

Curriculum Vitae of
MARLEY S. WEISS

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BAR ADMISSIONS

Maryland, 1985
Michigan 1974

EDUCATION

J.D., *cum laude*, Harvard Law School, 1974.
Projects Editor, HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW
B.A., *cum laude*, Barnard College in Columbia University, 1971. Mathematics major.

TEACHING EXPERIENCE

University of Maryland Carey School of Law, Baltimore, Maryland.

Professor of Law, June, 1998 – present. Associate Professor of Law, 1984 - 1998.
Courses Taught: Employment Discrimination Law, Employment Law, Labor Law,
International Labor Law Seminar, Labor and Employment Law Trial Advocacy,
Employee Benefits Law, Torts, Public International Law, Low Wage Worker
Representation Clinic, International and Comparative Law Clinic.

Central European University, Department of Law, Summer University Program, Professor of
Law, July, 2000. Taught intensive, graduate summer course on comparative labor law.

Fulbright Lecturer, Eötvös Loránd University Faculty of Law, Budapest, Spring, 1997.
Taught the first undergraduate law school course in Hungary on Women's Legal
Studies from a comparative law perspective. Guest lectured at other universities.
Collaborated on project to develop interdisciplinary curriculum in women's
studies. Collaborated on drafting successful EC TEMPUS follow-on project
leading to Ph.D. program in EU law. Wrote first published Hungarian language
legal article on sexual harassment.

Visiting Professor, Eötvös Loránd University Faculty of Law, Budapest, 1993-1994.
Taught courses on U.S. employment discrimination law and on American legal remedies;
substitute lecturer on topics in Hungarian labor law, guest lecturer on comparative

aspects of American law. Guest lectured at University of Miskolc Faculty of Law. Co-authored English language course materials on Hungarian labor law. Collaborated in drafting successful .5 million ECU TEMPUS grant proposal to support first Hungarian Ph.D. program in law.

Visiting Researcher, Eötvös Lóránd University Faculty of Law, Budapest, summers 1995-2017, 2019. Conducted research on comparative labor and employment issues.

OTHER PROFESSIONAL EXPERIENCE

- Chair, U.S. National Advisory Committee to the U.S. National Administrative Office for North American Agreement on Labor Cooperation (NAALC), U.S. Department of Labor, 1995-2001.
- Consultant, Administrative Conference of the United States, 1994 - 1995. Drafted report regarding federal employee testimony in judicial and administrative proceedings.
- Private Legal Practice, 1985-1998. Part-time solo law practice specializing in labor and employment law.
- Legal Department, International Union, United Automobile, Aerospace and Implement Workers of America (U.A.W.), Detroit, Michigan. Associate General Counsel, 1981-1984, Assistant General Counsel, 1974-1981.

Handled wide variety of labor, equal employment, employee benefits and employment law matters, ranging from litigation to advice and counsel to collective bargaining to preparing legislative and regulatory testimony. Litigation matters included co-authoring Supreme Court brief in *Clayton v. UAW*, 451 U.S. 679 (1981), brief *amicus curiae* in *Shaw v. Delta Air Lines*, 463 U.S. 85 (1983), and drafting and filing EEOC charges and the original complaint in *UAW v. Johnson Controls*, 499 U.S. 187 (1991).

SELECTED PUBLISHED WORKS

- *Ricci v. DeStefano* (A Rewritten, Feminist Version), in *FEMINIST JUDGMENTS: EMPLOYMENT DISCRIMINATION LAW* 401-430 (2020).
- *Sexual Orientation and Gender Identity Encompassed Within Prohibition Against Employment Discrimination Because of Sex: Bostock v. Clayton County*, 6 INT’L LAB. RTS. CASE L. 288-294 (2020).
- *Elimination of Discrimination at the Workplace*, 6 INT’L LAB. RTS CASE L. 275-287 (2020).
- “A Socially Responsible NAFTA 2.0: Transnational Challenge or Oxymoron,” (Powerpoint presentation, web published by University of Quebec at Montreal), *available at* http://canadasocialementresponsable.uqam.ca/wp-content/uploads/Marley.Weiss_.NAFTA-2.0.pdf.
- “Freedom of Association and Collective Bargaining: An Overview of Current Trends,” American Bar Association Labor and Employment Law Section, Committee on International Labor and Employment Law Mid-Year Meeting, Buenos Aires, Argentina, May 7, 2019 (web-

published by the ABA Section as part of the conference materials; website now under revision, breaking the original link).

