

MARION G. CRAIN

Washington University School of Law
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WORK EXPERIENCE–ACADEMIA

Washington University in St. Louis

St Louis, Missouri

- **Vice Provost** (since June 2012)
- **Director, Center for the Interdisciplinary Study of Work & Social Capital** (2010-2014)
- **Faculty Fellow, Provost’s office** (2009-2012)
- **Wiley B. Rutledge Professor of Law** (since 2008)
- **Courtesy Faculty Appointments: George Warren Brown School of Social Work; Department of Women, Gender & Sexuality Studies, College of Arts & Sciences**

Teaching Areas: Labor Law; Employment Law; Seminars on topics in Work Law.

As *Vice Provost*, I have responsibility for (1) creation and oversight of programs designed to enhance cross-school interdisciplinary research and teaching (e.g., the Bring Your Own Idea program and the Cross-School Teaching Grant program); (2) creation and oversight of the TableTalk program, which seeks to enhance undergraduate student-faculty interaction outside the classroom; (3) Beyond Boundaries, a signature freshman & sophomore curricular experience that capitalizes on the university’s strengths across schools; (4) serving as the provost’s liaison to five university-wide centers and institutes, advising on faculty and staff hiring, retention, budget, programming, fundraising, and personnel issues; (5) chairing review committees for university-wide and provost office-based centers; (6) chairing the Teaching & Learning domain committee for IT (overseeing the selection and implementation of a new Learning Management System, and a pilot process for a new lecture capture/streaming solution).

During 2016-17, I served as *Leader of the University Libraries*, where I supervised 145 staff members including a 7-member senior leadership team, and administered an annual budget of \$24 million. Major challenges for the year included re-opening lines of communication with the provost’s office and with faculty; promoting transparency and democratic governance processes with staff; overseeing a significant construction project; sustaining the libraries’ relationships with donors, its National Council, and with external collaborating organizations; and transitioning to a newly hired University Librarian effective July 2017.

As *Director of the Center for the Interdisciplinary Study of Work and Social Capital* (<http://www.law.wustl.edu/centeris/>), I worked with an interdisciplinary Advisory Board drawn from across Washington University to sponsor scholarly roundtables, work groups, workshops, conferences, and speaker panels designed to enrich the research and learning of affiliated faculty and their students by connecting them with research on similar topics in other disciplines. The Center initiated and facilitated the production of scholarly output from its events, including books, journal issues, and other publications.

University of North Carolina

Chapel Hill, North Carolina

- **Paul Eaton Professor of Law** (1995-2008)
- **Director, Center on Poverty, Work & Opportunity** (Dec. 2006-June 2008);
Deputy Director (2005-2006)
- **Associate Dean for Faculty Research and Development** (2002-04)

Teaching Areas: Labor Law; Employment Law; Work, Law & the Construction of Class (seminar); Sex Equality; Family Law; Gender, Work, Family & Law (seminar).

The Center on Poverty, Work & Opportunity was established in February, 2005. Its founder and first Director was Senator John Edwards. I worked with Senator Edwards to establish the Center and took over as Director when Edwards stepped away to run for office. Based in the School of Law but interdisciplinary in nature, the Center was guided by a Board of Advisors including 20 faculty drawn from disciplines across campus and a number of supportive donors. The Center functioned as a nonpartisan academic entity that brought together scholars, policymakers, lawyers, community leaders and students to further research and policymaking. The Center had a practical, policy-oriented emphasis that married academic rigor with front-line experience from talented practitioners. Between 2005 and 2008, the Center raised nearly \$4 million in private funds to support its work.

