

RONALD TURNER

Alumnae Law Center Professor of Law
University of Houston Law Center
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EDUCATION

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, J.D. 1984

WILBERFORCE UNIVERSITY, B.A. *Magna Cum Laude* 1980 (political economy)

ACADEMIC APPOINTMENTS

UNIVERSITY OF HOUSTON LAW CENTER

Student Bar Association Outstanding Professor of Year Award, 1999
Alumnae Law Center Professor of Law, 2005-present
George Butler Research Professor of Law, 2002-2005
Professor of Law, promoted 2002
Associate Dean for Faculty Development, 2000-2001
Associate Professor, 1998-2000 (tenured in 2000)
Visiting Associate Professor of Law, 1997-1998
Courses Taught: Employment Discrimination, Employment Law, Labor Law,
Constitutional Law, Torts, Disabilities and the Law, Critical Race Theory, Race
Theory and Law, Race and the Law, Race Law and Policy Seminar, Employee
Benefits, HIV/AIDS and the Law, Holistic Approach to Law

COLLEGE OF WILLIAM & MARY, MARSHALL-WYTHE SCHOOL OF LAW

Visiting Professor of Law, Fall 2005
Courses Taught: Employment Discrimination, Race Law and Policy Seminar

RICE UNIVERSITY

Visiting Professor of History, Spring 2006
Course Taught: Antidiscrimination Law and Theory Seminar

UNIVERSITY OF ALABAMA SCHOOL OF LAW

Student Bar Association Outstanding Faculty Member Award, 1994-95
Assistant Professor of Law, 1993-1997
Courses Taught: Employment Discrimination, Labor Law I and II, Labor Law
Seminar

PUBLICATIONS

Books

EMPLOYMENT LAW: ISSUES, THEORIES, AND REALITIES (Thomson/West, forthcoming 2012) (with Michael Z. Green and Angela Onwuachi-Willig)

EMPLOYMENT DISCRIMINATION LAW: CASES AND MATERIALS (LexisNexis Publishing, 7th ed. 2011) (with Arthur B. Smith, Jr. & Charles B. Craver)

EMPLOYMENT DISCRIMINATION LAW: SELECTED STATUTES AND REGULATIONS (7th ed. 2011) (with Arthur B. Smith, Jr. & Charles B. Craver)

TORTS: A CONTEMPORARY APPROACH (Thomson/West 2010) (with Meredith J. Duncan) (second edition forthcoming 2012)

THE NLRB AND MANAGERIAL DISCRETION: SUBCONTRACTING, RELOCATIONS, CLOSINGS, SALES, LAYOFFS, AND TECHNOLOGICAL CHANGE (George Mason University, John M. Olin Institute for Employment Practice and Policy, 2d ed. 2010) (with Philip A. Miscimarra, et al.)

EMPLOYMENT DISCRIMINATION LAW: CASES AND MATERIALS (LexisNexis Publishing, 2010 Cumulative Supplement) (with Arthur B. Smith, Jr. & Charles B. Craver)

EMPLOYMENT DISCRIMINATION LAW: CASES AND MATERIALS (LexisNexis Publishing, 2008 Cumulative Supplement) (with Arthur B. Smith, Jr. & Charles B. Craver)

THE PAST AND FUTURE OF AFFIRMATIVE ACTION (Quorum Books, 1990)

FAIR REPRESENTATION, THE NLRB, AND THE COURTS (Wharton School, University of Pennsylvania, revised edition 1984) (with Timothy J. Boyce)

Articles And Book Chapters

“Race,” Rights, Resistance, and Ricci (in progress)

On Neutral and Preferred Principles of Constitutional Law (in progress)

Meritor@25 (in progress)

On Discretionary Originalism, Brown, Bolling, and Loving (in progress)

Due Process, Due Substance, and Discretionary Traditionalism (in progress)

Steele and the Supreme Court's Creation of the Union's Duty of Fair Representation, in CHARLES HAMILTON HOUSTON: AN INTERDISCIPLINARY STUDY OF CIVIL RIGHTS (Lexington Books, Division of Rowman & Littlefield Publishers, Inc., forthcoming 2011).