- *Debate 2016: To TPP or Not To TPP? Should the U.S. Join the Transpacific Partnership and Other International Trade Agreements?* (co-author), 16 HOFSTRA J. INT'L BUS. & L. 52 (2016-2017).
- *Human Trafficking and Forced Labor: A Primer*, 31 A.B.A. J. LAB. & EMP. L. 1 (2015-2016).
- "Trexit or Trenegotiation ? Can the Trans-Pacific and Trans-Atlantic Partnerships Be Resurrected in Democratically and Socially Responsible Form or Will the Regional Mega-Agreements Die Stillborn ?" (Powerpoint presentation web published by University of Quebec at Montreal), available at https://www.ieim.uqam.ca/IMG/pdf/marley_s._weiss_-_trexit_or_trenegotiation.pdf.
- *International Labor and Employment Law: From Periphery to Core*, 25 A.B.A. J. LAB. & EMP. L. 487 (2010).
- *Commentary: Women's Employment Rights in the Maryland Workplace of 2007 and 2027*, 9 MD. J. RACE, RELIG., GENDER CLASS 19 (2009).
- *Human Rights and the Global Economy: The Centrality of Economic and Social Rights*, 1 MD. J. INT'L L. 257 (2009).
- INTERNATIONAL LABOR LAW: WORKER RIGHTS IN THE GLOBAL ECONOMY (West 2008) (with James Atleson, et. al).
- DOCUMENTARY SUPPLEMENT TO INTERNATIONAL LABOR LAW: CASES AND MATERIALS ON WORKERS' RIGHTS IN THE GLOBAL ECONOMY (West 2008) (with James Atleson, et. al).
- *Ruminations on the Past, Present and Future of International Labor Standards*. 16 GOOD SOCIETY 73-81 (2007).
- *The Temporally-Flawed Concept of Binding Promises in American Collective Bargaining and Employee Benefits Law: A Source of the Concurrent Crises in the U.S. Industrial Relations, Retirement, and Health Care Systems*, in PANORAMA INTERNACIONAL DE DERECHO SOCIAL: CULTURAS Y SISTEMAS JURIDICOS COMPARADOS 27-48 (Patricia Kurczyn Villalobos ed. 2007).
- *Comparative Reflections on the American Conceptualization of the Collective Bargaining Agreement and the Related Crises in U.S. Collective Bargaining and Employee Benefits Law*, in LIBER AMICORUM HAGELMAYER ISTVANNÉ TISZTELETÉRE 225-43 (2005).
- Regulation of the Work Performance Relationship: Independent Contractors, Labor Subcontractors, and Joint Control Over an Employment-Like Relationship, in DERECHO

SOCIAL: MEMORIA DEL CONGRESO INTERNACIONAL DE CULTURAS Y SISTEMAS JURIDICOS COMPARADOS 183-221 (Patricia Kurczyn Villalobos, ed. 2005).

