

# DENNIS R. NOLAN

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## Curriculum Vitae

### Education:

**Legal:** J.D., 1970, Harvard Law School.

**Graduate:** M.A. (American History), 1974, University of Wisconsin-Milwaukee.

**Under-Graduate:** A.B. (Government), 1967, Georgetown University

### Employment:

Proprietor, Arbitration & Mediation Services

University of South Carolina, Columbia, South Carolina  
Distinguished Professor of Law and Webster Professor of Labor Law Emeritus (since 2008);  
Various other titles, 1974-2008

University of Sydney, New South Wales, Australia  
Visiting Professor of Law (1996)

University of Otago, Dunedin, New Zealand  
Fulbright Research Scholar (1989)

George Washington University, Washington, DC  
Visiting Professor of Law (1987-88)

University College Galway, Galway, Ireland  
Fulbright Visiting Professor of Law (1981-82)

University of Washington, Seattle, Washington  
Visiting Associate Professor of Law (1979-80)

Foley & Lardner, Milwaukee, Wisconsin  
Associate Attorney (1970-71, 1973-74)

Department of the Army, Washington, DC  
Legal Advisor to the Deputy Under Secretary for International Affairs (1971-73)

### **Professional Activity:**

- Member, Presidential Board of Inquiry on the Work Stoppage in the West Coast Ports (2002)
- American Arbitration Association and Federal Mediation and Conciliation Service Panels of Arbitrators
- Association of American Law Schools Section on Labor Relations and Employment Law (Chair, 1990-91)
- International Society for Labor and Social Security Law (U.S. National Executive Board, 1995-present)
- Labor Law Group Trust (Executive Committee, 2002 - present)
- National Academy of Arbitrators (President, 2006-07)
- South Carolina Bar, formerly Associate Member (founder and first chair, Section on Labor and Employment Law)
- Wisconsin Bar

### **Academic Activities:**

Among the courses I taught were Administrative Law, Alternative Dispute Resolution, ADR in Employment American Legal History, Collective Bargaining and Labor Arbitration, Comparative Labor Law, Contracts, Employment Discrimination, Individual Employment Law, Irish Labour Law, Jurisprudence, Labor and Employment Arbitration Workshop, Labor Law, Labor Law History, Labor Law Problems, and Public Sector Labor Relations.

### **Public Lectures and Seminars:**

I have lectured widely in this country and abroad, including delivery of papers and participation in professional seminars at La Trobe, Melbourne, Monash and Sydney Universities (Australia); Durham, Leeds, Leicester, London, and Newcastle Universities (England); the University of Athens (Greece); Queen's University Belfast, Trinity College Dublin, University College Dublin, and University College Galway (Ireland); and Auckland, Canterbury, Otago, and Victoria Universities (New Zealand).

### **Publications:**

#### **Books:**

- (1) LABOR ARBITRATION LAW AND PRACTICE IN A NUTSHELL (West Publishing Company 1979)
- (2) READINGS IN THE HISTORY OF THE AMERICAN LEGAL PROFESSION, editor and contributor (Michie Bobbs-Merrill Company, Inc. 1980).

- (3) LABOR ARBITRATION: A COURSEBOOK (West Publishing Company 1994) (with Laura Cooper).
- (4) THE NATIONAL ACADEMY OF ARBITRATORS: FIFTY YEARS IN THE WORLD OF WORK (BNA Books, paperback, 1997; hardbound, 1998) (with Gladys Gruenberg and Joyce Najita).
- (5) THE AUSTRALASIAN LABOUR LAW REFORMS: AUSTRALIA AND NEW ZEALAND AT THE END OF THE TWENTIETH CENTURY, editor and contributor (Sydney, New South Wales, Australia: Federation Press 1998).
- (6) ADR IN THE WORKPLACE (West Group 2000); Second Edition (Thompson West 2005) (both with Laura Cooper and Richard Bales).
- (7) LABOR AND EMPLOYMENT ARBITRATION IN A NUTSHELL (West Group 1998). Second Edition (Thomson West 2007).
- (8) Heinsz, Nolan & Bales, LABOR LAW: COLLECTIVE BARGAINING IN A FREE SOCIETY (West, Sixth Edition, 2009); STATUTORY SUPPLEMENT TO LABOR LAW: COLLECTIVE BARGAINING IN A FREE SOCIETY (West, Sixth Edition, 2009); and TEACHER'S MANUAL TO LABOR LAW" COLLECTIVE BARGAINING IN A FREE SOCIETY (West, Sixth Edition, 2009) (all with Timothy Heinsz and Richard Bales).

