and Federal Arbitration Act,” Journal of Dispute Resolution, Vol. 30, No. 3 (2010), 89-110 [symposium].
- [35] Michael H. LeRoy, “The Inequality of Sacrifice— Reducing Moral Hazard for Bailed-Out Homeowners: The Case for Compulsory Community Service,” Journal of Legislation, Vol. 36, No. 3 (2010), 139-172.
- [34] Michael H. LeRoy, “Do Courts Create Moral Hazard? When Judges Nullify Employer Liability in Arbitrations: An Empirical Analysis,” Minnesota Law Review, Vol. 93, No. 3 (2009), 998 - 1057.
- [33] Michael H. LeRoy, “Crowning the New King: The Statutory Arbitrator and the Demise of Judicial Review,” Journal of Dispute Resolution, Vol. 29, No. 3 (2009), 1-55.
- [32] Michael H. LeRoy, “Misguided Fairness? Regulating Arbitration by Statute: Empirical Evidence of Declining Award Finality,” Notre Dame Law Review, Vol. 83, No. 3 (2008), 515-604.
- [31] Michael H. LeRoy & Peter Feuille, “Happily Never After: When Final and Binding Arbitration Has No Fairy Tale Ending,” Harvard Negotiation Law Review, Vol. 2007, No. 2 (2008), 137-210.
- [30] Michael H. LeRoy, “Compulsory Labor in a National Emergency: Public Service or Involuntary Servitude: The Case of Crippled Ports,” Berkeley Journal of Labor and Employment Law, Vol. 28, No. 2 (2007), 331-374.
- [29] Michael H. LeRoy and Peter Feuille, “As the *Enterprise Wheel* Turns: New Evidence on the Finality of Labor Arbitration Awards,” Stanford Law & Policy Review, Vol. 18, No. 3 (2007), 191-232.
- [28] Michael H. LeRoy and Peter Feuille, “Reinventing the *Enterprise Wheel*: Court Review of Punitive Awards in Labor and Employment Arbitrations,” Harvard Negotiation Law Review, Vol. 10, No. 2 (2006), 199-251.

[27] Michael H. LeRoy, “Jury Revival or Jury Reviled? When Employees Are Compelled to Waive Jury Trials,” University of Pennsylvania Journal of Labor and Employment Law, Vol. 7 (2005), 767-796.

[26] Michael H. LeRoy, “*Pox Americana?* Vaccinating More Emergency Doctors for Smallpox— A Law and Economics Approach to Work Conditions,” Emory Law Journal, Vol. 53, No. 1 (Winter 2005), 597-640.

[25] Michael H. LeRoy, “Getting Nothing for Something: When Women Prevail in Employment Arbitration Awards,” Stanford Law & Policy Review, Vol. 16, No. 2 (Spring 2005), 573-601.

[24] Michael H. LeRoy, “From Docks to Doctor Offices After 9/11: Refusing to Work under Abnormally Dangerous Conditions,” Administrative Law Review, Vol. 56, No. 3 (2004), 585-656.

[23] Michael H. LeRoy and Peter Feuille, “The Revolving Door of Justice: Arbitration Agreements That Expand Court Review of an Award,” Ohio State Journal on Dispute Resolution, Vol. 19, No. 3 (2004), 861-924.

[22] Michael H. LeRoy and Peter Feuille, “Judicial Enforcement of Pre-Dispute Arbitration Agreements: Back to the Future,” Ohio State Journal on Dispute Resolution, Vol. 18, No. 2 (2003), 249-342.

[21] Michael H. LeRoy and Peter Feuille, “When Is Cost an Unlawful Barrier to Alternative Dispute Resolution? The Ever Green Tree of Employment Arbitration,” UCLA Law Review, Vol. 50, No. 1 (2002), 143-203.

[20] Michael H. LeRoy and Peter Feuille, “Private Justice in the Shadow of Public Courts: The Autonomy of Workplace Arbitration Systems,” Ohio State Journal on Dispute Resolution, Vol. 17, No. 1 (2001), 19-93.

[19] Michael H. LeRoy and John H. Johnson IV, “Death by Lethal Injunction: National Emergency Strikes Under the Taft-Hartley Act and the Moribund Right to Strike,” Arizona Law Review, Vol. 43 (2001), 63-134.

[18] Michael H. LeRoy, “Creating Order Out of CHAOS and Other Partial and Intermittent Strikes,” Northwestern University Law Review, Vol. 95, No. 1 (2000), 221-270.

