

ANDREW ELMORE

Professor of Law & Barreca Labor Relations Scholar
Boston University School of Law
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PROFESSIONAL APPOINTMENTS

Boston University School of Law

Professor of Law & Barreca Labor Relations Scholar

Jan. 2025 – present

Teaching: Labor Law, Torts, Employment Discrimination Law

Service: Appointments Committee, Judicial Panel

University of Miami School of Law

Professor

2023 – 2024

Associate Professor

2018 – 2023

Teaching: Torts, Employment Law, Labor Law, Covid-19: Lawyering in a Pandemic (employment law unit of seminar and experiential project).

Service:

University of Miami School of Law: Appointments Committee (2023-2024, 2019-2020); Clerkship Committee (2022-2023); Admissions Committee (2020-2022); Ad Hoc Educator Faculty Committee (Spring 2019); Academic Standards Committee (Fall 2018).

University of Miami: Faculty Senate, Member; Faculty Senate General Welfare Committee, Alternate (2022-2024, 2019-2020).

New York University School of Law

Acting Assistant Professor of Lawyering

2015 – 2018

Teaching: year-long experiential course for first-year law students encompassing legal reasoning; legal research and writing; ethics; interviewing witnesses and clients; counseling; mediation; negotiation; oral argument.

Service: Oral Argument Committee (Chair: 2016-2017, Committee 2015-2016).

Columbia School of Law, Lecturer-in-Law

2013 – 2014

Cardozo School of Law, Adjunct Professor

2011 – 2012

Co-designed and co-taught seminars on public-sector lawyering in the public interest through affirmative enforcement of labor, civil rights, consumer protection and related laws for student externs in the New York Attorney General's Social Justice Division.

LEGAL EXPERIENCE

New York Office of the Attorney General, Labor Bureau, Section Chief

10/10 – 6/15

Trained and managed team of attorneys handling high-volume and complex affirmative wage-and-hour-law litigation and investigations in low-wage sectors, including restaurants, transportation, and construction.

Directed state-wide civil enforcement initiative in fast food sector.

New York Office of the Attorney General, Civil Rights Bureau

11/06 – 10/10

Section Chief, Assistant Attorney General

Led affirmative pattern or practice investigations of and litigation against employers for violation of civil rights laws. Received Lefkowitz award for outstanding initiative requiring employers and credit reporting agencies to reform hiring and reporting policies for applicants with criminal records.

Chambers of the Hon. Nicholas G. Garaufis, Eastern District of New York

9/05 – 10/06

Law Clerk

The Legal Aid Society of New York, *Skadden Fellow, Staff Attorney*

8/02 – 5/05

Founded city-wide employment law practice for low-wage and immigrant workers by providing legal representation, including in state and federal court, for employment law matters. Designed and taught simulation-based curriculum to train community organization staff to assist low-wage immigrants with workplace complaints. Led administrative advocacy campaign to improve language access in and wage-and-hour-law enforcement by New York State Department of Labor.

Brennan Center for Justice, *Legal Extern*

8/01 – 12/01

American Civil Liberties Union National Office, *Legal Intern*

5/01 – 8/01

Asian Pacific American Legal Center, *Legal Extern*

8/00 – 12/00

Make the Road New York, *Legal Intern*

5/00 – 8/00

EDUCATION

UCLA School of Law, Los Angeles, California

J.D., May 2002, Program in Public Interest Law and Policy

Honors: Order of the Coif

UCLA Law Review, Editor

Benjamin Aaron Award (most outstanding student published scholarship)

Foundation of the State Bar of California Exceptional Merit Award (outstanding academic achievement and commitment to public service)

Activities: Workers Justice Project (pro bono employment law services), Founder and Co-President

Swarthmore College, Swarthmore, Pennsylvania

B.A. with Distinction, History, June 1995

ACADEMIC PUBLICATIONS

Power and Mobility in Temp Work, 51 B.Y.U. L. REV. __ (forthcoming 2025).

Presuming Justice for Temp Workers, 67 WILLIAM & MARY L. REV. __ (with Kati L. Griffith and Sachin S. Pandya) (forthcoming 2025).

