

RAFAEL GELY

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EDUCATION

- 1987-1992 Ph.D. Labor and Industrial Relations - University of Illinois, Champaign-Urbana
- 1984-1987 Juris Doctor - College of Law University of Illinois, Champaign-Urbana
- 1984-1987 A.M. Labor and Industrial Relations - University of Illinois, Champaign-Urbana
- 1982-1984 B.A. Business Administration-Cum Laude- Kansas State Univ., Manhattan, Kansas
- 1979-1981 University of Puerto Rico at Rio Piedras, P.R.

WORK EXPERIENCE

- 2008- Present University of Missouri School of Law
- 2001- 2008 College of Law, University of Cincinnati
- 1995- 2000 Chicago-Kent College of Law
- 1990-1995 Department of Management, Texas A&M University

OTHER PROFESSIONAL EXPERIENCE

- 2003-2005 Dispute Settlement Board, Ford Motor Co.
- 2005-2010 Enforcement Officer U.S. District Court, Southern District of Ohio

LICENSE

- 1987 Admitted to the Practice of Law in Illinois

AWARDS AND HONORS

- 2006 American Academy of Appellate Lawyers' Eisenberg Prize
- 2005, 2004,
2003, 2002 Harold C. Schott Publication Prize – University of Cincinnati
- 1997 Faculty Member of the Year Award – Chicago-Kent College of Law

PUBLICATIONS

Organizing Principles: The Significance of Card-Checks Laws, ST. LOUIS UNIVERSITY PUBLIC LAW REVIEW (forthcoming 2011) (with Timothy Chandler)

Election and Card-Check Organizing Activity Across the 50 States, JOURNAL OF COLLECTIVE NEGOTIATIONS, (Forthcoming 2011) (with Timothy Chandler)

The Supreme Court and DIGS: Agenda Setting and Strategic Behavior, 18 SUPREME COURT ECONOMIC REVIEW 155 (2010) (with Michael Solimine)

Educating the United States Supreme Court at Summers' School: A Lesson on the "Special Character of the Animal", 14 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 93 (2010) (with Ramona Paetzold and Leonard Bierman)

Federal and State Judicial Selection in an Interest Group Perspective, 74 MISSOURI LAW REVIEW 531 (2009) (with Michael Solimine)

PRINCIPLES OF EMPLOYMENT LAW, West's Concise Hornbooks, (2009) (with Peggie R. Smith, Ann C. Hodges & Susan J. Stabile)

Workplace Songs: Developing a Framework for Research and Teaching, 25 INT'L J. OF COMPARATIVE LABOUR LAW AND INDUSTRIAL RELATIONS 49 (2009).

Exploring the "Lumpiness" of Grievance Arbitration Decision-Making, 32 JOURNAL OF COLLECTIVE NEGOTIATIONS 287, (2008) (with Timothy Chandler)

Card Check Recognition: New House Rules for Union Organizing? 35 FORDHAM URBAN L. J. 247 (2008) (with Timothy Chandler) (Symposium, competitive submission).

The Law and Economics of Identity, 14 DUKE J. OF GENDER LAW & POL. 299 (2007) (symposium).

Social Isolation and American Workers: Employee "Blogging" and Legal Reform, 20 HARV. J. OF LAW & TECH 287 (2007) (with Leonard Bierman).

Strategic Judicial Decision Making, OXFORD HANDBOOK OF LAW AND POLITICS (2007) (with Pablo T. Spiller)

Fishing in Different Ponds: An Industry Level Analysis of Organizing Activity 10 WORKINGUSA – A JOURNAL OF LABOR AND SOCIETY 209 (2007) (with Timothy Chandler).

The Supreme Court and DIG: An Empirical and Institutional Analysis, 2005 WIS. L. REV. 1421 (with Michael E. Solimine)

Workplace Blogs and Workers' Privacy, 66 LA. L. REV. 1079 (2006) (symposium) (with Leonard Bierman)

Dead Poets and Academic Progenitors: The Next Generation of Law School Rankings, 81 IND. L. J. 1 (2006) (symposium) (with Paul Caron)

Segmented Rankings for Segmented Markets, 81 IND. L.J. 292 (2006) (symposium)

The Law and Economics of Employee Information Exchange in the Knowledge Economy, (with L. Bierman) 12 GEORGE MASON L. REV. 651 (2004) (with Leonard Bierman)

What Law Schools can Learn From Billy Beane and the Oakland Athletics, 82 TEX. L. REV. 1483 (2004) (reviewing MICHAEL LEWIS, MONEYBALL: THE ART OF WINNING AN UNFAIR GAME, (2003)) (with Paul Caron)