- *Kentucky River at the Intersection of Professional and Supervisory Status: Fertile Delta or Bermuda Triangle*, in LABOR LAW STORIES 353-98 (Laura Cooper & Catherine Fisk, eds. Foundation Press, 2005).
- *Two Steps Forward, One Step Back – Or Vice Versa: Labor Rights Under Free Trade Agreements from NAFTA, Through Jordan, Via Chile, To Latin America and Beyond*,” 37 U.S.F. L. Rev. 689-755 (2003).
- *The Supreme Court 2003 Term: Labor & Employment Law Cases and Implications*, in ALI-ABA, EMERGING ISSUES IN EMPLOYMENT LAW AND LITIGATION: REVIEW AND PREVIEW OF THE SUPREME COURT TERM, VIDEO LAW REVIEW STUDY MATERIALS 33-93 (2003).
- *"The Supreme Court's 2002 ADA Cases,"* in ALI-ABA VIDEO LAW REVIEW STUDY MATERIALS, EMERGING ISSUES IN EMPLOYMENT LAW AND LITIGATION: REVIEW AND PREVIEW OF THE SUPREME COURT TERM 79-96 (2002).
- *Supervisory Status under the NLRA: Independent Judgment as a Matter of Degree Rather than Kind – NLRB v. Kentucky River Community Care, Inc.*, in ALI-ABA VIDEO LAW REVIEW STUDY MATERIALS: EMERGING ISSUES IN EMPLOYMENT LAW AND LITIGATION: REVIEW OF THE SUPREME COURT TERM 143-164 (2001).
- *Hostile Work Environment Sexual Harassment and Actionable Retaliation under Title VII: Clark County School Dist. v. Breeden*, in ALI-ABA VIDEO LAW REVIEW STUDY MATERIALS: EMERGING ISSUES IN EMPLOYMENT LAW AND LITIGATION: REVIEW OF THE SUPREME COURT TERM 165-186 (2001).
- *The Right to Strike in Essential Public Services in the U.S.*, in RELACIONES LABORALES EN EL SIGLO XXI 95-196 (Patricia Kurczyn Villalobos, ed. 2000).
- *Foreword: Proceedings of the Seminar on International Treaties and Constitution Systems of the United States, Mexico, and Canada: Laboring in the Shadow of Regional Integration*, 22 MD. J. INT’L L. & TRADE 185-219 (1999).
- *The Supreme Court 1997-1998 Labor and Employment Law Term (Part II): The NLRA, Takings Clause, and ADA Cases*, 14 THE LABOR LAW. 533-595 (1999).
- *The Supreme Court 1997-1998 Labor and Employment Law Term (Part I): The Sexual Harassment Decisions*, 14 THE LABOR LAW. 261-315 (1998).
- *A Szexuális Zaklatás a Munkahelyen és az Amerikai, Europai Unió, és Magyar Jog* (Sexual Harassment in the Workplace: American, European Union and Hungarian Law), in ÜNNEPI TANULMÁNYOK: PRUGBERGER TAMÁS PROFESSZOR, 60. SZULETÉSNAPJÁN 411-40 (1998).

- *Freedom of Association in a Time of Mobile Capital and Labor*, in PROCEEDINGS OF THE CANADA-U.S.-MEXICO NORTH AMERICAN FREE TRADE AGREEMENT CONFERENCE ON LABOR LAW, March 18-20, 1996, 17 pp. (1998), and *reprinted in* 32 BOLETÍN MEXICANO DE DERECHO COMPARADO No. 95 at 605-621(May-August, 1999).
- *Linking Trade Agreements and Labor Standards: The NAALC as a Model*, 12 AM. U. J. INT'L LAW AND POLICY, 867-70, 873 (1997).
- *Innovations in Collective Bargaining: NUMMI -- Driven to Excellence*, 13 HOFSTRA LAB. L. J. 433-491 (1996).
- *The Impact of the European Economic Community on Labor Law: A Comparative American Commentary*, 68 CHICAGO-KENT LAW REVIEW 1427-1467 (1993).
- *Risky Business: Age and Race Discrimination in Capital Redeployment Discrimination*, 49 MARYLAND L. REV. 901-1017 (1989).

Selected Recent Presentations

“The Future of the Organized Workplace: Comparative Thoughts About Exclusivity and the Nature and Scale of Bargaining Representation,” presented at a (virtual) program on Exclusivity and Collective Bargaining, hosted by the New York City Labor & Employment Relations Association on October 29, 2020.

“Trade, Investment, Labor and Globalization,” presented at the annual Peggy Browning Fund National Law Students Workers Rights Conference, October 17, 2020, via zoom.

“Coming Storms of Disruptive Change: Trade, Labor, Technology, and Collective Worker Representation,” presented at the conference on “New Waves of Worker Empowerment: Labor and Technology in the 21st Century,” via Zoom, hosted by St. Louis University, on September 18, 2020.

“The Intersection of Equal Employment and Immigration Law: Contradictions and Complementarities,” presented at the Law and Society Association Annual Meeting (conference held via zoom), May 29, 2020.

Chair/Discussant, Session on "Innovative Approaches to Regulating Workers," at the Law and Society Association Annual Meeting (conference held via zoom), May 29, 2020.