[17] Michael H. LeRoy, “Institutional Signals and Implicit Bargains in the ULP Strike Doctrine: Empirical Evidence of Law as Equilibrium,” Hastings Law Journal (University of California), Vol. 51, No. 1 (2000), 171-230.

[16] Michael H. LeRoy, “Employee Participation in the New Millennium: Redefining a Labor Organization under Section 8(a)(2) of the NLRA,” Southern California Law Review, Vol. 72, No. 6 (1999), 1651-1723.

[15] Michael H. LeRoy and Wallace Hendricks, “Should ‘Agricultural Laborers’ Continue to Be Excluded from the National Labor Relations Act?” Emory Law Journal, Vol. 48, No. 3 (1999), 489-546.

[14] Michael H. LeRoy, “Farm Labor Contractors and Agricultural Employers as Joint Employers under the Migrant and Seasonal Agricultural Worker Protection Act: An Empirical Public Policy Analysis,” Berkeley Journal of Employment and Labor Law, Vol. 19, No. 2 (1998), 175-228.

[13] Michael H. LeRoy, “‘Dealing with’ Employee Involvement in Nonunion Workplaces: Empirical Research Implications for the TEAM Act and *Electromation*,” Notre Dame Law Review, Vol. 72 (1997), 31-82.

[12] Michael H. LeRoy, “Lockouts Involving Replacement Workers: An Empirical Public Policy Analysis and Proposal to Balance Economic Weapons under the NLRA,” Washington University Law Quarterly, Vol. 74, No. 4 (1996), 981-1059.

[11] Michael H. LeRoy, “Presidential Regulation of Private Employment: Constitutionality of Executive Order 12,954 Debarment of Contractors Who Hire Permanent Striker Replacements,” Boston College Law Review, Vol. 37 (1996), 229-302.

[10] Michael H. LeRoy, “Severance of Bargaining Relationships During Permanent Replacement Strikes and Union Decertifications: An Empirical Analysis and Proposal to Amend Section 9(c)(3) of the NLRA,” U.C. Davis Law Review, Vol. 28 (1996), 1019-1086.

[9] Michael H. LeRoy, “Can TEAM Work? Implications of an *Electromation* and *DuPont* Compliance Analysis,” Notre Dame Law Review, Vol. 71 (1996), 216-266.



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**CV for Michael H. LeRoy (September 1, 2022)**

- [8] Michael H. LeRoy, “Employer Treatment of Permanently Replaced Strikers, 1935-1991: Public Policy Implications,” Yale Law & Policy Review, Vol. 13 (1995), 1-43.
- [7] Michael H. LeRoy, “Regulating Employer Use of Permanent Striker Replacements: Empirical Analysis of NLRA and RLA Strikes, 1935-1991,” Berkeley Journal of Employment and Labor Law, Vol. 16 (1995), 169-208.
- [6] Michael H. LeRoy, “Employer Domination of Labor Organizations and the Electromation Case: An Empirical Public Policy Analysis,” The George Washington Law Review, Vol. 61 (1993), 301-344.
- [5] Michael H. LeRoy, “The Mackay Radio Doctrine of Permanent Striker Replacements and the Minnesota Picket Line Peace Act: Questions of Preemption,” Minnesota Law Review, Vol. 77 (1993), 843-869.
- [4] Michael H. LeRoy, “Changing Paradigms in the Public Policy of Striker Replacements: Combination, Conspiracy, Concert, and Cartelization,” Boston College Law Review, Vol. 34 (1993), 257-307.
- [3] Michael H. LeRoy, Joshua Schwarz, and Karen Koziara, “The Law and Economics of Collective Bargaining for Hospitals: An Empirical Public Policy Analysis of Bargaining Unit Determinations,” Yale Journal on Regulation, Vol. 9 (1992), 1-71.
- [2] Michael H. LeRoy, “Strike Crossovers and Striker Replacements: An Empirical Test of the NLRB’s No-Presumption Policy,” Arizona Law Review, Vol. 33 (1991), 291-335.
- [1] Michael H. LeRoy and Peter Feuille, “The Steelworkers Trilogy and Grievance Arbitration Appeals: How Federal Courts Respond,” Industrial Relations Law Journal (University of California-Berkeley School of Law), Vol. 13 (1991), 78-120.

