

## Michael Conrad Harper

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Boston University School of Law  
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### EMPLOYMENT

2002-Present	Barreca Labor Relations Scholar and Professor of Law, Boston University School of Law  (Recent Subjects: Labor Law; Employment Discrimination Law; Employment Law; Law & Sports; Civil Procedure; Administrative Law).
Fall 2006	Visiting Professor of Law, New York University (Employment Law; Law & Sports)
2005-2006	Visiting Professor of Law, Harvard University (Law & Entertainment; Employment Law)
1985-Present	Professor of Law, Boston University School of Law.
1985-1986	Visiting Professor of Law, University of Michigan.
1978-1984	Associate Professor of Law, Boston University School of Law.
1975-1978	Staff Attorney and Director of Student Internship Program, Center for Law and Social Policy, Washington, D.C.
1974-1975	Associate Attorney, Baker & Daniels, Indianapolis, IN.
1973-1974	Law Clerk to the Honorable J. Skelly Wright, U.S. Court of Appeals, District of Columbia Circuit.
2001-	Reporter, ALI, Restatement of the Law, Employment Law (principal drafter of Chapters 1, 4 and 6).

### EDUCATION

Law School	Harvard University, 1973 J.D. magna cum laude; Law Review, Volumes 85 and 86, Supreme Court Note and Note Editor, runner-up for Review President; Permanent Class Secretary.
College	Harvard, 1970 A.B., Economics, A Average, Phi Beta Kappa.

## BOOKS

Labor Law, Seventh Edition, with Samuel Estreicher, 1243 pp. (2011) Wolters Kluwer Pub.

Labor Law, Selected Statutes, Forms and Agreements, with Samuel Estreicher, 278 pp. (2011) Wolters Kluwer Pub.

2011 Supplement to Cases and Materials on Employment Discrimination and Employment Law, Third Edition, with Samuel Estreicher, 284 pp. (2011) Thomson West

Employment Discrimination and Employment Law, Third Edition, with Samuel Estreicher, 1220 pp. (2008) Thomson West

Employment Discrimination Law, Third Edition, with Samuel Estreicher, 736 pp. (2008) Thomson West

Employment Law, Third Edition, with Samuel Estreicher, 627 pp. (2008) Thomson West

Statutory Supplement to Employment Discrimination and Employment Law, with Samuel Estreicher, 507 pp. (2008) Thomson West

Teacher's Manual for Labor Law, Fourth Edition, with Samuel Estreicher, (1996) Little Brown Pub.

The Law Governing the Employment Relationship, Second Edition, with Samuel Estreicher, 962 pp. (1992), West Pub.

Teacher's Manual For The Law Governing the Employment Relationship, with Samuel Estreicher, 268 pp. (1990), West Pub.

## LEGAL ARTICLES AND ESSAYS

Eliminating the Need for Caps on Title VII Damage Awards: The Shield of *Kolstad v. American Dental Association*, 14 N.Y.U. J. of Legis. & Pub. Pol. 477-509 (2011)

A Gap in the Agenda: Enhancing the Regulation of Age Discrimination in Employment, Proceedings of the New York University 62<sup>nd</sup> Annual Conference on Labor, ch. 14, pp. 601-635, Wolters Kluwer (2011) also presented to the United States Commission on Civil Rights, 2010.

A New Board Policy on Deferral to Arbitration: Acknowledging and Delimiting Union Waiver of Employee Statutory Rights, 5 FIU L. Rev. 685-715 (2010)

The Causation Standard in Federal Employment Law: *Gross v. FBL Services, Inc.*, and the Unfulfilled Promise of the Civil Rights Act of 1991, 58 Buff. L. Rev. 69-145 (2010)

Judicial Control of the National Labor Relations Board's Lawmaking in the Age of *Chevron* and *Brand X*, 89 B. U. L. Rev. 189-250 (2009)

Burlington and Faragher: Federal Common Lawmaking for the Modern Age, in Employment Discrimination Stories (with Joan Flynn) (2006)

A Framework for the Rejuvenation of the American Labor Movement, 76 Ind. L.J. 103-133 (2001), reprinted as Ch. 30 of Proceedings of New York University's 52<sup>nd</sup> Annual Conference on Labor (2000).

Employer Liability for Harassment Under Title VII, 36 San. D. L.Rev. 41-86 (1999).

Answering the Title VII Agency Question: A Policy Basis for Faragher and Ellerth, Ch. 10 of Proceedings of New York University 51<sup>st</sup> Annual Conference on Labor (1999).

The Continuing Relevance of Section 8(a) (2) to the Contemporary Workplace, 97 Mich. L. Rev. 700-761 (1998).