Commentator/Reader, Author Meets Readers Program, García and Frankenberg, Authoritarian Constitutionalism: Comparative Analysis and Critique, American University, American University Washington College of Law, Program on International Organizations, Law and Development, March 4, 2020.

Commentator, Legal Diplomacy in an Age of Authoritarianism: Judicializing Foreign Relations in the EU and the US, by Fernanda Nicola, January 21, 2020, University of Maryland Carey School of Law, Comparative Constitutional Democracy Colloquium, Baltimore, MD.

"Neo-Liberalism-Related and Trade-Related Leveling Down and the Crisis of Democracy: Rebuilding Unionism, presented at ClassCrits XII - Facing Our Challenges: Rescuing Democracy, Ensuring Wellbeing, and Exorcizing the Politics of Fear (Or: How To Be Free), hosted by Western New England University School of Law, Springfield, Massachusetts, November 16, 2019.

Debate Presenter, "Exclusivity of Representation in Collective Bargaining (representing the pro side), Service Employees International Union and American Federation of State, County and Municipal Employees' Biannual Lawyers' Conference, Washington, DC, October 30, 2019.

"Supply Chain Facilitation Agreements (a/k/a FTAs) and Populism," at the Symposium on The Populist Challenge to the International Legal Order hosted by the Maryland Journal of international Law at UM Carey Law School, on October 18, 2019.

"Feminist Judgments: The Reconstructed Version of *Ricci v. DeStefano*," presented as part of a Roundtable Session on the forthcoming volume, Feminist Judgments: Employment Discrimination Cases, at the Law and Society Association Annual Meeting in Washington, DC., June 1, 2019.

"Labor and Trade in the Era of Populism: The US-Mexico-Canada Agreement," presented at the Law and Society Association Annual Meeting in Washington, DC., May 30, 2019.

"Freedom of Association & Collective Bargaining: Trends in Today's Workplace," presented at the ABA Section of Labor and Employment Law, International Labor and Employment Law Committee Meeting, Milan, Italy, May 6, 2019.

Participant, "Roundtable: Organizing Social Security for Workers Outside Employment: a Worldwide Challenge," at the meeting of the Law and Society Association, Toronto, Canada, June 8, 2018.

"Organizing Social Security for Workers Outside Employment: a Worldwide Challenge," presented at the ABA Section of Labor and Employment Law, International Labor and Employment Law Committee Meeting, Milan, Italy, May 7, 2018.

"Trumping Obamacare? American Efforts To Ensure Health Care Coverage for All in the Broader Context of Social Insurance Only Partially Tied to Employee Status," presented at the Conference of the Labor Law Research Network, Toronto, Ontario, Canada, June 27, 2017.

"Supply Chains, Private International Law, Regionalization of Markets in Goods, Services and Labor, and Mega-FTAs: Can We Reverse the Cumulative Diminishment of Workers' Rights and

Workers' Power,” presented at the annual meeting of the Law and Society Association, Mexico City, June 20, 2017.

“Implications of BREXIT for Labor and Employment Law: UK, EU, Ireland, and Global,” presented at the Mid-Year Meeting of the ABA Section of Labor and Employment Law, International Labor and Employment Law Committee, May 8, 2017, Dublin, Ireland.

“Trexit or Trenegotiation? The Interrelationship Between Free Trade & Investment Arrangements and Supply Chains,” presented at the 2017 Symposium of the UCLA Journal of International Law & Foreign Affairs, Symposium on US. Trade Policy in the New Administration, UCLA, Los Angeles, California, March 3, 2017.

“Corporate Accountability for Upstream Labor Conditions: The Interrelationship Between Free Trade & Investment Arrangements and Supply Chains,” presented at the Labor Law Group Biannual Conference, UCLA School of Law, Los Angeles, California December 9, 2016.

“The World of Remedies According to Restatement of Employment Law, presented at the Closing Conference on the Restatement of Employment Law,” co-sponsored by University of Indiana Maurer School of Law and the Labor Law Group, University of Indiana, Bloomington, November 19, 2016.

“Trexit or Trenegotiation? Can the Trans-Pacific and Trans-Atlantic Partnerships Be Resurrected in Democratically and Socially Responsible Form or Will the Regional Mega-Agreements Die Stillborn?” presented at Colloque International Les partenariats transatlantique et transpacifique à l'ère de l'interconnexion, University of Quebec at Montreal, November 17, 2016.