University of Toledo

Toledo, Ohio

- **Professor of Law** (1992-95)
- **Associate Professor of Law** (1991-92)

Teaching Areas: Labor Law; Advanced Labor Law; Employment Law; Family Law; Criminal Law; Gender & the Law (seminar)

West Virginia University

Morgantown, West Virginia

- **Associate Professor of Law** (with tenure) (1990-91)
- **Assistant Professor of Law** (1986-90)

Teaching Areas: Labor Law; Advanced Labor Law; Employment Law; Labor Arbitration; Trial Advocacy (mini-course); Law & Mental Illness (seminar); Federal Income Tax

Visiting Appointments as Professor of Law:

University of Michigan (Spring 2003); **William J. Maier, Jr. Chair, West Virginia University** (Fall 2001 & Spring 2005); **John S. Stone Chair, University of Alabama** (Fall 1997); **Duke University** (Spring 1995); **George Washington University** (Spring 1992)

Leadership Positions, Professional Organizations:

- Labor Law Group [an international collective of professors and practitioners of labor and employment law and industrial relations, dedicated to enhancing pedagogy and research]: Chair, 2011-2015; Secretary and Conference Program Chair, 2005-2010; Executive Committee, 2004-2015; Chair, Task Force on Increasing Commitment of Law School Resources and Curricula to Labor & Employment Law (2002-04); Member, since 1996.
- Association of American Law Schools, Section on Labor and Employment Law: Chair, 1998-99; Chair-Elect, 1997-98; Secretary, 1996-97; Executive Committee, 1992-94, 2001-02; Mentoring Program, 1992-present.

Publications:

A. Commercial and University Press Books

INVISIBLE LABOR: HIDDEN WORK IN THE CONTEMPORARY WORLD [Marion Crain, Winifred Poster & Miriam Cherry, eds.] (University of California Press 2016).

WORKING AND LIVING IN THE SHADOW OF ECONOMIC FRAGILITY [Marion Crain & Michael Sherraden, eds.] (Oxford University Press 2014).

ENDING POVERTY IN AMERICA: HOW TO RESTORE THE AMERICAN DREAM [Senator John Edwards, Marion Crain & Arne Kalleberg, eds.] (The New Press 2007).

B. Textbooks

LABOR RELATIONS LAW: CASES AND MATERIALS, 13th edition (Carolina Academic Press 2016) [with Theodore St. Antoine and Charles Craver] (also 10th, 11th and 12th editions, 1999, 2004, 2010).

- SELECTED FEDERAL STATUTES & SAMPLE COLLECTIVE BARGAINING AGREEMENT
- TEACHER'S MANUAL
- CASE SUPPLEMENT, 2018

WORK LAW: CASES AND MATERIALS, 3rd edition (Carolina Academic Press 2015) [with Pauline Kim and Mike Selmi] (also second edition, 2010, and first edition, 2005).

- TEACHER'S MANUAL
- CASE SUPPLEMENT, 2018

C. Book Chapters

Assembly Rights and Collective Action, in THE CAMBRIDGE HANDBOOK OF U.S. LABOR LAW: REVIVING AMERICAN LABOR FOR A 21ST CENTURY ECONOMY [Rick Bales & Charlotte Garden, eds.] (Cambridge University Press 2019)

Consuming Work, in INVISIBLE LABOR: HIDDEN WORK IN THE CONTEMPORARY WORLD [Marion Crain, Winifred Poster & Miriam Cherry, eds.] (University of California Press 2016).

Unionism, Law, and the Collective Struggle for Economic Justice (with Ken Matheny), in WORKING AND LIVING IN THE SHADOW OF ECONOMIC FRAGILITY [Marion Crain & Michael Sherraden, eds.] (Oxford University Press 2014).

Sex Discrimination as Collective Harm, in THE SEX OF CLASS: WOMEN TRANSFORMING AMERICAN LABOR [Dorothy Sue Cobble, ed.] (Cornell University Press 2007).

The Story of Emporium Capwell: Civil Rights, Collective Action, and the Constraints of Union Power (with Calvin Sharpe & Reuel Schiller), in LABOR STORIES [Laura Cooper & Catherine Fisk, eds.] (Foundation Press 2005).

D. Articles & Essays

Sexual Harassment and Solidarity, 87 GEO. WASH. L. REV. 56 (2019) (with Ken Matheny).

Labor Unions, Solidarity, and Money, 22 EMP. RTS. & EMPLOY. POL'Y J. 259 (2019) (with Ken Matheny).

The 'New' Labor Regime, 126 YALE L. J. FORUM 478 (April 24, 2017) (with Ken Matheny).

Re-Assembling Labor, 2015 ILLINOIS L. REV. 1791 (with John Inazu).