**IV. PEER REVIEWED PUBLICATIONS IN SOCIAL SCIENCE JOURNALS**

- [23] Michael H. LeRoy, “Revisiting Debt and Labor— Bailouts for Homeowners: Can the U.S. Compel Public Service in Exchange for Debt Relief?” Proceedings of the Sixty-Second Annual Meeting of the Labor and Employment Research Association, Vol. 62 (2010), 237-246.
- [22] Michael H. LeRoy and Peter Feuille, “Waiving Goodbye to Gilmer? Early Signs of

Repatriating Employment Disputes to Courts,” Proceedings of the Fifty-Eighth Annual Meeting of the Labor and Employment Research Association, Vol. 58 (2006), 238-252.

[21] Michael H. LeRoy, “The Power to Create or Obstruct Employee Voice: Does U.S. Public Policy Skew Employer Preference for ‘No Voice’ Workplaces?” Socio-Economic Review, Vol. 5, No. 3 (Fall 2005).

[20] Michael H. LeRoy and Peter Feuille, “Short Circuiting *Circuit City*? Empirical Measures of Judicial Enforcement of Mandatory Employment Arbitration,” Proceedings of the Fifty-Fifth Annual Meeting of the Industrial Relations Research Association, Vol. 55 (2003), 274-282.

[19] Michael H. LeRoy, “The NLRA’s ‘No-Man’s Land’ in Partial and Intermittent Strikes: Research and Policy Implications,” Proceedings of the Fifty-Fourth Annual Meeting of the Industrial Relations Research Association, Vol. 54 (2002), 203-210.

[18] Michael H. LeRoy and Peter Feuille, “Private Justice and Public Policy: Whose Voice Prevails?” Proceedings of the Fifty-Fourth Annual Meeting of the Industrial Relations Research Association, Vol. 54 (2002), 219-232.

[17] Michael H. LeRoy and Peter Feuille, “Final and Binding, But Appealable to Courts: Empirical Evidence of Judicial Review of Labor and Employment Arbitration Awards,” Proceedings of the 54<sup>th</sup> Annual Meeting of the National Academy of Arbitrators, Vol. 54 (2002), 49-87.

[16] Michael H. LeRoy, “The Formation and Administration of Labor Policy by the NLRB: Evidence from Economic and ULP Strike Rulings,” Journal of Labor Research, Vol. 22 (2001), 723-737.

[15] Michael H. LeRoy, “Is the NLRB Still Relevant? A Performance Review,” Journal of Labor Research, Vol. 23 (2001), 781-794.

[14] Michael H. LeRoy, “NLRB Rulings on Unfair Labor Practice and Economic Strikes: Empirical Evidence of Consistency,” Proceedings of the Fifty-Second Annual Meeting of the Industrial Relations Research Association, Vol. 52 (2000), 114-120.

[13] Michael H. LeRoy, “Are Employers Constrained in the Use of Teams by Section 8(a)(2) of the National Labor Relations Act?” Journal of Labor Research, (1999), 53-71.

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CV for Michael H. LeRoy (September 1, 2022)

- [12] Michael H. LeRoy, "Lengthening Duration of Permanent Replacement Strikes: Public Policy Implications," Proceedings of the Forty-Ninth Annual Meeting of the Industrial Relations Research Association, Vol. 49 (1997), 219-225.
- [11] Michael H. LeRoy, "The PATCO Strike: Myths and Realities," Proceedings of the Forty-Ninth Annual Meeting of the Industrial Relations Research Association, Vol. 49 (1997), 15-22.
- [10] Michael H. LeRoy, "The Changing Character of Strikes Involving Permanent Striker Replacements," Journal of Labor Research, Vol. 16, No. 4, 423-437 (1995).
- [9] Michael H. LeRoy, "State of the Unions: Assessment by Elite American Labor Leaders," Journal of Labor Research, Vol. 13, No. 4 (Fall 1992), 371-379.
- [8] Michael H. LeRoy, "A Multivariate Analysis of Unionized Employees' Propensity to Cross Their Union's Picket Line," Journal of Labor Research, Vol. 13, No. 3, (1992), 285-291.
- [7] Michael H. LeRoy, "Discriminating Characteristics of Union Members' Attitudes Toward Drug Testing in the Workplace," Journal of Labor Research, Vol. 12, No. 4, (Fall 1991) 453-466.
- [6] Peter Feuille, Michael H. LeRoy and Timothy Chandler, "What Happens When Arbitration is Not the End of the Road?" Proceedings of the Forty-Third Annual Meeting of the Industrial Relations Research Association, Volume 43 (1991), 406-415.
- [5] Michael H. LeRoy, "The Presence of Drug Testing in the Workplace and Union Member Attitudes," Labor Studies Journal, Vol. 16, No. 3 (Fall 1991), 33-42.
- [4] Michael H. LeRoy, "The 1988 Elections: Re-Emergence of the Labor Bloc Vote?" Labor Studies Journal, Vol. 15, No. 1 (Spring 1990), 5-32.
- [3] Peter Feuille and Michael H. LeRoy, "Grievance Arbitration Appeals in the Federal Courts," Arbitration Journal, Vol. 45, No. 1 (March 1990), 35-47.
- [2] Michael H. LeRoy, "Drug Testing in the Public Sector: Union Member Attitudes," Journal of Collective Negotiations in the Public Sector, Vol. 19, No. 4 (October 1990), 35-47.
- [1] Peter Feuille, Michael H. LeRoy, and Timothy Chandler, "Judicial Review of Arbitration Awards: Some Evidence," Labor Law Journal, Vol. 41, No. 8 (August 1990), 477- 484.

