

Labor and Employment Law at the University of San Francisco School of Law

Courses

The University of San Francisco School of Law offers a complete curriculum of labor and employment law courses. The core curriculum features the three courses that provide the foundation for labor and employment law: employment law (which covers individual employment rights); employment discrimination (which covers those laws that prohibit employment decisions made on the basis of “protected” characteristics); and labor law (which covers unions and collective action by employees). We also offer several other courses specifically in the labor and employment law field: advanced labor and employment law seminar (which provides students the opportunity to fulfill their written work requirement and write a publishable quality piece of legal scholarship); ERISA; international and comparative labor and employment law (currently taught in the summer abroad program); and mediation clinic II - employment discrimination.

A student interested in labor and employment law will also find the necessary, supporting courses here. We strongly suggest that students take corporations and administrative law because these provide the environment in which much of labor and employment law takes place. In addition, we suggest sampling from the wide range of litigation and ADR courses offered at USF, as they provide the tools for most labor and employment practitioners. Finally, a variety of survey courses explore the broader societal issues raised in labor and employment law. At USF, these survey courses include immigration; race, law & policy; entertainment law; international human rights; sports law; and sexual orientation and the law.

Student Activities and Honor Programs

The Labor and Employment Law Students Association (LELSA) serves as the hub for student activities. LELSA focuses on job placement, community service and curricular development. In addition to maintaining a jobs binder and sponsoring panels on labor and employment law

careers, LELSA members have established networks with the California Employment Lawyers Association, the California Bar Association and USF alumni. LELSA also sponsors panels and presentations on current issues in the field, maintains a list of possible law review article topics and coordinates volunteer opportunities.

USF's student advocacy program includes the Robert F. Wagner National Labor & Employment Moot Court Competition. In the fall of 2000, USF became a member of the Peggy Browning Fund. School participation in this nonprofit corporation, founded to provide law students with work and educational opportunities in the area of workers' rights, is by invitation only. Students from participating schools are allowed to apply for Peggy Browning Fund Summer Intern positions and to attend the annual National Law Students Workers' Rights Conference. Since becoming a member institution, several USF students have been selected as interns, and we have sent two to four students each year to the Conference.

The labor and employment law faculty award a variety of honors to labor and employment law students. We present the "ABA-BNA Award for Excellence in the Study of Labor and Employment Law" to the student or students who have demonstrated the highest level of commitment to the field and superior academic performance in relevant courses. In addition, the CALI Excellence for the Future Award is given to the students with the highest grade in each of the non-clinical labor and employment law courses.

Workers Rights around the World

USF's international programs are also active in the labor and employment law area. The International Human Rights Clinic has focused on migrant workers, working to ensure their safety during border crossings, to guarantee their basic rights in the workplace, and to protect their rights under new national security measures. In addition, the Clinic has addressed issues affecting women and girls trafficked for sex work. This work involves student travel to the United Nations Commission on Human Rights in Geneva and the Commission on the Status of Women in New

York. In 2003, in recognition for her work in these areas, Professor Connie de la Vega was awarded the 2003 Mathew O. Tobriner Public Service Award from the Employment Law Center. The USF Center for Law and Global Justice has also undertaken a variety of initiatives to help protect workers around the world. The Center has participated in a joint project to establish labor standards in the toy industry in China, has published labor law texts in Cambodia, has provided judicial training to labor lawyers in Viet Nam, has helped to establish labor standards in Cambodia and has worked on labor mediation in Indonesia.

Scholarship

Consistent with our mission, both faculty and students at USF produce creative and insightful scholarship that contributes to society, theoretically and practically. Professor Maria L. Ontiveros recently co-authored a leading casebook on Employment Discrimination Law, subtitled “Cases and Materials on Equality in the Workplace.” She has also written extensively on farmworkers, organizing immigrant workers and workplace harassment of women of color. Her current scholarship focuses on reclaiming and expanding the reach of the Thirteenth Amendment to protect workers. Professor Michelle Travis has published extensively on a range of employment discrimination issues, with a focus on disability discrimination, sex discrimination, and work/family conflict. Her scholarship takes an interdisciplinary approach, using social cognition and sociology to demonstrate how antidiscrimination law could be used to eliminate structural, organizational, and cognitive biases in the workplace. Her current writing addresses the role of antidiscrimination law in restructuring conventional workplace design through telecommuting, part-time options, and other flexible work arrangements.

We are particularly proud of the opportunities offered for students at USF to publish in the area of labor and employment law. In conjunction with seminars and directed research, students are producing a wide array of scholarship. In 2004, a USF student earned first place in the California state bar labor and employment law section distinguished student writing competition. Students also are encouraged to compete in the annual Louis

Jackson National Student Writing Competition and to submit their scholarship for publication in a variety of journals. In 2003, the USF Law Review organized and published a Symposium on Work in the 21st Century: A Look at the Contemporary Labor Movement.

In 2005, the Law School established the Jack Pemberton Lecture on Workplace Justice. This event brings nationally recognized labor and employment law scholars to our community to discuss emerging workplace issues with students, alumni and advocates. Inaugural speakers include William Benjamin Gould IV and Charles J. Morris.

Clinic and Work Opportunities

Students at USF have several opportunities to work in the labor and employment law field. Through our mediation clinic, students who have successfully completed mediation training in small claims court may then represent clients before the Equal Employment Opportunity Commission. The International Human Rights Clinic often addresses issues affecting migrant workers and women workers. In addition, USF students routinely take clinical placements in government and non-profit agencies that emphasize labor and employment rights, such as the National Labor Relations Board, the U.S. Department of Labor, the San Francisco and Oakland City Attorney's Offices, Equal Rights Advocates, La Raza Centro Legal, and the Employment Law Center. Students also utilize USF contacts and resources to find jobs and internships with law firms in the bay area.

Prepared by Maria L. Ontiveros and Michelle Travis, Spring, 2005