#### **Articles and Chapters:**

- (1) *The Effect of the Revolution on the Bar: The Maryland Experience*, 62 VIRGINIA LAW REVIEW 969 (1976).
- (2) *Sir William Blackstone and the New American Republic: A Study of Intellectual Impact*, 51 NEW YORK UNIVERSITY LAW REVIEW 731 (1976). An earlier version of this article was published in 6 The Political Science Reviewer 283 (1976).
- (3) *Textile Unionism in the Piedmont, 1901-1932*, in ESSAYS IN SOUTHERN LABOR HISTORY 48 (Gary M. Fink and Merl E. Reed, eds., Greenwood Press, 1977) (with Donald Jonas).
- (4) *Public Employee Unionism in the Southeast: The Legal Parameters*, 29 SOUTH CAROLINA LAW REVIEW 235 (1978).
- (5) *Public Sector Collective Bargaining: Defining the Federal Role*, 63 CORNELL LAW REVIEW 419 (1978).

- (6) *Improving NLRB Unfair Labor Practice Procedures*, 57 TEXAS LAW REVIEW 47 (1978) (with Richard Lehr).
- (7) *The Common Law of the Labor Agreement: Vacations*, 5 INDUSTRIAL RELATIONS LAW JOURNAL 603 (1983) (with Roger Abrams).
- (8) *American Labor Arbitration: The Early Years*, 35 UNIVERSITY OF FLORIDA LAW REVIEW 373 (1983) (with Roger Abrams).
- (9) *Subcontracting Disputes in Labor Arbitration: Productive Efficiency Versus Job Security*, 15 UNIVERSITY OF TOLEDO LAW REVIEW 7 (1983) (with Roger Abrams).
- (10) *Resolving Holiday Pay Disputes in Labor Arbitration*, 33 CASE WESTERN RESERVE LAW REVIEW 380 (1983) with Roger Abrams).
- (11) *American Labor Arbitration: The Maturing Years*, 35 UNIVERSITY OF FLORIDA LAW REVIEW 557 (1983) (with Roger Abrams).
- (12) *Buying Employees' Time: Guaranteed Pay Under Collective Agreements*, 35 SYRACUSE LAW REVIEW 867 (1984) (with Roger Abrams).
- (13) *Time at a Premium: The Arbitration of Overtime and Premium Pay Disputes*, 45 OHIO STATE LAW JOURNAL 837 (1984) (with Roger Abrams).
- (14) *The Labor Arbitrator's Several Roles*, 44 MARYLAND LAW REVIEW 873 (1985) (with Roger Abrams), reprinted at 8 MONTANA ARBITRATORS ASSOCIATION QUARTERLY No. 3, at 1 (Winter, 1988).
- (15) *Toward a Theory of "Just Cause" in Employee Discipline Cases*, 1985 DUKE LAW JOURNAL 594 (with Roger Abrams).
- (16) *Seniority Rights Under the Collective Agreement*, 2 THE LABOR LAWYER 99 (1986) (with Roger Abrams).
- (17) *The Future of Labor Arbitration*, 37 LABOR LAW JOURNAL 437 (1986) (with Roger Abrams).
- (18) *Delivery of Arbitration Services: The Arbitrator Firm*, 10 NOVA LAW JOURNAL 45 (1986) (with Roger Abrams).
- (19) *Judge Bork's Record on Labor Law*, 3 BENCHMARK 156 (1987) (Part of a symposium on "The Judicial Record of Judge Robert H. Bork: A Constitutional Inquiry").