Beyond Unions, Notwithstanding Labor Law, 4 UNIV. OF CALIF.-IRVINE L. REV. 561 (2014).

A Holistic Approach to Teaching Work Law, 58 ST. LOUIS U. L.J. 7 (2013) (with Pauline Kim) (symposium on teaching labor and employment law).

Work, Free Will and Law, 23 EMPLOYEE RESPONSIBILITIES AND RIGHTS JOURNAL (December 2012).

An Imminent Hanging, 26 ABA J. LAB. & EMP. L. 151 (2011) (GW/NLRB Symposium on The National Labor Relations Act at 75: Its Legacy and Future).

Arm's Length Intimacy: Employment as Relationship, 35 WASH. U. J. LAW & POL'Y 163 (2011) [Symposium on *For Love or Money?*, sponsored by the Center for the Interdisciplinary Study of Work & Social Capital].

Introduction, Symposium on *For Love or Money?*, 35 WASH. U.J. LAW & POL'Y 1 (2011) (with Kimberly Krawiec).

Managing Identity: Buying Into the Brand at Work, 95 IOWA L. REV. 1179 (2010).

Work Matters, 19 KANSAS J. LAW & PUB. POL'Y 365 (2010) [Symposium on Employment Law in Recessionary Times].

Introduction to Conference on Wealth Inequality and the Eroding Middle Class, 15 GEORGETOWN JOURNAL ON POVERTY LAW & POLICY 411 (2008) [conference co-sponsored by the UNC Center on Poverty, Work & Opportunity and the American Constitution Society].

Branded: Corporate Image, Sexual Stereotyping, and the New Face of Capitalism (with Dianne Avery), 14 DUKE JOURNAL OF GENDER, LAW & POLICY 13 (2007) [symposium issue on Makeup, Identity Performance and Discrimination].

Strategies for Union Relevance in a Post-Industrial World: Reconceiving Antidiscrimination Rights as Collective Rights, LAB. LAW J. 158 (Fall 2006) [Symposium on Labor Law, George Washington University].

Afterword: The American Romance with Autonomy, 10 EMP. RTS. & EMP'T POL'Y J. 187 (2006) [Summit on Poverty sponsored by UNC Center on Poverty, Work & Opportunity].

Disloyal Workers and the "Un-American" Labor Law (with Ken Matheny), 82 NO. CAROLINA L. REV. 1705 (2004).

The Transformation of the Professional Workforce, 79 CHI.-KENT L. REV. 543 (2004) [Kenneth M. Piper lecture].

Whitewashed Labor Law, Skinwalking Unions, 23 BERKELEY J. OF EMP. & LAB. LAW 211 (2002).

Colorblind Unionism, 49 UCLA L. REV. 1313 (2002).

Labor's Identity Crisis (with Ken Matheny), 89 CALIFORNIA L. REV. 1767 (2001).

Making Labor's Rhetoric Reality (with Ken Matheny), 5 GREEN BAG 2D 17 (Autumn 2001).

Comments on UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT, 49 AMERICAN UNIV. L. REV. 910 (2000) (symposium).

"Where Have All the Cowboys Gone?" Marriage and Breadwinning in Postindustrial Society, 60 OHIO STATE L.J. 1877 (1999).

"Labor's Divided Ranks:" Privilege and the United Front Ideology (with Ken Matheny), 84 CORNELL L. REV. 1542 (1999).

Back to the Future? (reviewing Walter Olson's THE EXCUSE FACTORY), JURIST (July 1998) [an on-line website for law professors found at <http://www.jurist.org> or <http://jurist.law.pitt.edu>].

Women, Labor Unions, and Hostile Work Environment Sexual Harassment: The Untold Story, 4 U. TX. J. WOMEN & THE LAW 9 (1995).

Between Feminism and Unionism: Working Class Women, Sex Equality, and Labor Speech, 82 GEO. L.J. 1903 (1994).

Confronting the Structural Character of Working Women's Economic Subordination: Collective Action vs. Individual Rights Models, 3 KANSAS J. LAW & PUB. POL'Y 26 (1994).