Employment Law, 64 SMU LAW REVIEW 221 (2011) (invited)

Employment Law, 63 SMU LAW REVIEW 537 (2010) (invited)

On Parents Involved and the Problematic Praise of Justice Clarence Thomas, 37 HASTINGS CONSTITUTIONAL LAW QUARTERLY 225 (2010)

Plessy 2.0, 13 LEWIS & CLARK LAW REVIEW 861 (2009)

On the Authority of the Two-Member NLRB: Statutory Interpretation Approaches and Judicial Choices, 27 HOFSTRA LABOR AND EMPLOYMENT LAW JOURNAL 13 (2009)

Pliable Precedents, Plausible Policies, and Lilly Ledbetter's Loss, 30 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 336 (2009)

Employment Law, 62 SMU LAW REVIEW 1097 (2009) (solicited)

Gonzales v. Carhart and the Court's "Women's Regret" Rationale, 43 WAKE FOREST LAW REVIEW 1 (2008)

The Voluntary School Integration Cases and the Contextual Equal Protection Clause, 51 HOWARD LAW JOURNAL 251 (2008)

Book Review, 23 JOURNAL OF LAW AND RELIGION 799 (2007-2008) (reviewing *Rhetoric, Religion, and the Civil Rights Movement 1954-1965* (Davis W. Houck & David E. Dixon eds., 2006))

Cross Burnings and the Harm-Valuation Analytic: A Tale of Two Cases, 9 BERKELEY JOURNAL OF AFRICAN-AMERICAN LAW AND POLICY 3 (2007)

On Palliative, Palatable, and Paralytic Affirmative Action, Grutter-Style, in LAW, CULTURE & AFRICANA STUDIES 103 (James L. Conyers, Jr., ed., Transaction Publishers 2008) (peer reviewed)

The Juvenile Death Penalty and the Court's Consensus-Plus Eighth Amendment, 17 GEORGE MASON CIVIL RIGHTS LAW JOURNAL 57 (2006)

Ideological Voting on the National Labor Relations Board, 8 UNIVERSITY OF PENNSYLVANIA JOURNAL OF LABOR AND EMPLOYMENT LAW 707 (2006)

Making Title VII Law and Policy: The Supreme Court's Sexual Harassment Jurisprudence, 22 HOFSTRA LABOR AND EMPLOYMENT LAW JOURNAL 575 (2005) (Title VII Symposium Issue, foreword by Justice Ruth Bader Ginsburg)

Grutter and the Passion of Justice Thomas: A Response to Professor Kearney, 13 WILLIAM AND MARY BILL OF RIGHTS JOURNAL 821 (2005)

Title VII and the Inequality-Enhancing Effects of the Bisexual and Equal Opportunity Harasser Defenses, 7 UNIVERSITY OF PENNSYLVANIA JOURNAL OF LABOR AND EMPLOYMENT LAW 341 (2005)

Grutter, the Diversity Justification, and Workplace Affirmative Action, 43 BRANDEIS LAW JOURNAL 199 (2004-05) (Carl Warns Labor & Employment Symposium Issue)

Traditionalism, Majoritarian Morality, and the Homosexual Sodomy Issue: The Journey from Bowers to Lawrence, 53 KANSAS LAW REVIEW 1 (2004)

The Americans with Disabilities Act and the Workplace: A Study of the Supreme Court's Disabling Decisions, 61 NEW YORK UNIVERSITY ANNUAL SURVEY OF AMERICAN LAW 379 (2004)

The Too-Many-Minorities and Racegoating Dynamics of the Anti-Affirmative-Action Position: From Bakke to Grutter and Beyond, 30 HASTINGS CONSTITUTIONAL LAW QUARTERLY 445 (2003)

Age Discrimination in Law and Policy, in ENCYCLOPEDIA OF RETIREMENT AND FINANCE (Lois A. Vitt editor-in-chief, Greenwood Publishing, 2003)

The Family and Medical Leave Act and the Supreme Court's Surprising Hibbs Decision, HEALTH LAW NEWS 7 (2003)

Were Separate-but-Equal and Antimiscegenation Laws Constitutional?: Applying Scalian Traditionalism to Brown and Loving, 40 SAN DIEGO LAW REVIEW 285 (2003)

When the Court Makes Law and Policy (With Special Reference to the Employment Arbitration Issue), 19 HOFSTRA LABOR AND EMPLOYMENT LAW JOURNAL 287 (2002)

Reactions of the Regulated, 17 LABOR LAWYER 479 (2002)

Review, 4 UNIVERSITY OF PENNSYLVANIA JOURNAL OF LABOR AND EMPLOYMENT LAW 243 (2001)

Employment Discrimination, Labor and Employment Arbitration, and the Case Against Union Waiver of the Individual Worker's Statutory Right to a Judicial Forum, 49 EMORY LAW JOURNAL 135 (2000)

--Cited in *Hess v. Anheuser-Busch Companies, Inc.*, 2002 WL 483564 (S.D. Ohio 2002)

