

# Selected Current Bibliography on Labor & Employment Law

*compiled by the Book Review/Casenote Editor*

Included in this bibliography are recent articles on United States labor and employment law. An attempt has been made to provide full and complete bibliographical data. Readers are encouraged to submit additional titles for possible inclusion in the future.

## **Americans with Disabilities Act**

Brian East, *Struggling to Fulfill Its Promise: The ADA at 15*, 68 TEX. B.J. 614 (2005).

Amanda L. Van, Note, *Intolerable Uncertainty: An Examination of the Inconsistent Treatment of Fibromyalgia Under the Americans With Disabilities Act*, 27 T. JEFFERSON L. REV. 421 (2005).

Yuri Nicholas Walker, Comment, *Playing the Game of Academic Integrity vs. Athletic Success: The Americans with Disabilities Act (ADA) and Intercollegiate Student Athletes with Learning Disabilities*, 15 MARQ. SPORTS. L. REV. 539 (2005).

## **Employment Discrimination**

Michael Abbott, Note, *A Swing and a Miss: The U.S. Supreme Court's Attempt to Resolve the Confusion over the Proper Evidentiary Burden for Employment Discrimination Litigation in Costa v. Desert Palace*, 30 IOWA J. CORP. L. 573 (2005).

Richard N. Appel, Alison L. Gray & Nilufer Loy, *Affirmative Action in the Workplace: Forty Years Later*, 22 HOFSTRA LAB. & EMP. L.J. 549 (2005).

Robert Belton, *Title VII at Forty: A Brief Look at the Birth, Death, and Resurrection of the Disparate Impact Theory of Discrimination*, 22 HOFSTRA LAB. & EMP. L.J. 431 (2005).

Cynthia L. Estlund, *Putting Grutter to Work: Diversity, Integration, and Affirmative Action in the Workplace*, 26 BERKELEY J. EMP. & LAB. L. 1 (2005).

Paul Frantz, *International Employment: Antidiscrimination Law Should Follow Employees Abroad*, 14 MINN. J. GLOBAL TRADE 227 (2005).

Michael Z. Green, *Addressing Race Discrimination Under Title VII After Forty Years: The Promise of ADR as Interest-Convergence*, 48 HOW. L. J. 937 (2005).

Tony Lester, *Queering the Office: Can Sexual Orientation Employment Discrimination Laws Transform Work Place Norms for LGBT Employees?*, 73 UMKC L. REV. 643 (2005).

Robert L. Nelson and Laura Beth Nielsen, *Rights Realized? An Empirical Analysis of Employment Discrimination Litigation as a Claiming System*, 2005 WIS. L. REV. 663.

Anne Noel Occhialino and Daniel Vail, *Why the EEOC (Still) Matters*, 22 HOFSTRA LAB. & EMP. L.J. 671 (2005).

Paul Secunda, *A Public Interest Model for Applying Lost Chance Theory to Probabilistic Injuries in Employment Discrimination Cases*, 2005 WIS. L. REV. 747.

Michael Selmi, *Sex Discrimination in the Nineties, Seventies Style: Case Studies in the Preservation of Male Workplace Norms*, 9 EMP. RTS. & EMP. POL'Y J. 1 (2005).

Maria Wusinich, *Compulsory Pre-Dispute Arbitration Clauses in the Employment Context After EEOC v. Luce*, 5 PEPP. DISP. RESOL. L.J. 57 (2005).

### **Employee Benefits**

Scott Kording, Note, *Slicing Through the Gordian Knot: "Employers," Standing, and Removal Under ERISA*, 2005 U. ILL. L. REV. 1257.

Brian A. Perez-Daple, Comment, *Legal Reimbursement Claims by ERISA Plan Fiduciaries*, 72 U. CHI. L. REV. 1103 (2005).

Scott Rhodes, Comment, *ERISA Strikes Back: Aetna Health, Inc. v. Davila's Use of ERISA to Strike Down the Texas Health Care Liability Act*, 57 BAYLOR L. REV. 481 (2005).

### General

Thomas H. Bernard & Adrienne L. Rapp, *Are We There Yet? Forty Years After the Passage of the Civil Rights Act: Revolution in the Workplace and the Unfulfilled Promises That Remain*, 22 HOFSTRA LAB. & EMP. L.J. 627 (2005).

Miriam A. Cherry, *How to Succeed in Business Without Really Trying (Cases): Gender Stereotypes and Sexual Harrasment Since the Passage of Title VII*, 22 HOFSTRA LAB. & EMP. L.J. 533 (2005).

Matthew A. Edwards, *The Law and Social Norms of Pay Secrecy*, 26 BERKELEY J. EMP. & LAB. L. 41 (2005).

Wayne B. Gray and John M. Mendeloff, *The Declining Effects of OSHA Inspections on Manufacturing Injuries*, 58 IND. & LAB. REL. REV. 571 (2005).

Jonathan Graubart, *"Politicizing" a New Breed of "Legalized" Transnational Political Opportunity Structures: Labor Activists Uses of NAFTA's Citizen-Petition Mechanism*, 26 BERKELEY J. EMP. & LAB. L. 97 (2005).

Ann C. Hodges, *The Limits of Multiple Rights and Remedies: A Call for Revisiting the Law of the Workplace*, 22 HOFSTRA LAB. & EMP. L.J. 601 (2005).

Elizabeth Kennedy, *Freedom from Independence: Collective Bargaining Rights for "Dependent Contractors"*, 26 BERKELEY J. EMP. & LAB. L. 143 (2005).

Andrew R. Klein, *Apportionment of Liability in Workplace Injury Cases*, 26 BERKELEY J. EMP. & LAB. L. 65 (2005).

John M. True, *The Blue Eagle at Work: Reclaiming Democratic Rights in the American Workplace: Professor Charles J. Morris*, 26 BERKELEY J. EMP. & LAB. L. 181 (2005).

Ronald Turner, *Making Title VII Law and Policy: The Supreme Court's Sexual Harassment Jurisprudence*, 22 HOFSTRA LAB. & EMP. L.J. 575 (2005).