**V. BOOK CHAPTERS**

[7] Michael H. LeRoy, “Will Legal Challenges to NFL Arbitrations Deflate the Trilogy?” in Proceedings of New York University Sixty-Ninth Annual National Conference on Labor (Samuel Estreicher, ed., 2017), forthcoming.

[6] Michael H. LeRoy, “What Do NLRB Cases Reveal About Non-Union Employee Representation Groups? A Typology from of Post-Electromation Cases,” Voice and Involvement at Work (P. Gollan, B. Kaufman, D. Taras, and A. Wilkinson, eds., Routledge, 2014).

[5] Michael H. LeRoy, “Due Process Rights for Public Employees Charged with Workplace Violence,” Preventing and Managing Violence in the Workplace (Chicago, IL: American Bar Association, 2008), 96-118.

[4] Michael H. LeRoy, “Do Employee Participation Groups Violate Section 8(a)(2) of the National Labor Relations Act? An Empirical Analysis,” in Banff Conference on Nonunion Employee Representation (Bruce E. Kaufman and Daphne Gottlieb Taras, eds. 1999), 287-306.

[3] Michael H. LeRoy, “Employee Involvement Programs and Section 8(a)(2): A Survey of Employer Practices,” in Proceedings of New York University Fiftieth Annual National Conference on Labor (Samuel Estreicher, ed., 1998), 141-176.

[2] Michael H. LeRoy, “The Path of the Law and the Future of Employee Involvement in Workplace Teams,” in Research in Personnel and Human Resources Management (Gerald R. Ferris and Kendrith M. Rowland, eds., 1998), 295-330.

[1] Michael H. LeRoy and James Schultz, “The Legal Context of Human Resource Management: Conflict, Confusion, Cost, and Constructive Change,” in Handbook of Human Resources Management (Gerald R. Ferris ed., 1995), 143-158.

**VI. INVITED OR REFEREED CONFERENCE PRESENTATIONS**

[36] “Harassment, Abuse, and Mistreatment in College Sports: Protecting Players through Employment Laws,” University of California-Berkeley Law School Symposium, Players at Work: Litigating Employee Justice in Sports (March 6, 2020), Berkley, CA.

[35] “Judicial Review of Labor Arbitration Awards: The Impact of State Decriminalization of Marijuana,” **Chicago Kent Law School 35<sup>th</sup> Annual Illinois Public Sector Labor Relations Law Conference** (November 15, 2019), Chicago, IL.

[34] “Do Workers Win or Lose in the Gig Economy?,” **George Mason University Law School 16<sup>th</sup> Annual Symposium, The Changing Nature of Work and the Economics of Employment in the 21<sup>st</sup> Century, Journal of Law, Economics & Policy** (November 8, 2019), Fairfax, VA.

[33] “The Origins of Birthright Citizenship,” **Cornell ILR Symposium, Labor and the U.S. Constitution: Past, Present and Future** (September 27, 2019), New York, NY.

[32] “Whites versus Indians: Is the ‘Hire American’ Preference in Executive Order 13,788 Constitutional?” NYU Law School, **NYU Journal of Law & Liberty Symposium, Freedom versus Fairness: The Tension between Free Market and Populist Ideals in Labor** (Feb. 27, 2018), New York, NY).