Confronting Structural Inequality in State Labor Law, 83 MD. L. REV. 1192 (2024) ([link](#)).

Mobilizable Labor Law, (with Scott Cummings) 99 IND. L.J. 127 (2023) ([link](#)).

Labor's New Localism, 95 S. CAL. L. REV. 253 (2021) ([link](#)).

Regulating Mobility Limitations in the Franchise Relationship as Dependency in the Joint Employment Doctrine, 55 UC DAVIS. L. REV. 1227 (2021) ([link](#)).

Franchisor Power as Employment Control, (with Kati L. Griffith) 109 CAL. L. REV. 1317 (2021) ([link](#)).

- Peer reviewed at Jotwell.com as “a valuable and comprehensive take on a longstanding problem in work law” that “offers ready applicability to other types of labor relationships,” by conveying “exactly why franchisors ought to be held responsible for so much of what occurs in their franchisees’ businesses . . . because the franchisees themselves are deeply vulnerable vis-à-vis their lead firms.” ([link](#)).

Labor Redemption in Work Law, 11 UC IRVINE L. REV. 287 (2020) ([link](#)).

The State Qui Tam to Enforce Employment Law, 69 DEPAUL L. REV. 357 (2020) ([link](#)) (invited contribution to 25th Annual Clifford Symposium on Tort Law and Social Policy, *Rising Stars: A New Generation of Scholars Looks at Civil Justice*).

Franchise Regulation for the Fissured Economy, 86 GEO. WASH. L. REV. 907 (2018) ([link](#)).

- Peer reviewed at Jotwell.com as “an important and superb piece” and recommends that “scholars and lawmakers . . . examine . . . the possibility of approaching franchisor liability in the way set forth by this groundbreaking paper.” ([link](#)).
- Republished in SHARING THE GAINS OF THE U.S. GLOBAL ECONOMY (2021) (Estreicher & Garden, eds.).

Collaborative Enforcement, 9 N.E.U. L. REV. 72 (2018) ([link](#)).

The Future of Fast Food Governance, 165 U. PA. L. REV. ONLINE 73 (2017) ([link](#)).

Civil Disabilities in an Era of Diminished Privacy: A Disability Approach for the Use of Criminal Records in Hiring, 64 DEPAUL L. REV. 991 (2015) ([link](#)).

Egalitarianism and Exclusion: US Guest Worker Programs and A Non-Subordination Approach to Admitting Nonprofessional Foreign Nationals, 21 GEO. IMMIGR. L.J. 521 (2007) ([link](#)).

State Joint Liability Laws and Pro Se Back Wage Claims in the Garment Industry: A Federalist Approach to a National Crisis, 49 UCLA L. REV. 395 (2001) ([link](#)).

PUBLIC EDUCATION AND POLICY PAPERS

Comment, The Standard for Determining Joint Employer Status, National Labor Relations Board (December 6, 2022) (with Kati L. Griffith and Sachin S. Pandya), *cited in Standard for Determining Joint-Employer Status*, 88 FED. REG. 73,946 (Oct. 27, 2023) (codified at 29 C.F.R. pt. 103) ([link](#)).

Rebooting Joint-Employer with Presumptions – A Modest Proposal, ONLABOR (July 7, 2022) (with Kati L. Griffith and Sachin S. Pandya) ([link](#)).

Six Reactions to Viking River v. Moriana, LPE PROJECT BLOG (June 29, 2022) (contributing author) ([link](#)).

Op-Ed: A Bad Rule Lets Fast-Food Chains Off The Hook for Workers’ Rights, L.A. Times (March 9, 2020) (with K. Griffith) ([link](#)).

Strategic Leverage: Use of State and Local Laws to Enforce Labor Standards in Immigrant-Dense Occupations, Migration Policy Institute Paper 2018 (with M. Chishti) ([link](#)).

Living Wages and Communities: Smarter Economic Development, Lower than Expected Costs, Brennan Center for Justice, (2003), *reprinted in LIVING WAGE MOVEMENTS: GLOBAL PERSPECTIVES* (Deborah Figart, ed., Routledge 2004) ([link](#)).