The Unenvisaged Case, Interpretive Progression, and the Justiciability of Title VII Same-Sex Sexual Harassment Claims, 7 DUKE JOURNAL OF GENDER LAW AND POLICY 57 (2000)

"Membership" Obligations Under NLRA Section 8(a)(3): A Proposal for Statutory Change, 17 HOFSTRA LABOR AND EMPLOYMENT LAW JOURNAL 323 (2000)

Employer Liability for Supervisory Sexual Harassment: A Comparison of Title VII's and Section 1983's Regulatory Regimes, 31 URBAN LAWYER 503 (1999)

Physicians and Unions, 25 ANESTHESIOLOGY NEWS 57 (1999)

Bragdon v. Abbott—First Circuit Rules on Direct Threat Defense to ADA Claim, HEALTH LAW PERSPECTIVES (April 1999)

Correctable Impairments and the ADA, 13 HEALTH LAW NEWS 6 (1999)

Physicians and Unions, HEALTH LAW PERSPECTIVES (August 1998)

HIV/AIDS and African Americans, HEALTH LAW PERSPECTIVES (August 1998)

Flight Attendants and Spontaneous Abortions: A New Study, HEALTH LAW PERSPECTIVES (April 1998)

U.S. Supreme Court to Decide Whether Labor Agreement Bars Court Litigation of Employee's ADA Claim, HEALTH LAW PERSPECTIVES (March 1998)

Supreme Court to Decide Whether Asymptomatic HIV-Positive Status is Disability Under the ADA, HEALTH LAW PERSPECTIVES (February 1998)

Same-Sex Sexual Harassment: A Call for Conduct-Based and Gender-Based Applications of Title VII, 5 VIRGINIA JOURNAL OF SOCIAL POLICY AND LAW 151 (1997)

Compulsory Arbitration of Employment Discrimination Claims (With Special Reference to the Three A's—Access, Acceptability, and Adjudication), 31 WAKE FOREST LAW REVIEW 231 (1996)

--Cited in *Harrison v. Eddy Potash, Inc.*, 112 F.3d 1437 (10th Cir. 1997)

Age Discrimination and the Law, in ENCYCLOPEDIA OF FINANCIAL GERONTOLOGY (Lois Vitt & Jurg K. Siegenthaler editors-in-chief, Greenwood Publishing 1996) (with Norman P. Stein)

Banning the Permanent Replacement of Strikers by Executive Order: The Conflict Between Executive Order 12954 and the NLRA, 12 JOURNAL OF LAW AND POLITICS 1 (1996)

Thirty Years of Title VII's Regulatory Regime: Rights, Theories, and Realities, 46 ALABAMA LAW REVIEW 375 (1996) (excerpted in A READER ON RACE, CIVIL RIGHTS, AND AMERICAN LAW: A MULTIRACIAL APPROACH 131-37 (Timothy Davis, Kevin R. Johnson & George A. Martinez editors, Carolina Academic Press 2001))

The Dangers of Misappropriation: Misusing Martin Luther King's Legacy to Prove the Colorblind Thesis, 2 MICHIGAN JOURNAL OF RACE AND LAW 101 (1995)

EMPLOYEE DUTY OF LOYALTY: A STATE-BY-STATE SURVEY (Stewart S. Manela & Arnold H. Pedowitz editors-in-chief 1995) (contributing editor)

Regulating Hate Speech and the First Amendment: The Attractions of, and Objections to, an Explicit Harms-Based Approach, 29 INDIANA LAW REVIEW 257 (1995)

--Cited in *Richardson v. Sugg*, 325 F.Supp. 2d 919 (E.D. Ark. 2004)

"Little Black Sambo," Images, and Perceptions: Professor Cohen on Professor Lawrence, 12 HARVARD BLACKLETTER LAW JOURNAL 121 (1995)

Was Separate-but-Equal Constitutional?: Borkian Originalism and Brown, 4 TEMPLE POLITICAL AND CIVIL RIGHTS LAW REVIEW 229 (1995) (symposium on *Brown v. Board of Education*)

Remembering Emmett Till, 38 HOWARD LAW JOURNAL 411 (1995)

The Color Complex: Intraracial Discrimination in the Workplace, 46 LABOR LAW JOURNAL 678 (1995)

The United States-Japan FCN Treaty and Title VII: The Treaty Trumps the Statute, 46 LABOR LAW JOURNAL 28 (1995)

A Look at Title VII's Regulatory Regime, 16 WESTERN NEW ENGLAND LAW REVIEW 219 (1994)

Title VII and Hostile Environment Sexual Harassment: Mislabeling the Standards of Employer Liability, 71 DETROIT MERCY LAW REVIEW 817 (1994)