[31] “Misclassification under the Fair Labor Standards Act: Court Rulings and Erosion of the Employment Relationship,” University of Chicago Law School, **Law and the Disruptive Workplace** (Nov. 5, 2016), Chicago, IL.

[30] “Will Legal Challenges to NLFIL Arbitrations Deflate the Trilogy?” **New York University Sixty-Ninth Annual National Conference on Labor**, (June 2, 2016), New York, NY.

[29] “Crossroads for College Football: Unionization, Union Substitution, or Antitrust?” **4<sup>th</sup> Annual Conference for Labor Entertainment & Sports: An Interdisciplinary Inquiry**, UCLA Institute for Research for Labor and Employment, (April 17, 2015), Beverly Hills, CA.

[28] “Litigation in Professional and Collegiate Sports: An Invisible Union for an Invisible Labor Market,” University of Chicago, Booth School of Business, **4<sup>th</sup> Annual Conference for the Media, Sports Entertainment Group** (November 15, 2013), Chicago, IL.

[27] “What Do NLRB Cases Reveal About Non-Union Employee Representation Groups? A Typology from Post-*Electromation* Cases,” **Proceedings of the Sixty-Fifth Annual Meeting of the Labor and Employment Research Association**, June 6, 2013, St. Louis, MO.

[26] “Federal Jurisdiction in Sports Labor Disputes,” **University of Chicago, Booth School of Business, 3<sup>rd</sup> Annual Conference for the Media, Sports Entertainment Group** (Feb. 15, 2013), Chicago, IL.

[25] “The New Wages of War— Devaluing Death and Injury: Conceptualizing Duty and Employment in Combat Zones,” *Stanford Law School* (symposium presentation), January 22, 2011.

[24] “The New War Labor Paradigm: Civilians Who Work Like Soldiers and Soldiers Who Work Like Civilians— How to Compensate for Death and Injuries?” *Proceedings of the Sixty- Third Annual Meeting of the Labor and Employment Research Association*, January 6, 2011, Denver, CO.

[23] “Do Courts Create Moral Hazard? When Judges Nullify Employer Liability in Arbitrations: An Empirical Analysis,” *Quinnipiac-Yale Dispute Resolution Workshop*, Yale Law School, April 19, 2010, New Haven, CT.

[22] “Revisiting Debt and Labor— Bailouts for Homeowners: Can the U.S. Compel Public Service in Exchange for Debt Relief?” *Proceedings of the Sixty-Second Annual Meeting of the Labor and Employment Relations Research Association*, January 5, 2010, Atlanta, GA.

[21] “Irreconcilable Deferences? The Troubled Marriage of Judicial Review Standards under the *Steelworkers Trilogy* and Federal Arbitration,” *The Creeping Legalism of Labor Arbitration*, Center for Dispute Resolution (University of Missouri School of Law, Oct. 9, 2009), Columbia, MO.

[20] “An Enigma in a Puzzle: Empirical Analysis of Court Review of Employment Arbitration Awards” with Peter Feuille, *Proceedings of the Sixtieth Annual Meeting of the Labor and Employment Relations Research Association*, January 6, 2008, New Orleans, LA.

[19] “Compulsory Labor in a National Emergency: Public Service or Involuntary Servitude: The Case of Crippled Ports,” *Fresh Ideas Series*, University of Michigan (October 12, 2006).

[18] “Waiving Goodbye to *Gilmer*? Early Signs of Repatriating Employment Disputes to Courts,” *Proceedings of the Fifty-Eighth Annual Meeting of the Labor and Employment Research Association*, with Peter Feuille (January 8, 2006), Boston, MA.

[17] “Short-Circuiting *Circuit City*? Empirical Measures of Judicial Enforcement of Mandatory Arbitration,” with Peter Feuille, *Proceedings of the Fifty-Fourth Annual Meeting of the Industrial Relations Research Association*, January 6, 2003, Washington, D.C.

[16] “The NLRA’s ‘No-Man’s Land’ in Partial and Intermittent Strikes: Research and Policy Implications,” *Proceedings of the Fifty-Fourth Annual Meeting of the Labor and Employment Relations Research Association*, January 5, 2002, Atlanta, GA.

[15] “Private Justice and Public Policy: Whose Voice Prevails?” *Proceedings of the Fifty-Fourth Annual Meeting of the Industrial Relations Research*, January 5, 2002, Atlanta, GA.

