

MICHAEL C. DUFF

Professor of Law

Saint Louis University School of Law

100 N Tucker Blvd.

St. Louis, MO 63101-930

E-Mail: michael.duff@slu.edu

SSRN Author's Page: <http://ssrn.com/author=660895>

EDUCATION

Harvard Law School Juris Doctorate, June 1995

West Chester University of Pennsylvania Bachelor of Arts, Philosophy, December 1991

PUBLICATIONS

Law Review Articles, Essays, & Reports

Fifty More Years of Ineffable Quo? Workers' Compensation and the Right to Personal Security
J. 1 (2023)

Private Courts, Biased Outcomes: The Adverse Impact of Forced Arbitration on People of Color, Women, L
Americans, and Nursing Home Residents Sidney Shapiro, Thomas McGarity and Isabelle Chaouy
CENTER FOR PROGRESSIVE REFORM REPORT (Feb. 2022)

What Covid Laid Bare: Adventures in Workers' Compensation and Disability L. REV. 291 (2022)

- Co-Winner of the Thompson Coburn Award for scholarship (an internal SLU Faculty award)

New Labor Viscerality? Work Stoppages in the "New Work" Economy 65 SAINT LOUIS
UNIVERSITY LAW JOURNAL 115 (2021)

OSHA's Next 50 Years: Legislating A Private Right Of Action To Empower Workers
Sidney Shapiro, Rena Steinzor, Katie Traynor, Thomas McGarity
CENTER FOR PROGRESSIVE REFORM

CV of Michael C. Duff

Facial and As

CV of Michael C. Duff

At a vestige of the Manhattan Project, a fight over workers' compensation and intergovernmental in

CV of Michael C. Duff

Workers' Comp Agency Declares Oklahoma Opt-Out Unconstitutional
LEXIS NEXIS LEGAL NEWSROOM WORKERS COMPENSATION LAW available at
<http://www.lexisnexis.com/legalnewsroom/workerscompensation/b/recentcases/newstrends/developments/archive/2016/02/28/workerscompagencydeclaresoklahomaopt-out-statute-unconstitutional.aspx> (February 28, 2016)

A Hundred Years of Excellence: But is the Past Prologue? Reflections on the Pennsylvania Workers' Compensation Act, 87 Pa. B.A. Q. 20 (January 2016)

- Cited by Kentucky Court of Appeals, Choate v. Bank of Cadiz & T016 01 3453326

Book Review Defamation Law and Social Attitudes: Ordinary Unreason by Roy Baber, 42 NT'L J. LEGAL INFO. 420 (2014)

The Continued Relevance of the NLRA to Non-Union Workplaces under Section 7's Mutual Aid or Protection Clause
ABA Section of Employment Litigation and Labor Relations Newsletter (Winter 2014) available at
<http://apps.americanbar.org/litigation/committees/employment/home.html>

Term Matter Reflections on the Wyoming Debate Over "The Teacher and the Teacher" T016 01 3453326 WYOMING

CV of Michael C. Duff

Invited Presenter "Workers' Compensation and the Right to Personal Security," John Burman Student Government Association Spring Panel, University of Wyoming College of Law, March 23, 2022

Invited Presenter "Pandemics, Safety Protests, and Supreme Court Re-Block Future for Section 7?" Rocky Mountain Labor & Employment Relations Association, March 8, 2022 (virtually)

Invited Presenter "Workers' Compensation And The 'Gig' Economy: Challenges Flowing From Temporary Work," American Bar Association Spring-2022 (R) 5.5 ()r.9 (o)t

CV of Michael C. Duff

Invited Presenter "Making a Federal Case Out of it: How Federal Preemption Can Unexpectedly Impact State Law," Continuing Legal Education presentation, Wyoming State Bar (Federal Practice Section), June 25, 2020 (teleconference)

Panelist "Post-Traumatic Stress Disorder (PTSD) Coverage and other Expanding Benefit Changes in the Workers' Compensation Insurance Market," National Council of Insurance Legislators,