Affirmative Refraction: Grutter v. Bollinger Through The Lens of the Case The Case of The Speluncan Explorers, 21 CONST. COMMENT. 63 (2004) (symposium) (with Paul Caron)

Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning, 54 J. LEGAL EDUC. 551 (2004) (with Paul Caron)

Supreme Court Employment Law Decisions 2002 Term: Is This Justice Scalia's Court?, 7 EMPLOYEE RTS. & EMP. POL'Y J. 253 (2004)

Maternity Leave Under the FMLA: An Analysis of the Litigation Experience, 15 J. L. & POL'Y 143 (2004) (with Timothy Chandler)

Love, Sex and Politics? Sure. Salary? No Way: Workplace Social Norms and the Law, 25 BERKELEY J. EMP. & LAB. L. 167, (2004) (with Leonard Bierman); reprinted on Jeffrey Hirsch & Samuel Estricher (eds.) *Compensation, Work Hours and Benefits* (2008) (with Leonard Bierman)

Pay Secrecy/ Confidentiality Rules and the National Labor Relations Act, 6 PENNSYLVANIA J. LAB. & EMP. L. 121 (2003) (with Leonard Bierman)

So You Want to be a Partner at Sidley & Austin, 40 HOUS. L. REV. 969 (2003) (with Leonard Bierman)

Supreme Court Employment Law Cases 2001-02 Term, 6 EMPLOYEE RTS. & EMP. POL'Y J. 189 (2002).

A Tale of Three Statutes ... (and One Industry): A Case Study on the Competitive Effects of Regulation, 80 OR. L. REV. 947 (2001).

Spouses Need Not Apply: The Legality of Anti-Nepotism and No-Spouse Rules, 39 SAN DIEGO L. REV. 31 (2002) (with Timothy Chandler, Jack Howard & Robin Cheramie).

Distilling the Essence of Contract Terms: An Anti-antiformalist Approach to Contract and Employment Law, 53 FLA. L. REV. 669 (2001).

Measuring the Effects of Post-Government Employment Restrictions, 3 AM. L. & ECON. REV. 288 (2001) (with Asghar Zardkoohi)

Restricting Public Employees' Political Activities: Good Government or Partisan Politics, 37 HOUS. L. REV. 775 (2000) (with Timothy Chandler).

Workplace No-Spouse Rules, Book Chapter in PERRITT'S 2000 EMPLOYMENT LAW UPDATE (with T. Chandler, R. Cheramie, & J. Howard).

Labor Law Access Rules and Stare Decisis: Developing a Planned Parenthood-Based Model of Reform, 20 BERKELEY J. EMP. & LAB. L. 138 (1999) (with Leonard Bierman)

Workplace English-only Rules, Book Chapter in PERRITT'S 1999 EMPLOYMENT LAW UPDATE.

Of Sinking and Escalating: A (Somewhat) New Look at Stare Decisis, 60 PITT. L. REV. 89 (1998).

Electromation: What Could Have Been But Wasn't, 49 LAB. L. J., 1053 (1998).

Understanding Congressional Reform: Lessons From the Seventies, 35 HARV. J. LEG. 509 (1998) (with Asghar Zardkoohi).

Where Are We Now?: Life After Electromation, 15 HOFSTRA LAB. & EMP. L. J. 45 (1997).

Let's Call It A Draw: Striker Replacements and the Mackay Doctrine, 58 OHIO ST. L. J. 1003 (1997) (with Leonard Bierman).

Whose Team are you on? My Team or my TEAM?: The NLRA's Section 8(a)(2) and the TEAM Act, 49 RUTGERS L. REV. 323 (1997).

Toward Identifying the Determinants of Public Employee Unions' Involvement in Political Activities, 26 AM. REV. PUB. ADMIN. 417 (1996) (with Timothy Chandler)

Reply: The Need For Real Striker Replacement Reform, 74 NORTH CAROLINA L. REV. 813 (1996) (with Leonard Bierman)

The North American Agreement on Labor Cooperation: A New Frontier in North American Labor Relations, 10 CONN. J. INTERN. L. 533 (1995) (with Leonard Bierman)

The Determinants of Public Employee Unions' Political Activities, PROCEEDINGS OF THE FORTY-SEVENTH ANNUAL MEETING, INDUSTRIAL RELATIONS RESEARCH ASSOCIATION (1995) (with Timothy Chandler)