[14] “Final and Binding, but Appealable to Courts: Empirical Evidence of Judicial Review of Labor and Employment Arbitration Awards,” with Peter Feuille, *Proceedings of the 54<sup>th</sup> Annual Meeting of the National Academy of Arbitrators* (May 28, 2001), Atlanta, GA.

[13] “The Formation and Administration of Labor Policy by the NLRB: Evidence from Economic and ULP Strike Rulings,” *Seventh Bargaining Group Conference*, hosted by Michigan State University at Lansing, MI, May 11, 2000.

[12] “NLRB Rulings on Unfair Labor Practice and Economic Strikes: Empirical Evidence of Consistency,” presented at *Proceedings of the Fifty-Second Annual Meeting of the Industrial Relations Research Association*, Boston, MA, Jan. 8, 2000.

[11] “Collective Bargaining in Chat Rooms and In Person: A Comparative Analysis,” presented at the *Conference on Innovative Teaching in Human Resources and Industrial Relations*,” Georgia State University W.T. Beebe Institute of Personnel and Employment Relations, Atlanta, Georgia, June 11, 1999.

[10] “The Future of the American Labor Movement,” presented at GTE’s *Chance of a Lifetime Conference for HR Managers*, GTE World Headquarters, Hidden Ridge, Irving, Texas March 24, 1999.

[9] “Can *United Mind Workers* Work in Illinois? Public Policy Impediments to Change,” keynote research paper presented at the *O’Leary Conference on Educational Organization and Leadership*, Allerton Park, University of Illinois, Oct. 2, 1998.

[8] “At the Threshold of Compliance: Is the NLRA’s Definition of a Section 2(5) Labor Organization Too Broad?” *Sixth Bargaining Group Conference*, hosted by Institute of Labor and Industrial Relations, University of Illinois at Urbana-Champaign, May 2, 1998.

[7] “Employer Freedom in Using Teams under Section 8(a)(2) of the NLRA: Survey Evidence from Management Attorneys,” to be presented at the *Conference on Nonunion Forms of*

***Employee Representation***, John M. Olin Institute of Employment Practice and Policy and the Industrial Relations Group at the University of Calgary, The Banff Centre for Conferences, Banff, Alberta, September 3, 1997.

[6] “Employee Involvement Programs and Section 8(a)(2) of the National Labor Relations Act: A Survey of Employer Practices,” at ***Employee Representation in the Emerging Workplace: Alternatives/Supplements to Collective Bargaining***, New York University 50th Annual Conference on Labor, New York, New York, May 29, 1997.

[5] “Lengthening Duration of Permanent Replacement Strikes: Public Policy Implications,” presented at the ***Proceedings of the Forty-Ninth Annual Meeting of the Industrial Relations Research Association***, New Orleans, Louisiana, January 4, 1997.

[4] “The PATCO Strike: Myths and Realities,” presented at the ***Proceedings of the Forty-Ninth Annual Meeting of the Industrial Relations Research Association***, January 4, 1997, New Orleans, Louisiana.

[3] “Does Section 9(c)(3) of the NLRA Promote Union Decertification During Permanent Replacement Strikes,” presented at the ***Conference on Collective Bargaining and Public Policy at the Center for Labor Policy***, Humphrey Institute of Public Affairs and the Industrial Relations Center, Carlson School of Management, University of Minnesota, Minneapolis, Minnesota, October 11, 1996.

[2] “Effective Strategies for Teaching Employment Law,” presented at the ***Conference on Innovative Teaching in Human Resources and Industrial Relations***,” Georgia State University W.T. Beebe Institute of Personnel and Employment Relations, Atlanta, Georgia, June 7, 1996.

[1] “Labor Disputes in Decatur: A Research Perspective,” presented at the ***Industrial Relations Research Association Midwest Conference***, St. Louis, Missouri, May 2, 1996.

## **VII. EXCELLENCE IN TEACHING**

**2022.** University of Illinois Campus Honors Program (CHP) King Broadrick-Allen Teaching Award

**2017.** LER Faculty Excellence Teaching Award



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**CV for Michael H. LeRoy (September 1, 2022)**

**2013.** University of Illinois Student Senate Teaching Excellence Award, honoring five campus wide faculty members who were selected from more than 600 nominees

**2010.** LER Faculty Excellence Teaching Award

**2003.** ILIR Faculty Excellence Teaching Award

**1999.** ILIR Faculty Excellence Teaching Award

**1991.** Vice-Chancellor's Teaching Scholar, University of Illinois, highest campus award for an assistant professor, based on excellence in research and teaching

UIUC "List of Teachers Ranked as Excellent by Their Students" one or more courses, 1994-2022.