AIDS and Employment: A Case Law Update, 9 AIDS AND PUBLIC POLICY JOURNAL 25 (1994) (peer reviewed)

AIDS, the Americans with Disabilities Act, and Disability-Based Distinctions, 8 AIDS AND PUBLIC POLICY JOURNAL 177 (1994) (peer reviewed)

Hate Speech and the First Amendment: The Supreme Court's R.A.V. Decision, 67 TENNESSEE LAW REVIEW 197 (1993)

Affirmative Action and the Civil Rights Act of 1991, 44 LABOR LAW JOURNAL 615 (1993)

ERISA and Employer Capping of Medical Benefits for Treatment of AIDS and Related Illnesses, 7 AIDS AND PUBLIC POLICY JOURNAL 89 (1992) (peer reviewed)

AIDS and Employment: Asymptomatic HIV Carriers and Section 504 of the Rehabilitation Act, 5 AIDS AND PUBLIC POLICY JOURNAL 89 (1992) (peer reviewed)

AIDS and Employment, in THE LEGAL ASPECTS OF AIDS (Callaghan and Co. 1991) (with William P. Schurgin)

The Rehnquist Court and Title VII Disparate Treatment Theory: Atonio's Burden Allocation and the Retreat from Griggs, 16 OHIO NORTHERN UNIVERSITY LAW REVIEW 139 (1990)

Employer Liability Under Title VII for Hostile Environment Sexual Harassment by Supervisory Personnel: The Impact and Aftermath of Meritor Savings Bank, 33 HOWARD LAW JOURNAL 1 (1990)

Predecision Bargaining and the Core of Entrepreneurial Control: The Ups and Downs of Otis Elevator, 39 DEPAUL LAW REVIEW 43 (1989)

Mergers, Acquisitions, and Collective Bargaining Agreement Provisions, in GOVERNMENT PROTECTION OF EMPLOYEES INVOLVED IN MERGERS AND ACQUISITIONS (Herbert R. Northrup and Philip A. Miscimarra, University of Pennsylvania Press 1989)

Mergers, Acquisitions, and Collective Bargaining Agreement Provisions, 34 LABOR AND POLICY SERVICE 353 (1989)

AIDS and Employment, 5 LABOR LAWYER 83 (1989) (with David B. Ritter)

Release and Waiver of Age Discrimination Act Rights and Claims, 5 LABOR LAWYER 739 (1989)

Arline, Chalk, the Civil Rights Restoration Act, and the AIDS Handicap, 40 LABOR LAW JOURNAL 3 (1989)

Compelled Self-Publication: How Discharge Begets Defamation, 13 EMPLOYEE RELATIONS LAW JOURNAL 19 (1988)

AIDS: Employer Concerns and Options, in AIDS IN THE WORKPLACE (Prentice Hall 1988) (with David B. Ritter)

Intentional Misconduct and the Union's Duty of Fair Representation: The Seventh Circuit's Hoffman Standard, 63 CHICAGO-KENT LAW REVIEW 43 (1987)
--Cited in *Grant v. Burlington Industries, Inc.*, 832 F.2d 76 (7th Cir. 1987)

AIDS: Employer Concerns and Legal Options, 38 LABOR LAW JOURNAL 67 (1987)
(with David B. Ritter)

AIDS: Employment Law Update, 2 AIDS AND PUBLIC POLICY JOURNAL 37 (1987)
(with David B. Ritter) (peer reviewed)

Impasse in the "Real World" of Labor Relations: Where Does the Board Stand?, 10 EMPLOYEE RELATIONS LAW JOURNAL 468 (1984-85)

Other Writings

Abolish the Ministerial Exception, ACSblog, <http://www.acslaw.org/acsblog/abolish-the-ministerial-exception> (Apr. 12, 2011)

Sorry to disappoint, but King was not colorblind, Houston Chronicle, Jan. 15, 2007, at B7