Protective Service Unions, Political Activities and Bargaining Outcomes, 5 J. PUB. ADMIN. RESEARCH & THEORY, 295 (1995) (with Timothy Chandler)

Through the Looking Glass: Can Title VII's Help Women and Minorities to Shatter the Glass Ceiling, 31 HOUS. L. REV. 1517 (1995) (with Ramona Paetzold)

Striker Replacements: A Law, Economics and Negotiations Approach, 68 SO. CAL. L. REV. 363 (1995) (with Leonard Bierman)

Salting the Contractors' Labor Force: Comment, 15 J. LAB. RES. 309 (1994) (with Leonard Bierman)

Public Sector Unions' Political Activities and Department Expenditures, 1993 ACADEMY OF MANAGEMENT BEST PAPERS PROCEEDINGS, (August 1993) pp. 298-308 (with Timothy Chandler)

Protective Service Unions' Political Activities and Departmental Expenditures, 16 J. LAB. RES. 171 (1995) (with Timothy Chandler)

Union and Management Organization Structures for Bargaining in the Public Sector, in Jack Rabin, Thomas Vocino, W. Bartley Hildreth and Gerald J. Miller, eds, HANDBOOK OF PUBLIC PERSONNEL AND LABOR RELATIONS, 2d ed (with T. Chandler).

The Determinants of Management's Organizational Structure for Collective Bargaining in the Public Sector, 14 J. LAB. RES. 381 (1993) (with Timothy Chandler)

Congressional Control or Judicial Independence: The Determinants of US Supreme Court Labor Relations Decisions, 1949-1987," 23 RAND J. ECON. 463 (1992) (with Pablo T. Spiller)

The Political Economy of Supreme Court Constitutional Decisions: The Case of the Court Packing Plan, 12 INTER. REV. L. & ECON. 45 (1992) (with Pablo T. Spiller)

Revised chapter on industrial relations in Cynthia D. Fisher, Lyle F. Shoenfeldt and James B. Shaw, **Human Resource Management**. Fall 1992.

A Rational Choice Theory of Supreme Court Statutory Decisions: With Applications to the State Farm and Grove City Cases, 6 J. LAW, ECON. & ORG. 263 (1990) (with Pablo T. Spiller)

WORKING PAPERS

Card Check Legislation: A Modest Reform to Public Sector Labor Law (with Timothy Chandler)

Card Check Laws and Public Sector Union Membership in the States (with Timothy Chandler)

Eschewing a Results-Oriented approach: Labor Lessons on Agency Statutory Construction (with Jason McClitis, Edgar Colon)

Explaining Interstate Variation in the Filing of Employment Discrimination Litigation in Federal Court (with Michael Solimine)

PAPER PRESENTATIONS AND CONFERENCE PARTICIPATION

Participant on a Labor & Employment Law Workshop as part of the Southeastern Association of Law Schools, 2010 Annual Conference, 2010, Palm Beach, Florida.

“Understanding Card-Checks Organizing: The Public Sector Experience”, Labor & Employment Relations Association 62th Annual Meeting, 2010, Atlanta, Georgia.

“Workplace Songs: A Comparative Perspective.” The Global Workplace: Expanding Intellectual Borders with International & comparative Workplace Law Conference, Thomas Jefferson School of Law, February 15 & 16, 2008, San Diego, California.

“Fishing in Different Ponds: An Industry Analysis of Organizing Activity.” Labor & Employment Relations Association 59th Annual Meeting, January 4-7, 2007, Chicago Illinois.

“The Law and Economics of Identity.” Makeup, Identity Performance & Discrimination Symposium, Duke University School of Law, October 20, 2006, Durham, North Carolina..

“Teaching Technologies in Labor and Employment Law.” Labor Law Group Meeting, June 25-28, 2006, Saratoga Springs, New York.

“The Supreme Court and DIGs: Agenda Setting and Strategic Behavior.” 2006 Annual Meeting of the Midwest Political Science Association, April 19-23, 2006, Chicago, Illinois.

“Workplace Blogs and Workers’ Privacy.” Examining Privacy in the Workplace Conference, Symposium, Louisiana Law Review, February 9 and 10, 2006, Baton Rouge, Louisiana.

“Escuchenlos! Heeding the Advice of Justice Thomas and Justice Kennedy: What It Means for Latino Education and Economic Issues”, Latino Law Summit, Morris College of Law – The Ohio State University, October 20, 2005 .

“The Next Generation of Law School Rankings.” Symposium at Indiana University School of Law, April 15, 2005. (Conference Organizer and Commentator) (with Paul Caron).