ACADEMIC PRESENTATIONS

Ending Temp Agency Deception, Law & Society Association Conference, Denver, Colorado (presenter and chair/discussant, June 2024)

Temporary Staffing Agencies in Low-wage Work: A Joint Employer Business Model, Colloquium on Scholarship in Employment and Labor Law, University of Minnesota Law School, Minneapolis, MN (October 2023)

Confronting Structural Inequality in State Labor Law, State and Local Government Works in Progress Conference, Northwestern School of Law, Chicago, IL (October 2023)

Overcoming Managerial Domination, Law & Society Association Conference, San Juan, Puerto Rico (presenter and discussant, June 2023)

Employment, Labor, and Immigration Panel, University of Miami Law Review Symposium, An Unequal Burden: Environmental Justice and the Climate Crisis, Miami, FL (moderator) (February 2023)

Overcoming Managerial Domination, Movements on the Ground: A Colloquium on Social Movements and State and Local Law, University of Miami School of Law, Miami, FL (presenter and organizer) (November 2022)

Labor Law and Democracy in the States, Colloquium on Scholarship in Employment and Labor Law, Nashville, TN (October 2022)

Mobilizable Labor Law, Law & Society Association Conference, Lisbon, Portugal (June 2022)

Labor's New Localism, University of Miami School of Law Legal Theory Workshop, Miami, FL (November 2021)

Living Wage to The Fight for \$15: Mobilizing Wage Mandates to Build Local Labor Law, Colloquium on Scholarship in Employment and Labor Law, Nashville, TN (October 2021)

Employer Control Through Mobility Restraints, Law & Society Association Conference, Chicago, IL (June 2021)

Monopsony Power and Joint Employment, Employer Power at Work: A Colloquium on Labor, Employment & Antitrust Law, University of Miami School of Law, Miami, FL (presenter and co-organizer) (January 2021)

Vertical Restraints and Joint Employment, Colloquium on Scholarship in Employment and Labor Law, Las Vegas, NV (October 2020)

Labor's New Localism, State and Local Government Works in Progress Conference (September 2020)

Alt-Labor Localism, 2020 Southeastern Association of Law Schools Conference, Boca Raton, FL (August 2020)

The Control is in the Power: Ending the Safe Harbor for Fast-Food Franchisors, Colloquium on Scholarship in Employment and Labor Law, Las Vegas, NV (October 2019)

The Right to Redemption, 2019 Southeastern Association of Law Schools Conference, Boca Raton, FL (August 2019)

State Qui Tam Statutes to Enforce Employment Law after Epic Systems, 25th Annual Clifford Symposium on Tort Law and Social Policy, *Rising Stars: A New Generation of Scholars Looks at Civil Justice*, DePaul Law Review, Chicago, IL (April 2019)

The Right to Redemption, AALS Emerging Voices in Workplace Law, New Orleans, LA (January 2019)

Third-Party Accommodations of Risk, Colloquium on Scholarship in Employment and Labor Law, Columbia, SC (October 2018)

Collaborative Enforcement and the Conflicts of Localism, Fordham Urban Law Journal Symposium, New York NY (February 2018)

Franchise Regulation for the Fissured Economy, NYU Lawyering Scholarship Colloquium, New York University School of Law, New York, NY (August 2017)

Collaborative Enforcement, 2017 Southeastern Association of Law Schools Conference, Boca Raton, FL (August 2017)

Franchise Regulation for the Fissured Economy, Law & Society Association Conference, Mexico City, Mexico (June 2017)

Franchise Regulation for the Fissured Economy, 2017 NYU Annual Conference on Labor, New York University School of Law, New York, NY (June 2017)

Collaborative Enforcement, AALS Emerging Voices in Workplace Law, San Francisco, CA (January 2017)

Collaborative Enforcement, Colloquium on Scholarship in Employment and Labor Law, Seattle, WA, (October 2016)

AFFILIATIONS

Bar Admissions: Southern District of New York (2003); Eastern District of New York (2003); New York State (2002) (retired)

Association of American Law Schools, *Chair-Elect, Labor Relations and Employment Law Section*

Law & Society Association, *Member (Labor Rights)*