CV of Michael C. Duff

Invited Presenter "Comment on Chapter 4 of The Restatement of Employment Principles of Employer Liability for Tortious Harm to Employees" Labor Law Group Symposium, Indiana University, Bloomington, Indiana, November 18, 2016

Presenter "The Corporatization of Workplace Adjudication" 66 Crits IX Conference, Loyola University Chicago School of Law, Chicago, Illinois, October 21, 2016

Invited Presenter "ERISA & Opt-Out," Workers' Injury Law & Advocacy Group Annual Meeting, Carefree, Arizona, September 26, 2016

Invited Discussant "The Demise of the Grand Bargain" Symposium, Rutgers Law School, September 23, 2016

Invited Panel Moderator and Presenter "The Opt Out, the Constitution, and the Grand Compromise," 8th Annual National Workers' Compensation Judiciary College, Orlando, Florida, August 23, 2016

Invited Panelist "The Opt-Out Option in Workers' Compensation: Who Gains and Who Loses?," Disparate Income, Wealth and Opportunity: Implications for Social Insurance, National Academy of Social Insurance, National Press Club, Washington, D.C., January 27, 2016

Invited Speaker: "Methodical Confrontation of Suspected Bias in Administrative Decision Making," Michigan Association for Justice 2016 Workers' Compensation/Social Security Seminar Michigan, January 15, 2016

Keynote Speaker "Footholds from Free Fall," National Labor Relations Board Union Annual Meeting, Atlanta, Georgia, October 10, 2015

Keynote Speaker, "A Hundred Years of Excellence: But is the Past Prologue?" 31st Annual Fall Section Meeting of the Workers' Compensation Law Section of the Pennsylvania Bar Association, Centennial Celebration, Hershey, Pennsylvania, October 7, 2015

Invited Panel Moderator and Presenter, "Two Enduring Workers' Compensation Legal Problems: Unrepresented Parties and Undocumented Workers," American Bar Association Section of Labor and Employment Law, Tort, Trial and Insurance Practice Section, 2015 Workers' Compensation Midwinter Seminar and Conference, Naples, Florida, March 20, 2015

Invited Panelist "New Frontiers in Traditional Labor Law: From Student Athletes to Social Media," University of Denver/Ogletree Deakins Annual Speaker Event, Sturm College of Law, Denver, Colorado, February 25, 2015

Invited Presenter "Workers' Compensation Judicial Decisional Independence," Workers' Injury Law & Advocacy Group Annual Meeting, Santa Barbara, California, October 29, 2014

Invited Presenter "The Cowboy Code Meets the Smash Mouth Truth," University of West Virginia College of Law, Zealous Advocacy for Social Change: Transforming Labor Environment into a Culture of Civility, Morgantown, West Virginia, October 24, 2014

Presenter "Workers' Compensation and a State's Right to be Worse than Prussian Chancellors," University of Colorado Annual Labor & Employment Scholars Colloquium, Boulder, Colorado, September 11, 2014

CV of Michael C. Duff

Quoted by Braden Campbell, "Restored Outburst Shield On Display in NLRB Decision," June 27, 2024

0

Interviewed for Live T.V. Broadcast in Kimberly Donahue, Story on ULP Charge filed by Workers Alleging Unlawful Surveillance, KMOV TV, May 21, 2024

Quoted by Braden Campbell, "NLRB Resets Bad Faith Line in Bargaining Rule," May 21, 2024

Quoted in Diego Areas Munhoz, "Unions Notch Congress Win to Keep Pilots' Retirement Age at 65," BLOOMBERGLAW DAILY LABOR, May 21, 2024

123ted in 119Td [(B793EMC /LT (R)-4.5 (B)-3m. (e)0.4 (e)4.9 (d)50

231Quoted id (ni)1.dCmp5.8(g)3.4 mpb(C)5. ()0.51 (s)64 3.4 () R30..