**VIII. SERVICE TO CAMPUS AND COLLEGE UNITS**

- **Campus Chair**, UIUC Athletic Board (2017, 2018).
- **Campus Chair**, UIUC Task Force on Academic Integrity (2009-10; 2010-11; 2011-12).
- **Campus Chair**, UIUC Stewarding Excellence Committee to Review Police Training Institute (2009-10).
  - **Campus Chair**, UIUC Task Force for Revising Academic Code (2010-2012).
  - **Campus Chair**, UIUC Senate Budget Committee (2016-2017; 2018-2022).
  - **Campus Committee Member**, UIUC Athletic Board (2014-2018; 2018-2022).
- **Campus Search Committee Member**, Director of News Bureau Search Committee (2013-14).
- **Campus Committee Member**, UIUC Campus Budget Oversight Committee (2016-2017; 2018-2022).
- **Campus Committee Member**, UIUC Campus Budget Reform Steering Committee (2016-2017; 2018-2020; 2021-2022).
- **Campus Committee Member**, UIUC Senate Campus Budget Committee (2015-2016).
- **Campus Committee Member**, UIUC Professional Graduate Studies, Curriculum and Degrees (1997-98).
  - **Campus Member**, Faculty Senate (2013-14); (2014-15)
  - **Campus Member**, Senate Committee on Student Discipline (2014-15; 2015-2016)
  - **Campus Search Committee Member**, Dean of the College of Law (2007-08; 2008-09).
  - **Campus Search Committee Member**, Dean of the School of Labor and Employment Relations (2005-06).

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- **Campus Member**, Conflict of Commitment/Conflict of Interest (1998-99; 1999-2000; 2000-01; 2001-02; 2002-03; 2003-04; 2004-05; 2005-06; 2006-07; 2007-08; 2008-09; 2009-10; 2012-13).
- **Campus Member**, Affirmative Action Committee (1998-99; 1999-2000; 2000-01; 2001-02; 2002-03; 2003-04; 2004-05; 2005-06; 2006-07; 2007-08).
- **Campus Discrimination/Harassment Intake Officer/Grievance Officer** (1998-99; 1999-00; 2000-01; 2001-02; 2002-03; 2003-04).
- **Campus Due Process Hearing Officer** (*ex rel. Doe v. University of Illinois*), 2010-11.
- **Campus**, Senate Committee on Student Discipline (2014-15):
- **Chair, Admissions and Financial Aid, School of Labor and Employment Relations** (1994-2022, continuously).
  
- **Executive Committee, Institute of Labor and Industrial Relations [renamed School of Labor and Employment Relations]** (1994-95; 1995-96; 1996-97; 1999-00; 2001-02; 2005-06; 2007-08; 2008-09; 2009-10; 2011-2012; 2012-13).
- **Chair, Academic Affairs, Institute of Labor and Industrial Relations** (1996-97; 1997-98; 1998-99; 1999-2000; 2000-01).
- **Chair, Ad Hoc Promotion Committee, Institute of Labor and Industrial Relations** (1999-2000; 2000-01; 2005-2006).
- **Member, Ad Hoc Promotion Committee, School of Labor and Employment Relations** (2013-14).
- **Member, Faculty Search Committee, Institute of Labor and Industrial Relations [renamed School of Labor and Employment Relations]** (1995-96; 1996-97; 1997-98; 1998-99; 2001-02; 2002-03; 2006-07; 2008-09; 2009-10).

