The required text is Cox, Bok, Gorman & Finkin, Labor Law: Cases and Materials (13th ed, 2001). However, there are a number of other source materials available in the Library that you might find helpful. These are:

1. Hardin, The Developing Labor Law (with supplements). This is a comprehensive treatment of the subject produced and updated annual by the Labor & Employment Law Section of the American Bar Association.


In addition, for those of you that have a sincere interest in becoming Employment Lawyers, you might want to read (for pleasure and amusement) the following works by well-known labor lawyers:

1. Which Side Are You On? By Tom Geoghegan, a Union-side attorney

2. Confessions of a Union Buster by Martin Leavitt, a Management labor lawyer.

Since the Collective Bargaining field, as part of Employment Law generally, is so dynamic and subject literally to daily change, the Instructor will distribute additional lecture notes and materials either manually or by be posting on the Course Website/Homepage. These should be considered mandatory readings that will enable students to participate in the resulting class discussions.

The class is essentially composed to two segments. The first is the traditional reading assignments, lectures and class discussion. The second will be series of “Master Classes,” featuring a series of guest speakers who are very special resources in their respective fields, various aspects of the collective bargaining process. On those occasions when guest speakers are going to presenting course materials, a reasonable number of students are invited, prior to the class, to have lunch with the guest lecturers. These luncheons, at the expense and invitation of the instructor, are normally held at the Fairways dining room of The Washington Duke Hotel.
The course grade will be determined by (1) an short written examination consisting of ten fill-in questions and one essay question; and (2) a paper which should be approximately ten (10) pages in length covering a subject cogent to the subject of collective bargaining. A non-mandatory list of paper subjects will be prepared and distributed by the Instructor. The date for the final examination will be the date designated by the Law School. The term papers will be due as of the close of business on December 31, 2005, unless extended for good cause. Term papers may be submitted by mail or email. IF E-MAIL IS USED, THE E-MAIL ADDRESS IS: siegela@arentfox.com. DO NOT USE THE DUKE LAW SCHOOL E-MAIL ADDRESS.

The assigned readings for the course are as follows:

AUGUST:


30 The National Labor Relations Board (NLRB) and its role in the selection of a collective bargaining agent and in governing the collective bargaining process. Assigned readings: 87-114;

SEPTEMBER:

6 The Duty to Bargain; When does the obligation to bargain arise? When is an employer legally required to recognize and deal with a designated bargaining representative? Rights and obligations of the parties during the collective bargaining process. What does "good faith mean?" Strikes and Lockouts Associated with the Bargaining Process. Assigned readings: 115-185;

13 The collective bargaining process; rules and techniques of bargaining; the Federal Mediation and Conciliation Service (FMCS); EEO implications; binding arbitration; public sectors aspects; and subjects for collective bargaining (i.e., "Mandatory versus permissive" subjects for bargaining). Assigned readings: 427-487

20 Administration and enforcement of the collective bargaining agreements, including examination of the areas of: grievance procedures; just cause, discharge and discipline; public policy considerations; and information requests. Assigned readings: 712-806

27 Guest Lecturer: Mr. Marchel Smiley
Secretary-Treasurer
Local Union 722
Service Employees International Union
Washington, D.C.


OCTOBER:

4 Arbitration and its role in the collective bargaining process; judicial intervention in the process and the function of the National Labor Relations Board in arbitration issues. Assigned reading: 806-871

11 SEMESTER BREAK – NO CLASS

18 (a) Judicial review of arbitration awards; judicial enforcement of arbitration agreements and awards; enforcement of "no strike" pledges and agreements not to "lockout. Assigned Readings: 746-806

(b) "Management rights;" "zipper"/waiver clauses; union security provisions in collective bargaining agreements, including right-to-work regulations and “Beck Rights.” 384-427-

25 The impact of Wal-Mart and outsourcing on the collective bargaining process Assigned Readings: To be distributed in advance by the Instructor

NOVEMBER


8 Guest Lecturer: Lawrence Z. Lorber, Esquire
Partner, Proskauer Rose Law Firm
Prominent Practitioner in the areas of Civil Rights and Employment Rights Legislation
Inter alia Employment Counsel to the U.S. House of Representatives
Washington, DC

Subject: The impact of Title VII of the Civil Rights Act of 1964 and similar legislation on the bargaining process, such as Family & Medical
Leave Act (FMLA); Americans with Disabilities Act (ADA); Age Discrimination laws (ADEA etc) and ERISA on the collective bargaining process. Readings to be supplied by the Instructor.

Guest Lecturers:
Honorable Robert J. Battista
Chairman of the National Labor Relations Board
Washington, D.C.
and
Marshall B. Babson, Esquire
Partner, Hughes, Hubbard & Reed
New York, NY
Former Member of the National Labor Relations Board
Prominent Management Labor & Employment Lawyer
and
Patrick J. Szymanski, Esquire
General Counsel,
International Brotherhood of Teamsters
Washington, D.C.

Subject:
Should there be Legislative or Administrative Revisions to Current National Labor Relations Policy? A Candid Assessment from All Sides of the Fence
Readings to be supplied by the Instructor

Guest Lecturer:
Herbert Fishgold, Esquire
Washington, D.C.
Prominent Arbitrator and Mediator
Former General Counsel, Federal Mediation and Conciliation Service (FMCS)

Subject:
How the Arbitration Process Really Works;
Arbitration Advocacy and How to Become an Arbitrator
Readings to be supplied by the Instructor

The Significance and impact of the recent withdrawal of four major unions from the AFL-CIO. Assigned Readings: To be supplied by the Instructor

DECEMBER
Date to be announced
FINAL EXAMINATION
31
DEADLINE FOR SUBMISSION OF TERM PAPERS

Send to:
PLEASE NOTE: Term papers must be postmarked no later than December 31, 2005, unless an extension is granted by the instructor for good cause shown. Term papers may be sent by email. HOWEVER, USE ONLY THE E-MAIL ADDRESS SHOWN BELOW. DO NOT SEND THE PAPER TO THE DUKE LAW SCHOOL EMAIL ADDRESS OR TO THE LAW SCHOOL. THE PAPERS MUST BE SENT TO MY OFFICE IN WASHINGTON, EITHER BY MAIL, TELECOPY OR ELECTRONIC MAIL.

Should you have any questions, call the instructor collect at the following numbers. You may do this freely at any time during the course.

Telephone: 202-857-6237
Telecopier: 202-857-6395
E-Mail: siegela@arentfox.com