The Provision of Capital and Collective Bargaining Responsibilities, Ch. 4 Proceedings of New York University 50<sup>th</sup> Annual Conference on Labor (1998).

Defining the Economic Relationship Appropriate for Collective Bargaining, 39 B.C.L. Rev. 329-364 (1998).

Multiemployer Bargaining, Antitrust Law and Team Sports: The Contingent Choice of a Broad Exemption, 38 William and Mary L. Rev. 1663-1728 (1997).

ADEA Doctrinal Impediments to the Fulfillment of the Wirtz Report Agenda, 31 University of Richmond L. Rev. 757-793 (1997).

The Tort/Crime Distinction, Comment, 76 B.U.L. Rev., 23-29 (1996).

Age Based Incentives, Coercion, and the Prospective Waiver of ADEA Rights: The Failure of the Older Worker's Benefit Protection Act, 79 Virginia L. Rev. 1271-1244 (1993).

Limiting Section 301 Preemption; Three Cheers For the Trilogy, Only One For Lingle And Lueck, 66 Chi. Kent L. Rev, Symposium, 685-752 (1990).

Reconciling Collective Bargaining with Employee Supervision of Management, 137 University of Pennsylvania Law Review 1-95 (1988).

The Scope of the Duty to Bargain Concerning Business Transformations, in Labor Law and Business Change (Estreicher and Collins, eds.) (1988).

The Case For Limiting Judicial Review of Labor Board Certification Decisions, 55 George Washington Law Review 262-324 (1987).

Fair Representation As Equal Protection, (with Ira C. Lupu) 98 Harvard Law Review 1211-1283 (1985).

The Consumer's Emerging Right to Boycott, NAACP v. Clairborne Hardware, and the Implications for American Labor Law, 93 Yale Law Journal 409-454 (1984).

Leveling the Road from Borg-Warner to First National Maintenance: The Scope of

Mandatory Bargaining, 68 Virginia Law Review 1447-1503 (1982), republished in Corporate Counsel's Annual-1993, p. 679.

The Exercise of Executive Discretion, 34 Administrative Law Review 559-592 (1982).

A Fresh Approach to Board Deferral to Arbitration, 4 Industrial Relations Law Journal 680-704 (1981).

Union Waiver of Employee Rights Under the NLRA, 4 Industrial Relations Law Journal 335-389 (1981).

Note, Business Executive's Move for Vietnam Peace v. FCC, 85 Harvard Law Review 689 (1972).

#### SELECTED ADMINISTRATIVE POSITIONS – BOSTON UNIVERSITY

Chair, JD Committee, 2003 - 2006

University Promotion and Tenure Committee, 1999

Chair, Appointments Committee, 1991-1993, 1995-1996

Chair, Tenure and Promotions Committee, 1989-1991, 2009-2012

Chair, Placement Committee, 1982-1985

Chair, Faculty Workshop Committee, 1990-1991

Delegate to the University Faculty Council, 1990-1993

#### REPRESENTATIVE RELATED ACTIVITIES

2011                    Lecturer, Symposium, The Constitutionalization of Labor and Employment Law, University of Wisconsin

2011                    Lecturer, Annual Conference of AFL-CIO Lawyers, San Diego

2010                    Reviewer, Jotwell, Work Law Blog

2010                    Panelist, U. S. Commission on Civil Rights, Session on "Age Discrimination in Employment in the Current Economic Crisis"

2010                    Lecturer, Symposium, Whither the Board? The National Labor Relations Board at 75, Florida International University College of Law

2009                    Lecturer, Annual Conference on Labor and Employment Law Scholarship, Seton Hall

2007                    Lecturer, NLRB-Department of Labor, New England Bar Associations, Labor Law Conference

2007 Lecturer, National Labor Relations Board, National Conference for Board Attorneys, Washington D.C.

2006 Lecturer, Labor and Employment Law Conference, University of Louisville

2005 Lecturer, Training Conference for State Court Judges, New York University

1985 - 2006 Lecturer, Trade Union Program, Harvard University

2001 Lecturer, Training Conference for Arbitrators and Mediators, New York University

1999 Lecturer, Symposium on Regulating Employment Relationship, Indiana University

1998; 2001 Lecturer, Federal Judicial Center Workshop on Employment Law, New York University

1997 Lecturer, Sports in American Society, Brown University

1997; 1998; 2009 Lecturer, New York University National Conference on Labor.

1997 Lecturer, University of Richmond Conference on Age Discrimination

1992; 2000; 2001 Lecturer, Massachusetts Bar Association, Labor and Employment Law Conference

1983-1984 Massachusetts Governor's Commission on Workmen's Compensation

1980-1984 Research Associate, Boston University Regional Institute on Employment Policy