- (20) *Federal Sector Labor Arbitration: Differences, Problems, Cures*, 14 PEPPERDINE LAW REVIEW 805 (1987) (the lead article in a symposium on alternative dispute resolution). An earlier version appears as the lead chapter in GRIEVANCE ARBITRATION IN THE FEDERAL SECTOR 3 (Dennis K. Reischl & Ralph R. Smith, eds., Federal Personnel Management Institute, Inc., 1987). The article is reprinted at 9 MONTANA ARBITRATORS ASSOCIATION QUARTERLY No. 2, at 1 (Fall, 1988).
- (21) *The Arbitrator's Immunity from Suit and Subpoena*, 40 PROCEEDINGS OF THE NATIONAL ACADEMY OF ARBITRATORS 149 (1988) (with Roger Abrams). A revised version of this article was published as *Arbitral Immunity*, 11 INDUSTRIAL RELATIONS LAW JOURNAL 228 (1989).
- (22) *Arbitral Craftsmanship and Competence*, 41 PROCEEDINGS OF THE NATIONAL ACADEMY OF ARBITRATORS 313 (1989) (with Roger Abrams). A revised version of this article was published as *Final and Binding: Arbitral Craftsmanship and Opinion Writing*, 5 THE LABOR LAWYER 195 (1989).
- (23) *The Status of American Legal Education*, 1 LEGAL EDUCATION REVIEW [Australia] 183 (1989).
- (24) *Regulation of Industrial Disputes in Australia, New Zealand and the United States*, 11 WHITTIER LAW REVIEW 761 (1990). A revised version of this article appears in 7 OTAGO LAW REVIEW [New Zealand] 266 (1990).
- (25) *Does American Labour Arbitration Provide a Model for Australia?*, 16 MONASH UNIVERSITY LAW REVIEW [Australia] 21 (1990).
- (26) *AIDS in Labor Arbitration*, 25 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 67 (1990) (with Roger Abrams), reprinted in 91-3 LOS ANGELES DAILY JOURNAL 24 (March 29, 1991).
- (27) *R.I.P.: Compulsory Labour Arbitration in New Zealand*, 12 COMPARATIVE LABOR LAW JOURNAL 411 (1991).
- (28) *The United States*, in WORKPLACE JUSTICE: EMPLOYMENT OBLIGATIONS IN INTERNATIONAL PERSPECTIVE 334 (Hoyt Wheeler & Jacques Rojot, eds., University of South Carolina Press, 1992) (with Hoyt Wheeler).
- (29) *Arbitral Therapy*, 46 PROCEEDINGS OF THE NATIONAL ACADEMY OF ARBITRATORS 269 (1994) (with Roger Abrams and Frances Abrams). A revised and expanded version of this article was published in 46 RUTGERS LAW REVIEW 1751 (1994).

- (30) *Trends in Private Sector Grievance Arbitration*, in LABOR ARBITRATION UNDER FIRE 42 (Joyce Najita and James Stern, eds., Cornell University Press 1997) (with Roger Abrams).
- (31) *The (Limited and Shrinking) Role of the State in the Regulation of Labour Relations: Private Resolution of Statutory Disputes in the USA*, 2 FLINDERS JOURNAL OF LAW REFORM 147 [Australia] (1997).
- (32) *Examining the Australasian Labour Law Reforms*, in Dennis R. Nolan, ed., THE AUSTRALASIAN LABOUR LAW REFORMS: AUSTRALIA AND NEW ZEALAND AT THE END OF THE TWENTIETH CENTURY 1 (Sydney, New South Wales, Australia: Federation Press 1998).
- (33) *Change without Labour Law Reform in the USA*, in Dennis R. Nolan, ed., THE AUSTRALASIAN LABOUR LAW REFORMS: AUSTRALIA AND NEW ZEALAND AT THE END OF THE TWENTIETH CENTURY 72 (Sydney, New South Wales, Australia: Federation Press 1998).
- (34) *An American Perspective on Australasian Labour Law Reform*, in Dennis R. Nolan, ed., THE AUSTRALASIAN LABOUR LAW REFORMS: AUSTRALIA AND NEW ZEALAND AT THE END OF THE TWENTIETH CENTURY 242 (Sydney, New South Wales, Australia: Federation Press 1998).
- (35) *Labor and Employment Arbitration: What's Justice Got to Do with It?*, 53 DISPUTE RESOLUTION JOURNAL (November 1998), 40. Reprinted in HANDBOOK ON LABOR ARBITRATION (1<sup>st</sup> Ed. 2007, 2<sup>nd</sup> Ed. 2010).
- (36) *The National Academy of Labor and Employment Arbitrators?*, 52 PROCEEDINGS OF THE NATIONAL ACADEMY OF ARBITRATORS 52 (BNA Books 2000).
- (37) *Employment Arbitration After Circuit City*, 41 BRANDEIS LAW JOURNAL (University of Louisville) 853 (2003).
- (38) *Privacy and Profitability in the Technological Workplace*, 24 JOURNAL OF LABOR RESEARCH 207 (2003). Reprinted as the lead chapter in INFORMATION TECHNOLOGY AND THE WORLD OF WORK 1 (Daphne Taras, *et al.*, eds.) (Transaction Publishers 2004).
- (39) *Standards for Discipline and Discharge*, in THE COMMON LAW OF THE WORKPLACE: THE VIEWS OF ARBITRATORS 169 (Theodore St. Antoine, ed., BNA Books, 1<sup>st</sup> Ed., 1998; 2d Ed., 2005).