Gender and Union Organizing, 47 IND. & LAB. REL. REV. (CORNELL UNIVERSITY) 227 (1994).

Rationalizing Inequality: An Antifeminist Defense of the "Free" Market - A Review of FORBIDDEN GROUNDS, 61 GEO. WASH. L. REV. 556 (1993).

Feminism, Labor and Power, 65 SO. CALIF. L. REV. 1819 (1992).

Images of Power in Labor Law: A Feminist Deconstruction, 33 BOSTON COLLEGE L. REV. 481 (1992).

Feminizing Unions: Challenging the Gendered Structure of Wage Labor, 89 MICH. L. REV. 1155 (1991).

Building Solidarity Through Expansion of NLRA Coverage: A Blueprint for Worker Empowerment, 74 MINN. L. REV. 953 (1990).

Expanded Employee Drug Detection Programs and the Public Good: Big Brother at the Bargaining Table, 64 N.Y.U. L. REV. 1286 (1989).

Has 'Labor Law' Failed? A Rejoinder to Richard Trumka, 89 W. VA. L. REV. 903 (1987).

The Unenforceable Successorship Clause: A Departure From National Labor Policy, 30 UCLA L. REV. 1249 (1983).

External Grants:

National Science Foundation, Division of Law and Social Science, 1992-93: to conduct empirical study of hostile work environment sexual harassment cases arising in the union context since 1970.

Fund for Labor Relations Studies (funded by AFL-CIO Lawyers Coordinating Committee) 1993, 1991, 1990: to perform empirical study of union organizing methodology and philosophy, with a focus on unions targeting women workers.

Testimony Before Legislative Bodies:

Testimony presented at Hearing Before Senate Committee on Labor and Human Resources, Subcommittee on Employment and Productivity: Women and Unions, December 9, 1992.

Awards:

- Israel Treiman Research Fellow, Washington University (2010-11) (for scholarship).
- David M. Becker Professor of the Year, Washington University School of Law (2009) (for teaching).
- Professor of the Year, West Virginia University College of Law (1988) (for teaching).
- ABA “Rookie Program of the Year” Volunteer Income Tax Assistance Program Coordinator Award (1988).

Selected Scholarly Presentations:

-The Great Polarization: Economics, Institutions and Policies in the Age of Inequality, Keynote Lecture: *Law and the Collective Struggle for Economic Justice*, University of Utah, September 2018.

-The Labor Law Group Biannual Meeting, *Labor Unions, Money & Solidarity*, June 2018.

- AALS Section on Labor & Employment Law, *Economic Insecurity: Managing Anxiety and Hope at Work*, January 2015.

- West Virginia University, Conference on Zealous Advocacy for Social Change, *Re-Assembling Labor*, October 2014.

- St. Louis University School of Law, *Invisible Labor*, October 2014.

-The Labor Law Group Conference, *Re-Assembling Labor*, June 2014.

- Chicago-Kent Institute for Law and the Workplace, *The Rebirth of the NLRA*, November 2013.

- Colloquium on Invisible Labor, Washington University School of Law: *Consuming Work*, February 2013.
- Symposium on Re-Imagining Labor Law, University of California at Irvine: *Beyond Unions*, February 2013.
- Conference on Work & Livable Lives, Washington University: *Unionism, Law, and the Collective Struggle for Economic Justice*, February 2012.
- Vanderbilt Law School Faculty Workshop: *Consuming Work*, January 2012.
- *The Continuing Unemployment Crisis: A Comment on Christina Romer's Analysis*, Washington University, April 2011 [comment available at <http://www.law.wustl.edu/centeris/papers/unemployment/crainresponse.pdf>].
- The National Labor Relations Act at Seventy-Five: Its Legacy and Future, cosponsored by the National Labor Relations Board & George Washington University: *An Imminent Hanging*, October 2010.
- Fifth Annual Colloquium on Current Scholarship in Labor and Employment Law, Washington University in St Louis/St. Louis University: *Consuming Work*, September 2010.
- Symposium on "For Love or Money?", Washington University School of Law: *Arm's-Length Intimacy: Employment as Relationship*, March 2010.
- Symposium on Employment Law in Recessionary Times, University of Kansas: *Work Matters*, February 2010.
- Symposium on Law and Advertising, State University of New York at Buffalo: *Aesthetic Labor and the Law of Work*, September 2009.
- Twenty-Fifth Anniversary Symposium on Values and Assumptions in American Labor Law, State University of New York at Buffalo: *Free to Quit? Corporate Branding and the Longing to Belong*, September 2008.
- American Constitution Society for Law and Policy, National Conference, Washington DC: *Changing Paradigms in Labor Organizing*, July 2007.
- Washington University School of Law, St. Louis, *Branded: Corporate Image, Sexual Stereotyping and the New Face of Capitalism*, November 2006.
- Duke University Law School, Duke Journal of Gender and Law, Symposium on Makeup, Identity Performance & Discrimination: *Branded: Corporate Image, Sexual Stereotyping and the New Face of Capitalism*, October 2006.