CV of Michael C. Duff

Quoted in Braden Campbell, "Biden NLRB Retakes Ground on Scope of Workers' Rights," L
EMPLOYMENT AUTHORITY, September 5, 2023

Quoted in Robert Iafolla, "New Path to Ease Unionization Must Overcome Judicial Scrutiny"
BLOOMBERGLAW DAILY LABOR REPORT, August 30, 2023

Quoted in Tim Ryan, "Teamsters Vote on UPS Deal Lacks Drama of 2018 Ratification," L
EMPLOYMENT AUTHORITY, August 10, 2023

Quoted in Peter Lucas, "NIH Scientists Want a Union," UNIONIZATION, August 8, 2023

Quoted in Parker Purifoy, "Mandatory Bargaining Schedules Are Joining NLRB's Remedy Arsenal,"
BLOOMBERGLAW DAILY LABOR REPORT, August 2, 2023

Quoted in Tim Ryan, "Teamsters Tentative Deal Reflects Effect of Strike Threat," L
EMPLOYMENT AUTHORITY, July 27, 2023

Quoted in Billy Arnold, "Yellowstone unionization comes amid surge of labor activity," THE STAR
TRIBUNE, July 26, 2023

Quoted in Tim Ryan, Teamsters "UPS Strike Raises Specter Of Rare Labor Injunction," L
EMPLOYMENT AUTHORITY, July 19, 2023

Quoted in

CV of Michael C. Duff

Quoted in Halleluya Hader, Amazon union could face a tough road ahead after victory, ASSOCIATED PRESS, April 24, 2022

Quoted in Nick Niedzwiedz, Amazon shoots back at NLRB, POLITICO, April 11, 2022

Op-Ed: "Amazon workers scored a huge union victory, but a tough road ahead," LOS ANGELES TIMES, April 8, 2022

Quoted in Braden Campbell, Courts, Prosecutors Don't Always Agree On NLRB Injunctions, 360EMPLOYMENT AUTHORITY, March 25, 2022

Quoted in Kevin Stawicki, ELM Cases Offer NLRB A Way To Promote Racial Justice, 360 EMPLOYMENT AUTHORITY, February 16, 2022

Quoted in Braden Campbell, "The Latest Trend In NLRB Remedies: Saying 'Sorry'," 360 EMPLOYMENT AUTHORITY, January 28, 2022

Quoted in Kevin Stawicki, FLRA Decision Raises Questions About Internal Strikes, LAW 360 EMPLOYMENT AUTHORITY, January 27, 2022

Quoted in Tim Ryan, Breyer Opinions & Dissents Employment Attys Should Know, LAW 360 EMPLOYMENT AUTHORITY, January 27, 2022

Quoted in Maeve Allsup, "Microsoft Deal Throws Obstacles in Path of Activision Organizers," BLOOMBERGLAW, January 24, 2022

Quoted in Kevin Stawicki, "Takeaways From NLRB's Decision Backing GC's 'Blowing' Law 360 EMPLOYMENT AUTHORITY, January 4, 2022

Quoted in Sofia Jeremias, Vaccine mandate lawsuits leave Wyo businesses in limbo, WHO FILE, December 30, 2021

Quoted in Patrick McGee, Amazon settlement with labour board paves way for workers' union," FINANCIAL TIMES, December 3, 2021

Quoted in Patrick McGee, "Apple faces probe over whether it retaliated against whistleblower," FINANCIAL TIMES, December 13, 2021

Quoted in Mary Meisenza, "I

CV of Michael C. Duff

Quoted Mary Meisenzahl "Starbucks just got closer to having its first unionized store in the US,"
B

CV of Michael C. Duff

Quoted in Mark Power, *Ruling Shows Pot Comp Question Still State Specific; Payers Wary of Federal Statute*, WORKCOMPC

CV of Michael C. Duff

Quoted Rick Gell, “

CV of Michael C. Duff

Quoted in Hailey Ross & Jason Woleben, "Signs of Price Flattening Emerging in Workers' Compensation Market," S&P GLOBAL MARKET INTELLIGENCE, July 24, 2020

Quoted in Robert Iafolla & Fatima Hussein, "No Mask, No Service Rules Leave Workers Open to Customer Abuse," BLOOMBERGLAW, July 21, 2020

Quoted in David Sirota, "Dems Created McConnell's Corporate Immunity Template Amid A Flood of Cash," TOO MUCH INFORMATION, July 20, 2020