- (40) *The Story of NLRB v. Gissel Packing: The Practical Limits of Paternalism*, in LABOR LAW STORIES 191 (Foundation Press, Catherine Fisk and Laura Cooper, eds., 2005) (with Laura Cooper).
- (41) “*We Didn’t Have Time to Train the Monkeys!*” *The 2002 Presidential Board of Inquiry on the Work Stoppage in the West Coast Ports*, 57 PROCEEDINGS OF THE NATIONAL ACADEMY OF ARBITRATORS 55 (BNA Books 2005).
- (42) *Of Work, Family, and Arbitration: Comments on Williams*, 58 PROCEEDINGS OF THE NATIONAL ACADEMY OF ARBITRATORS 89 (BNA Books 2006)
- (43) *Workplace Justice: The Incremental Crisis and Its Cures*, 60 PROCEEDINGS OF THE NATIONAL ACADEMY OF ARBITRATORS 1 (BNA Books 2008).
- (44) *Working Group on Chapter 1 of the Proposed Restatement of Employment Law: Existence of Employment Relationship*, 13 EMPLOYMENT RIGHTS AND EMPLOYMENT POLICY JOURNAL 43 (2009) (with Goldman, St. Antoine & Slater)
- (45) *Disputatio: “Creeping Legalism” as a Declension Myth*, 2010 JOURNAL OF DISPUTE RESOLUTION 1
- (46) *Four Ways of Looking at an Arbitrator: Autobiographical Perspectives on the Profession*, 63 PROCEEDINGS OF THE NATIONAL ACADEMY OF ARBITRATORS 367 (2011)

**Miscellaneous:**

- (1) Review of Herbert F. Storing, ed., *WHAT COUNTRY HAVE I? POLITICAL WRITINGS BY BLACK AMERICANS*, 15 MODERN AGE 214 (1971).
- (2) Review of John Kobler, *CAPONE*, 16 MODERN AGE 99 (1972).
- (3) *The Practice of Employment Law in South Carolina*, 21 THE TRANSCRIPT No.11 (November, 1977) 5.
- (4) *Employment Law Resources in the USC Law Library*, 22 THE TRANSCRIPT No.7 (July, 1978) 6.
- (5) *Comment: Southern Violence — Regional Problem or National Nemesis?: Legal Attitudes Toward Southern Homicide in Historical Perspective*, 32 VANDERBILT LAW REVIEW 251 (1979).
- (6) *Negotiations Collectives et Conflits du Travail*, FOCUS 10 (Paris, 1982).

- (7) *Legal Education: The System in Ireland*, 3 CAROLINA LAWYER 2 (1982).
- (8) *The NLRB and Labor Arbitration*, 28 THE TRANSCRIPT No.6 (June, 1984) 11.
- (9) A Guide to USC - Columbia Tenure and Promotion Procedures (1986) (with Robert Stephenson and Bruce Coull).
- (10) *Discussion*, 42 PROCEEDINGS OF THE NATIONAL ACADEMY OF ARBITRATORS 137 (1989) (comments on a paper by Charles Rehmus, *The Code and Postaward Arbitral Discretion*).
- (11) *The Mechanics of a Private Arbitration System*, Research Centre for Industrial Relations and Labour Studies [Dunedin, New Zealand], Discussion Paper #8902 (1989).
- (12) *Regulation of Industrial Disputes in Australia, New Zealand and the USA*, Research Centre for Industrial Relations and Labour Studies [Dunedin, New Zealand], Discussion Paper #8904 (1989).
- (13) *On Sabbatical*, 1992 THE USC LAWYER 7.
- (14) *Labor Arbitration and the Teamsters' Consent Decree*, THE CHRONICLE (September 1992) 9.
- (15) *Labor and Employment Arbitration: What's Justice Got to Do with It?*, UCLA Institute of Industrial Relations Working Paper (1998).
- (16) *Three Myths and a Non-Slippery Slope: A Response to Arnold Zack*, THE CHRONICLE (Spring 2000), 17.
- (17) *Using Arbitration to Reach a First Contract*, CCH LABOR LAW REPORTS INSIGHT (May 2007) (written interview on the proposed Employee Free Choice Act (EFCA)).

**Work in Progress:**

PRINCIPLES OF ARBITRATION LAW (West Concise Hornbook Series, 2012) (with Stephen Ware)

ADR IN THE WORKPLACE (West, Third Edition, 2012) (with Laura Cooper and Richard Bales).