“Information Rights in the Knowledge Economy” Paper presented at The Ohio State University College of Law, as part of the Scholars Exchange Program. April, 2003.

“A New Labor Law Regulatory Framework.” Paper presented at Saint Louis University College of Law, as part of the Scholars Exchange Program. February, 2002.

"Evaluating the Effects and Regulation of Marital Status Discrimination in the United States," Industrial Relations Research Association – Poster Session, Boston, Massachusetts, (January 2000) (with T. Chandler, R. Cheramie, & J. Howard).

The Economics of Courts, Conference Sponsored by the John M. Olin Center for Law, Economics and Business, Harvard Law School, November 1999. (Discussant).

“Of Sinking and Escalating: A (Somewhat) New Look at *Stare Decisis*” American Bar Foundation ‘s Speakers Series, Chicago, Ill. (May 1998)

“*Electromation*: What Could Have Been But Wasn’t.” Paper presented at the Thirteenth Annual National Conference on Labor and Employment Law: Critical Issues for 1998, Lake Buena Vista, Florida. (May 1998)

“Lessons Learned From NAFTA – The Labor Issue.” Participated in a panel in the conference – From Alaska to Tierra del Fuego: Creating a Free Trade Area for the Americas – sponsored by the International Law Society at the University of Puerto Rico, School of Law, San Juan, PR. (February 1998).

Discussant, Referred Papers – Labor Management Relations and the Law, Industrial Relations Research Association, 1998 Annual Meeting, Chicago, Ill. (January 1998)

“Organizational Change and Organizational Justice: Irreconcilable Differences”. Academy of Management Annual Meeting, Cincinnati, Ohio. (August 1996).

Affirmative Action and Workplace Diversity: Discrimination Law and the Union Officer and Union Representative. Workshop presented at the 9th Annual EEO Conference of the Center for Employment Dispute Resolution, Chicago, Illinois. November 1995.

"The Determinants of Public Employee Unions' Political Activities." Forty-Seventh Annual Meeting, Industrial Relations Research Association, Washington, D.C. (January 1995)

"Confusion in Paradise: U.S. Supreme Court Decisions in Times of Economic Recessions." 1994 Academy of Legal Studies in Business Annual Meeting, Dallas, Tx. (August 1994)

"Striker Replacements: A Negotiations Approach." 1994 Academy of Legal Studies in Business Annual Meeting, Dallas, Tx. (August 1994)

"Little Hatch/ Big Hatch": Changes in the Regulation of Public Employees Political Activities." 1994 Academy of Legal Studies in Business Annual Meeting, Dallas, Tx. (August 1994).

"Public Sector Unions' Political Activities and Department Expenditures." 1993 Academy of Management Meeting, Atlanta, GA. (August 1993)

"An Investment Model of Voting Behavior in the House of Representatives." Public Choice Society 1993 Meetings, New Orleans, Louisiana. (March 1993)

"Public Employee Union Political Activity and Bargaining Outcomes." Industrial Relations Research Association 45th Annual Meeting – Poster Session, Anaheim, California. (January 1993).
Paper selected to be part of Working Papers Series.

"Title VII's Application to Implicit Labor Markets: Implications for Non-Traditional Workers." Academy of Legal Studies in Business Annual Meeting, Charleston, South Carolina (August 1992).

Employment Regulations Update Workshop. Academy of Management Annual Meeting, Las Vegas, Nevada. (August 1992)

"Determinants of Management's Selection of Chief Negotiator in the Public Sector." Academy of Management Annual Meeting, Poster Session, Las Vegas, Nevada. (August 1992)

"Determinants of Management's Organizational Structure for Collective Bargaining in the Public Sector." Southwestern Political Science Association, Austin, Tx. (March 1992)

Conference on the Economics and Politics of Administrative Law and Procedure. Sponsored by the Institute of Government and Public Affairs at the University of Illinois. (May 1991)

Tests of A Rational Choice Theory of the Supreme Court. Carnegie Mellon Conference on Political Economy. Pittsburgh, Pennsylvania. (May 1990)

A Rational Choice Theory of the Supreme Court. Law and Society 1990 Annual Meeting. Berkeley, California. (May 1990)

SEMINARS AND NON-ACADEMIC PRESENTATIONS

Labor Arbitration Update. ADR Program. American Arbitration Association, Cincinnati Regional Office. Indianapolis, 2001.