Quoted in Ricardo Alonso-Zaldivar, "COVID-19 heroes must jump through hoops for workers' comp," ASSOCIATED PRESS, July 11, 2020

Quoted in Braden Campbell, "Want Workers To Sign COVID-19 Waivers? Don't Go There," LAW360, July 2, 2020

4C / P C / TT2 1 C U D t e > F a d o a - H o s s e r t c & O e d y f w D a z o v i d V (O n g i) 7 D e a t h S e t 4 T e s t (E m p l o y e e 2 . 3 (, T 0 7 0 1 2 . 0) (b) (3) (0 8 0

CV of Michael C. Duff

Quoted ~~in~~ Mark Powell, "Employers, Carriers Could Bear Cost of Newsom's COVID-

CV of Michael C. Duff

CV of Michael C. Duff

Quoted in Andrew Graham, "Analysis: Lawmakers See Culture War in LGBTQA Appealment," WYOFILE, December 7, 2018

Quoted in Braden Campbell, "Division Sown by UPS Contract Rift May Bode Ill for WBO," L October 19, 2018

Quoted Michael Gordon, "Company Couldn't Cut Disabled Worker's Benefits so it 'Went Rogue' and Had Him Arrested, Lawyer Says," THE WASHINGTON OBSERVER, October 23, 2018

Quoted in Vin Gurria, "Supreme Court Petitions Employers Should Watch," WASHPOST, September 22, 2018

Quoted in Braden Campbell, "Grievance Handling Claims Get Tougher For Unions To Beat," WASHPOST, September 19, 2018

Quoted in Peter Rousmaniere, "The Grand Bargain: Not So Rock Solid," WORKERSCOMPENSATION.COM, September 5, 2018

Quoted in Josh Eidelson, "Kavanaugh Sided With Trump Casino in 2012 to Thwart Union Drive," BLOOMBERG, July 30, 2018

Quoted in Jennifer Dlouhy and Josh Eidelson, "Trump's Deregulators Emboldened by Kavanaugh Supreme Court Pick," BLOOMBERG, July 25, 2018

Quoted in Editorial Board, "State Should Assist Workers with Unpaid Wage Claims," ASPERSTAR TRIBUNE, July 11, 2018

Quoted in Heather Richards, "Wyoming Doesn't Offer Remedy for Wage Disputes with Current Employers," ASPERSTAR TRIBUNE, June 30, 2018

Quoted in Emily Brill, "ERISA Question May Kill States' Retirement Programs," WASHPOST, June 8, 2018

Quoted in Justin Bachman and Mary Schlangenstern, "Five Days of the Airline Strike May be Over," BLOOMBERG, June 8, 2018

Quoted in Josh Eidelson, "Musk Stock Option Tweet Violated U.S. Labor Law, UAW Alleges," BLOOMBERG, May 24, 2018

Quoted in Josh Eidelson, "Airline Pilots May be Next in the Corporate War on Unions," BLOOMBERG, May 1, 2018

Quoted in William Rabb, "Coun Et Lu2 A0 Td [(,)9d]TJ/TT0 1 Tf 0 Tc 0 Tw 0m18.7 (O)0.9 (Ai)-2.3gs,

CV of Michael C. Duff

Quoted in William Rabb, "Death Benefits Bill Goes to Governor," *WORKER CENTRAL*, April 9, 2018

Quoted in Josh Eidelson, "Labor Board Democrat Under Investigation for Loose Talk," *BLOOMBERG*, March 29, 2018

Quoted in Josh Eidelson, "Trump Labor Board Scrambles to Avoid P Worker Ruling, Lawyers Claim," *BLOOMBERG*, March 17, 2018

Quoted in Joyce Famakinwa, "Postmates Paid Premiums, but Cases Still Pending," *BUSINESS INSURANCE*, March 5, 2018

Quoted in Bruce Vail, "Inside the Trump Administration's Plan to Shrink the NLRB," *o*