“International Trade and Workers’ Rights, presented at the 18th Annual National Law Student Workers’ Rights Conference, National Maritime Institute, Linthicum, MD, October 15, 2016.

“Workers’ Rights in Mega-Free Trade and Investment Agreements,” presented as part of the Presidential Debate Panel, “International Trade and the 2016 Presidential Election,” Hofstra Law School, September 15, 2016.

“Multinational Corporations, Transnational Supply Chains and Mega-International Economic Agreements: Causes and Effects Regarding Workers’ Power and Workers’ Rights, presented at the Annual Meeting of the Law and Society Association, New Orleans, LA, June 4, 2016.

Discussant, “Mapping the European and International Legal Framework Concerning Gender Equality in Employment and Working Life,” at the Annual meeting of the Law and Society Association, New Orleans, LA, June 3, 2016.

“Hungarian Labor Law and Industrial Relations Institutions: Flawed and Failed German and EU Transplants (non-presenting co-author, together with András Tóth, presenting co-author), Law and Society Association Annual Meeting, New Orleans, LA, June 2, 2016.

“Supply Chains, Free Trade and Investment Agreements, and Workers’ Rights: Implications Regarding the Future of Work in the Asia Pacific Region,” presented at the Mid-Year Meeting of the ABA Section of Labor and Employment Law, International Labor and Employment Law Committee, Hong Kong, May 5, 2016.

RECENT SERVICE TO UM CAREY LAW SCHOOL

Appointments Committee, 2017-2018, 2018-2019, Fall 2019.

Diversity and Professionalism Committee, Spring 2021.

Head Coach and Faculty Advisor, UM Carey Law School Labor and Employment Trial Advocacy Team, 2010-2018.

PUBLIC SERVICE AND OFFICES IN PROFESSIONAL ORGANIZATIONS (Selected Listing)

- 2018-present Member, Canada Research Chairs, Interdisciplinary Appeals Committee
- 2016-present Academic Co-Chair, American Bar Association (ABA) Section of Labor and Employment Law, Immigration and Human Trafficking Committee
- 1999-present Advisory Board Member as well as Organizing Committee Member for Annual National Law Student Workers’ Rights Conference, The Peggy Browning Fund.
- 2016-2018 Founder and Co-Chair, International Research Collaborative, Transnationalization and Regionalization of the Law of Work, affiliated with the Law and Society Association
- 2010-2013 Founder and Co-Chair, International Research Collaborative, Globalization, Transnational and Domestic Labor Governance, affiliated with the Law and Society Association
- 2009-2011 Co-Chair, ABA Section of Labor and Employment Law, International Labor and Employment Law Committee.
- 2006-2013 Co-chair, Collaborative Research Network (CRN) 8 – Labor Rights, Law and Society Association.
- 2006-2008 Co-chair, International Research Collaborative: Social Europe, affiliated with the Law and Society Association.

- 1988-2009 Editorial Advisory Board Member, THE LABOR LAWYER.
- 2002-present Member, the Labor Law Group, a non-profit body producing law school course materials and academic research in the field of labor and employment law.
- 1995-2001 Chair, National Advisory Committee to the U.S. National Administrative Office for the North American Agreement on Labor Cooperation (the NAFTA Labor Side Agreement), U.S. Department of Labor.
- 2000-2001 Chair, Section on North American Cooperation, Association of American Law Schools (AALS).
- 1997-1998 Secretary of the Labor and Employment Law Section of the ABA.
- 1996-1997 Secretary-Elect of the Labor and Employment Law Section of the ABA.
- 1986-1993 Secretary-Treasurer, Public Sector Labor Relations Conference Board of Maryland.
- 1991 Chair, Section on Employment Discrimination Law, AALS.

AWARDS AND HONORS

Recipient, 2013 Paul Steven Miller Scholarship Award for lifetime achievement in scholarship and leadership in the field of labor and employment law.

FOREIGN LANGUAGES

Hungarian – proficient (reading, writing, speaking)

Spanish – moderate proficiency (reading), limited proficiency (writing, speaking)

French – moderate proficiency (reading), limited proficiency (writing, speaking)

Hebrew – limited proficiency (reading)