**X. NATIONAL MEDIA**

**TV and Radio**

C-SPAN (45 minute segment), <http://www.c-spanvideo.org/program/298352-4>  
Marketplace Business,  
<http://www.marketplace.org/topics/business/risksremainamerican-despite-ceo-apology>  
New York Times  
Washington Post  
KCBS, San Francisco (frequent contributor)  
CNN News  
National Business Week  
National Public Radio

**Online Media**

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Mother Jones, <http://www.motherjones.com/northwestern-college-football-unionization-loss>,  
<http://www.motherjones.com/mojo/2014/02/ncaa-football-union-northwestern>

Inside Higher Ed, <http://www.insidehighered.com/news/2014/01/29/long-road-ahead-northwestern-athletes-move-unionize>

The Verge, <http://www.theverge.com/2014/1/31/5364378/can-nfl-survive-football-concussion-crisis>

Salon,

[http://www.salon.com/2013/01/28/is\\_the\\_outrageous\\_exploitation\\_of\\_college\\_athletes\\_coming\\_to\\_an\\_end\\_partner/singleton/](http://www.salon.com/2013/01/28/is_the_outrageous_exploitation_of_college_athletes_coming_to_an_end_partner/singleton/)

Forward Passing, <http://forwardpassing.com/2013/04/12/kevin-ware-and-collective-bargaining-in-college-athletics/> **Print**

**(Recent)**

New York Times (April 28, 2017), [https://www.nytimes.com/2017/04/27/sports/football/from-combine-to-draftnflprospects-are-treated-like-pieces-of-meat.html?\\_r=0](https://www.nytimes.com/2017/04/27/sports/football/from-combine-to-draftnflprospects-are-treated-like-pieces-of-meat.html?_r=0)

The Atlantic (April 10, 2017), <https://www.theatlantic.com/business/archive/2017/04/biometric-trackingsports/522222/>

**New York Times** (July 28, 2015),

[http://www.nytimes.com/2015/07/29/sports/football/tombradys-four-game-suspension-is-upheld.html?mwrsm=Facebook&fb\\_ref=Default&\\_r=0](http://www.nytimes.com/2015/07/29/sports/football/tombradys-four-game-suspension-is-upheld.html?mwrsm=Facebook&fb_ref=Default&_r=0)

**New York Times** (June 25, 2014), at

[http://www.nytimes.com/2014/06/26/sports/football/nfl-makes-open-ended-commitment-to-retirees-in-concussion-suit.html?hp&action=click&pgtype=Homepage&version=HpSum&module=second-column-region&region=top-](http://www.nytimes.com/2014/06/26/sports/football/nfl-makes-open-ended-commitment-to-retirees-in-concussion-suit.html?hp&action=click&pgtype=Homepage&version=HpSum&module=second-column-region&region=top-news&WT.nav=topnews)

[news&WT.nav=topnews](http://www.nytimes.com/2014/06/26/sports/football/nfl-makes-open-ended-commitment-to-retirees-in-concussion-suit.html?hp&action=click&pgtype=Homepage&version=HpSum&module=second-column-region&region=top-news&WT.nav=topnews)

Paul M. Barrett, “When Students Fight the NCAA in Court, They Usually Lose,”

**Businessweek** (July 2, 2014), <http://www.businessweek.com/articles/2014-07-02/when-students-fight-the-ncaa-incourtthey-usually-lose>

**USA Today** (Aug. 17, 2015): <http://www.usatoday.com/story/sports/college/2015/08/17/northwestern-union-votenlrbfootball/31647545/>

**Reuters** (Aug. 17, 2015): <http://www.reuters.com/article/2015/08/18/usa-football-college-idUSL1N10T2F120150818>

“Study: NCAA Wins More Than 70% of Athlete Lawsuits,” **Inside Higher Ed** (July 8,

2014), at <http://www.insidehighered.com/quicktakes/2014/07/08/study-ncaa-wins-more-70-athlete-lawsuits#ixzz37HkzhdDS>

Andrew Keh, “Smashing a Ceiling and a Lot of Egos,” **New York Times** (Aug. 18,

2014), [http://www.nytimes.com/2014/08/17/sports/basketball/michele-roberts-nba-unions-new-leader-confronts-genderbarriers.html?\\_r=0](http://www.nytimes.com/2014/08/17/sports/basketball/michele-roberts-nba-unions-new-leader-confronts-genderbarriers.html?_r=0)

**Print (International)**

The Asian Wall Street Journal

The Evening Standard (London, U.K.)

Helsingin Sanomat (Finland’s Largest Daily Newspaper)

Uno Mas Uno (Mexico’s Largest Daily Newspaper)

**Print (National)**

The Wall Street Journal

New York Times

National Law Journal

Forbes

Reuters

Phoenix Dispatch

Marketplace Business

San Francisco Chronicle

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U.S. News & World Report  
Newsweek  
Newsday  
Chicago Tribune

Dallas Morning News  
Rocky Mountain News  
The Los Angeles Times  
Daily Labor Report (BNA)