AWARDS AND HONORS

University of Houston Law Center

Alumnae Law Center Professorship, 2005

George Butler Research Professorship, 2002

Student Bar Association Outstanding Professor of the Year Award, 1999

Class of 2000 Commencement Hooding Team

Black Law Students Association's President Awards, 1997, 1998, 2000

University of Alabama School of Law

Student Bar Association Outstanding Faculty Member Award, 1994-1995

Black Law Students Association Outstanding Faculty Award, 1993-94

Black Law Students Association President Award, 1993, 1994

PROMOTION AND TENURE REVIEW

University of Mississippi College of Law, 2007

Cornell School of Industrial and Labor Relations, 2006

University of Houston Hotel and Restaurant School, 2003

COMMITTEES

University of Houston

Law Center Dean Search Committee, 2007-2008

Provost Search Committee, 2004

Promotion and Tenure Committee, Hotel and Restaurant School, 2003

Law Center Dean Search Committee, 1999-2000

Fringe Benefits Committee, 1999-2001

Committee on Protection of Human Subjects, 2000-2001

University of Houston Law Center

Appointments, Lateral Hire Subcommittee, 2011-present

Executive Committee (elected by faculty), 2000, 2001, 2003-2005, 2009-2010

Honor Court (elected by students), 2009-2010

Faculty Liaison, Peggy Browning Fund, 2010-present

Post-Tenure Committee (elected by faculty), 2003-2006

Self-Study Committee, 2005

Admissions, 1998-1999, 2000-2002, 2006-2008

Appointments, 1999-2000, 2002-2003, 2011-present

Promotion and Tenure, 2002-2003, 2008-2009, 2010-present

Project Magellan Subcommittee Chair, 2004-2005

Placement Director Search Committee, 2004

Ad Hoc Committee on Teaching, 2001-2002

Committee on Faculty Research and Development, Chair, 2000-2001

Alumni and Development, 1998-1999

Ad Hoc Committee on Faculty Scholarship, 2000-2002

United States Court of Appeals for Fifth Circuit Host Committee, 1999

University of Alabama

Vulcan Scholarship Committee, 1996

University of Alabama School of Law

Curriculum

Diversity

Ad Hoc Committee on Faculty Research

Faculty Textbook

ADVISORY POSITIONS**University of Houston Law Center**

University of Houston Law Review

Houston Business and Tax Journal

Black Law Students Association

Faculty Liaison, Peggy Browning Fund

University of Alabama School of Law

Black Law Students Association

PRESENTATIONS/PROGRAMS

Panelist, Labor and Employment Legislation During the First 500 Days of the Obama Administration, Southeastern Association of Law Schools Annual Conference, Aug. 2010

Moderator. Houston Law Review Fourteenth Annual Frankel Lecture: The 25th Amendment: Revisiting Constitutional Provisions for Presidential Succession (featuring Professor Akhil Reed Amar)

Association of Women in Law, *Gonzales v. Carhart*, Houston, Texas, April 2008

Respondent, Opening Plenary Session on Anti-discrimination Versus Non-Discrimination: Which Way Towards Racial Justice?, at the Civil Rights, Human Rights and Race: An Applied Legal Scholarship Symposium, co-sponsored by Howard Law School Constitutional Law Center, Global Rights, The Lawyers' Committee for Civil Rights Under Law, NAACP Legal Defense Fund, U.S. Human Rights Network, Washington, D.C., December 2007

Making Title VII Law and Policy: The Supreme Court's Sexual Harassment Jurisprudence, Alumnae Law Center Professorship Inaugural Lecture, Houston, Texas, January 2006

Roundtable Discussion on Labor and Employment Law, North American Consortium on Legal Education, Halifax, Nova Scotia, May 2005

Hiring and Firing, The People's Lawyer Goes to Work, Houston, Texas, May 2002

Symposium on Enron, Employee Benefits Issues and Concerns, Houston, Texas February 2002

Forum on *Jones v. Clinton* sexual harassment case, Houston, Texas April 1998

Wake Forest University Business Law Symposium, Employment Arbitration, March 1996

"Am I My Brother's Keeper?," University of Alabama School of Law, February 1995

AFFILIATIONS AND MEMBERSHIPS

American Law Institute (elected October 2008)

Fellow, American Bar Foundation (elected September 2011)

Law and Society Association

Supreme Court Historical Society

Labor and Employment Relations Association

American Economic Association

Member, Bars of State of Illinois, United States Courts of Appeals for Third and Ninth Circuits; United States District Court for the Northern District of Illinois, Eastern Division

American Bar Association

University of Pennsylvania Wharton School's Industrial Research Unit, Research Associate, 1983-1990

AIDS and Public Policy Journal, Contributing Editor

Omega Delta Kappa National Honor Society, University of Alabama Circle

OTHER LEGAL POSITIONS

Schiff, Hardin & Waite, Chicago, Illinois, 1989-1993

Seyfarth, Shaw, Fairweather & Geraldson, Chicago, Illinois, 1988-1989

Murphy, Smith & Polk, Chicago, Illinois, 1985-1988

Vedder, Price, Kaufman & Kammholz, Chicago, Illinois, 1984-1985

National Labor Relations Board, Des Moines, Iowa, 1980-1981