CV of Michael C. Duff

Quoted in Emily Brill, "Single-Payer Bill to Consider How Experience Ratings Fit into Comp Merger"
WORKCOMP CENTRAL, June 5, 2017

Quoted in Peter Rousmaniere, "Unconstitutional in Alabama," WORKCOMPENSATION.COM, May
17, 2017

Quoted in Alan Pyke, "Introducing Alex Acosta, Trump's Slightly Less Terrible Labor Pick,"
THINK PROGRESS, March 2, 2017

Quoted in Emily Brill, "Appeals Court Misinterpreted Definition of 'Willful Misconduct,'
High Court Finds," WORKCOMP CENTRAL, March 1, 2017

Quoted in Bryce Covert, "The Nurses Who Lost Their Jobs Thanks to Trump's New Labor Secretary
Nominee," THINK PROGRESS, February 23, 2017 (Note: I argued in support of the nominee)

Quoted in Nat Levitt, "Estimates ordered to pay 2+ years of workers' comp premiums for more than
3,000 couriers," GEEKWIRE, December 13, 2016

Featured in Emily Brill, "Workers' Comp Pr Td [51R 3Wo Ct Td [x3 (ID 11 -2.9 ()-10.4 (S)1.8

CV of Michael C. Duff

Quoted in Lisa Nagle, "Uber, Lyft Drivers' Wage Claims May Affect Demand Business Model, Attorneys Say," **LOMBERGBNA DAILY**

CV of Michael C. Duff

Admissions Council; catalyst for new program development responsive to rapid changes in the overall law school environment; coordination of student counseling, academic support, and Bar admissions support; and staff supervision in connection with each of these functions.

Washington University in St. Louis School of Law 1/2022
Visiting Professor of Law (Intercession)

University of Denver, Sturm College of Law 1/2013-5/2013
Visiting Professor of Law

NON-ACADEMIC LEGAL EXPERIENCE

National Labor Relations Board, Philadelphia, PA; Minneapolis, MN 9/1997-8/2006
Regional Office Attorney

McTeague, Higbee & MacAdam et al., Topsham, ME 9/1995-8/1997
Associate Attorney

Massachusetts Department of Industrial Accidents, Boston, MA 6/1993-6/1995
Appeals Division Law Clerk

HONORS, AWARDS, & PEER ORGANIZATIONS

Fellow, SLU Research Institute, Saint Louis University

CV of Michael C. Duff

analysts and communications experts to advocate for robust protections for health, safety, and the environment.

Recipient 2017 University of Wyoming College of Arts and Sciences Merit Award for "outstanding service to the College" re 91620.01 </Mw (V)-2L(f)-2.5 (a)4.w(te)5 (a)4.8 (nd)1 (t)te invter site f5Wi(t)]TJ -0.001 Tc 0.00

CV of Michael C. Duff

COURSE INSTRUCTION

CV of Michael C. Duff

Founder & Director University of Wyoming College of Law Academic Support Program 2012-2016

Member, University of Wyoming College of Law ABA Accreditation Committee 2012

Member, University of Wyoming College of Law Academic Policies and Procedures Committee, 2012

Chair, University of Wyoming College of Law Bar Examination Task Force, 2012

Member, University of Wyoming Faculty Academic Standards and Rights and Responsi

Commi20<B7716 Tm [(L)-4 31 /P <</MCID 7 >u.8 (m)-1.7 (i2 (omi)1.8 iC78(-)Tj -0.001 Tc 0.001 Tw 0.315 0

NON-LEGAL WORK EXPERIENCE

U.S. Airways, Philadelphia, PA 3/1986-8/1992
Fleet Service Agent

Flying Tiger Line, Philadelphia, PA 7/1983-7/1986
Claims Prevention Supervisor

PROFESSIONAL ASSOCIATIONS & SERVICE

Association of American Law Schools, Executive Committee of the Labor & Employment Section
(January 2023 to present)

American Bar Association American Bar Association Buruawioy2D2D2D2D2D2D2D2DA.7 (c)5 (a)4.8 92DCo5 (mc)5 (honor

CV of Michael C. Duff

BAR ADMISSION

Maine 1996