- George Washington University Law School, Charles H. Goldstein Labor Law Symposium: Are Labor Unions Still Relevant in the 21st Century?, *Moving To A Postindustrial Global Economy and the Decline of Labor Unions*, February 2006.
- Rutgers University, Institute for Research on Women, Symposium on Unions and the Politics of Sexuality, *Constructing Solidarity in a Gendered Workforce*, May 2004.
- Ohio State University College of Law, Faculty Workshop Series, *Commodification At Work*, October 2003.
- University of North Carolina at Chapel Hill, Symposium on Law and Loyalty, *Disloyal Workers*, October 2003.
- AALS Annual Meeting, Labor and Employment Law Section: *The Declining Role of Labor Law in Law School Curricula, Hiring, and Legal Scholarship*, January 2003.
- Chicago-Kent Law School, Piper Labor Law Lecture: *The Transformation of the Professional Workforce*, April 2002.
- University of California at Berkeley, Symposium on the Changing Face of Labor: *Skinwalking in Labor Law*, February 2001.
- Case Western Reserve Law School, Rush McKnight Scholar in Residence: Faculty Workshop & Labor Law Lecture, *Labor's Identity Crisis and Skinwalking in Labor Law*, February 2000.
- American University, Symposium on Unbending Gender: *Why Family and Work Conflict and What to Do About It*, November 1999.
- AALS Annual Meeting, Workshop on Work, Workers & Law in the 21st Century, Panel on *Identity Based Organizing*, January 1999.
- Yale University, Journal of Law & Feminism Conference: *Challenging Boundaries, Labor Panel*, November 1996.
- AFL-CIO/Columbia University Conference: The Fight for the Future: A Teach-In With the Labor Movement, *Organizing Women*, October 1996.
- AALS Panel on Labor and Employment Law, *Innovative Teaching*, 1996.
- Harvard University, Conference on Critical Legal Theory Networks, 1995.
- University of Texas, symposium on Women and Work, 1994.
- University of Kansas, symposium on the Working Poor, 1994.
- AALS Panel on Interdisciplinary Perspectives on Women and Work, 1993.

Public Service—Professional:

- Labor Law Group, member since 1996.
- Board of Editors, Employee Rights and Employment Policy Journal, jointly sponsored by Chicago-Kent Law School and NERI, 1997- present.
- Commissioner, Council for Advancement of Adult Literacy, 2006-2008, 2012-2014.
- AALS New Teachers' Conference, 2002 and 2004, Lecturer on Setting a Scholarly Agenda.
- ABA Labor & Employment Law Task Force on Outreach to Government Lawyers and Academicians, 2002-04.
- Center for American and International Law, Short Course on Labor Law & Labor Arbitration: Negotiation of Collective Bargaining Agreements, March 2001; May 2002; May 2003; April 2004; April 2005; April 2006; April 2007; April 2008.
- Committee on Gender Issues in Ohio Law Schools, 1991-94.