Module on Legal and Ethical Issues. Part of the Business Management for Technical Professional Course, offered by the Illinois Institute of Technology and the Western Society of Engineers. Daniel F. and Ada L. Rice Campus, IIT. (March 1998, March 1997)

Seminar on International and Comparative Labor Relations and Labor Law. Presented at the Instituto Tecnico y de Estudios Superiores de Monterrey -Campus Estado de Mexico (Monterrey Institute of Technology) (March 1996, March 1995)

Module on Legal and Ethical Issues. Four week seminar presented as part of the Certificate in Business Management for Technical Professionals. Daniel F. and Ada L. Rice Campus, IIT. (February - March 1996)

Seminar on Section 8 of the National Labor Relations Act. Seminar presented as part of a training program for the International Union of Operating Engineers Local 150, Countryside, Illinois. (December 1995)

Seminar on Conflict Management. Food Safety Inspection Service/ U.S. Department of Agriculture. (Summer 1994).

REFEREE AND REVIEWER SERVICE

Editorial Board:

JOURNAL OF LABOR RESEARCH (2009-PRESENT)

EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL (1996- Present)

JOURNAL OF EMPLOYMENT DISCRIMINATION LAW (CCH) (1999-2000)

JOURNAL OF LEGAL STUDIES EDUCATION (1995- 1997)

Adhoc Referee:

REGULATION AND GOVERNANCE (2011)

HUMAN RELATIONS (2009)

JOURNAL OF POLITICS (2009)

POLITICAL SCIENCE QUARTERLY (2008, 2009)

JOURNAL OF LABOR RESEARCH (Fall 2006)

AMERICAN JOURNAL OF POLITICAL SCIENCE (Spring 2002)
INDUSTRIAL AND LABOR RELATIONS REVIEW (Fall 1995)
JOURNAL OF LAW ECONOMICS AND ORGANIZATION (Fall 1995)
JOURNAL OF LEGAL STUDIES EDUCATION (Fall 1994)
ACADEMY OF LEGAL STUDIES IN BUSINESS 1994 PROCEEDINGS (Fall 1994)
THE NATIONAL SCIENCE FOUNDATION (Fall 1993)
JOURNAL OF LABOR RESEARCH (Fall 1993)
JOURNAL OF LAW AND ECONOMICS (Spring 1993)
ASSOCIATION ON EMPLOYMENT PRACTICES AND PRINCIPLES (Spring 1993)
ACADEMY OF MANAGEMENT JOURNAL (Fall 1992, Summer 1993)
JOURNAL OF MANAGEMENT (Summer 1992, Spring 1993)
RAND JOURNAL OF ECONOMICS (Spring 1992)
JOURNAL OF LAW, ECONOMICS AND ORGANIZATION (Spring 1991)
SOUTHWEST ACADEMY OF MANAGEMENT (Fall 1991)

ADMINISTRATIVE & COMMITTEE ACTIVITIES

American Bar Association
Member of Site-Visit Evaluation Team (2011)

AALS
Committee to Review Scholarly Papers for the 2012 Annual Meeting

University of Missouri
* Self-Study Committee (2010-2011)
* Diversity Committee (2008-Present)
* Curriculum Committee (2008-Present)

University of Cincinnati
* Admissions Committee (2007-Present)
* Faculty Research & Development (2006-07)
* Committee on Committees (Various years)
* Faculty Appointments (2004-05)
* Reappointment, Promotion and Tenure Committee (Various years)
* Diversity Committee, University of Cincinnati, College of Law. (Various years, Chair 2005-06)
* Self-Study Report Drafting Committee (2003-4)
* Faculty Senate, University of Cincinnati. (2000)
* Admissions Committee, University of Cincinnati, College of Law. (Various years)
* Faculty Research and Development, University of Cincinnati, College of Law. (2000)

Chicago-Kent
* University Faculty Council. IIT. (1999-2000)
* Downtown Campus Faculty Council. IIT. (1997-2000)

- * Speakers' Committee. Chicago-Kent (1997-1999)
- * Illinois Public Sector Labor Relations Law Program Advisory Board (1995- 2000)
- * Federal Labor Relations and Labor Law Program Advisory Board (1995-2000)
- * Piper Lecture Advisory Board (1996 – 2000)
- * Visiting Assistant Professors' Appointment Committee. Chicago-Kent (1997-98)
- * Dean's Search Committee. Chicago-Kent (1996-97)
- * Admissions Committee. Chicago-Kent (1995-96; 1999-2000)
- * Undergraduate Studies Program Developing Committee. Chicago-Kent (1995-96)
- * Committee on Educational Technologies. Chicago-Kent (1999-2000)
- * Core Curriculum Committee. Chicago-Kent (1999-2000)

REFERENCES

Available Upon Request