Law School and University Service—Washington University:

Chair, Teaching Center Director Search Committee, 2018; Chair, Teaching & Learning Governance Domain Committee for IT, 2018-20; Committee on Undergraduate Education, 2017-18; Dean's Transition Group, Law School, 2014-15; Sociology Search Committee, College of Arts & Sciences, 2014-15, 2015-16; Brown School Fox/Clark Public Policy Institute Steering Committee 2015-2016; Brown School Kaufman Professor of Social Entrepreneurship Search Committee, 2015-2016; First Year Committee, College of Arts & Sciences, 2014-15; Steering Committee, Brown School of Social Work, Brookings Institution/Public Policy Program, 2013-16; Steering Committee, Harvey A. Friedman Center for Aging, Washington University Institute for Public Health, 2012-18; Steering Committee, Gephardt Institute for Public Service, Washington University, 2013-18; Faculty Director, Brown School Center for Social Development, Livable Lives Initiative, 2014-16; Law School Oversight Committee for On-Line Education, 2013-14; Law School Ad Hoc Committee on MLS Degree Program, 2014; Law School Mission/Community Planning Group, 2012-13; Chair, Law School Student Life Committee, 2011-12; Chair, Law School Decanal Review Committee, 2010; Chair, Promotion & Tenure Committee, 2009-10; member, 2010-11; Organizer, Law School Faculty Colloquia Series, 2008-09; Chair, Provost's Advisory Committee on Cross-Disciplinary Teaching Grants, 2011; Chair, Provost's Advisory Committee on Center Review, 2010-11; Provost's Diversity Work Group, 2009-11; Advisory Committee to the Provost on Women Faculty, 2008-09.

Student Advising: Advisor, Student Labor & Employment Law Society, 2008-15

Law School Service—Other Universities:

UNC Appointments Committee (Co-Chair, 2001-02, Chair 1999-2000, 2000-01; member 1995-97); UNC Admissions Committee (1998-99); UNC Academic Affairs Committee (2006-07); UNC Post-Tenure Review Committee (2002-04); UNC Marketing & Outreach (2004); UNC Dean's Advisory & Strategic Planning Committee (2004); UNC Faculty Speaker Series (Co-Chair, 2004).

UT Appointments Committee, 1992-93; UT Admissions Committee, 1991-92; UT Curriculum Committee, 1990-94; Chair, 1992-93; UT Conferences and Events Committee, 1994; UT Faculty Affairs Committee, 1993-94; UT Minority Affairs Committee, 1991-94.

WVU Appointments Committee, 1986-90, 2005; WVU Academic Standards Committee, 1986-87; WVU Academic Planning Committee, 2005; WVU Admissions Committee, 1987-89; WVU Externship Committee, 1987-88; WVU Library Committee, 1989-90.

Student Advising: UNC Workers' Rights Project (1995-2003); UNC Feminist Action Initiative (2000-2004); UNC Women in Law (1995-97); UNC Domestic Violence Project (1995-97). WVU Women's Law Caucus, 1988-90; WVU Labor Law Association, 1988-90; WVU Law Review, 1989-90; UT BLSA, University of Toledo, 1991-92; UT WLSA, University of Toledo, 1993-94.

EDUCATION

LEGAL

Admitted to California Bar, June 1984
UCLA School of Law
J.D., December 1983
Order of the Coif
UCLA Law Review

UNDERGRADUATE

Cornell University
B.S. in Social Work, May 1980
Rank: Top 10%; Dean's List

PRACTICE EXPERIENCE

Law Clerk, Judge Arthur L. Alarcon U.S. Court of Appeals for the Ninth Circuit 312 North Spring Street, Los Angeles, California	1985-86
Associate Attorney, Latham & Watkins 555 South Flower Street, Los Angeles, California Business litigation, employer-side labor law and labor arbitration, employment law, litigation, and environmental law practice.	1984-85

Judicial Extern, Judge Laughlin Waters 1983
U.S. District Court
312 North Spring Street, Los Angeles, California

Summer Associate, George & Buch 1982-83
930 South La Brea Avenue, Los Angeles, California
Research and drafting for union-side labor law firm.

OTHER EXPERIENCE

Research Assistant, UCLA Law School 1982
Professor Grace Blumberg

Social Work Intern, Cornell University
Legal Aid Clinic 1979-80
Ithaca, New York

Advocate, Task Force for Battered Women 1979-80
Ithaca, New York