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***RESUME***

**Professional Experience**

1985 - present, Professor (Assistant Professor, 1985-1988; Associate Professor, 1988-1991) at South Texas College of Law-Houston. Courses: Labor Law, Employment Discrimination, Employee Rights and Responsibilities, Contracts, Family Law.

1980 - 1985, Associate at Kilpatrick & Cody, specializing in employee relations law. Represented employers in proceedings before the Equal Employment Opportunity Commission, the National Labor Relations Board, the Department of Labor, the Occupational Safety and Health Review Commission, the federal courts, and labor arbitrators.

1979 - 1980, Law Clerk for Judge Lewis R. Morgan, United States Court of Appeals for the Fifth Circuit (now the Eleventh Circuit).

**Education**

J.D., 1979 University of Georgia. Summa Cum Laude, Order of the Coif, Georgia Law Review (Notes Editor), Legal Aid Society, Rusk Award (best paper on an international law topic) 1979.

B.A., 1976 Wake Forest University. Honors Student in History, Phi Beta Kappa, Omicron Delta Kappa.

**Publications**

**Books**

R. Carlson & S. Moss, EMPLOYMENT LAW (Wolters Kluwer, Fifth Ed. 2023)

CARLSON'S FEDERAL EMPLOYMENT LAWS ANNOTATED (West Group 2023) (published annually since 1996).

CARLSON'S TEXAS EMPLOYMENT LAWS ANNOTATED (West Group 2022) (published annually since 1994).

CARLSON'S TEXAS RULES OF APPELLATE PROCEDURE ANNOTATED (Thomson Reuters 2023).

Editor/Co-Author, TEXAS EMPLOYMENT LAW SERIES (Sterling Press 1993).

## Book Chapters

*U.S. Employment Law*, In Bin Liang & Hong Lu, (Eds.), *Jurisprudence* (法学分卷: [当代西方社会学前沿研究及发展综述]). Renmin Daxue Chubanshen (Renmin University of China Press 2007).

## Law Review Articles

*OSHA and Public Health in an Emergency and a Culture War*, 87 Mo. L. Rev. 1001 (2022).

*Promises, Policies, and Non-Integrated Contracts After McAllen Hospitals v. Lopez*, 53 TEX. TECH. L. REV. 433 (2021).

*Covid-19 and Our Employment-Based Medical Insurance System*, 35 ABA J. LAB. & EMP. L. 7 (2020).

*Peevyhouse*, in *The Best and Worst of Contracts Decisions: An Anthology*, 45 Flor. St. U. Law Rev. 1, 85 (2018) (V. Ricks ed.).

*The Sincerely Religious Corporation*, 19 Marq. Benefits & Soc. Welfare L. Rev. 165 (2018).

*Employment by Design: Employees, Independent Contractors and the Theory of the Firm*, 71 ARK. L. REV. 127 (2018).

*A Child's Right to a Family versus the State's Discretion to Institutionalize the Child*, 47 Georgetown Journal of International Law 937 (2016)

*Briefing the Court and Instructing the Jury on Burdens of Proof in an Employment Discrimination Case*, 69 The Advocate 96 (2014)

*Seeking the Better Interests of Children With a New International Law of Adoption*, 55 New York School of Law Review 733 (2011)

*Current Issues in U.S. Employment Law*, VESTNIK RGGU (publication of Russian State University of the Humanites) (2009)

*Citizen Employees*, 70 Louisiana Law Rev. 237 (2009)

*The Small Firm Exemption and the Single Employer Doctrine in Employment Discrimination Law*, 80 ST. JOHN'S LAW. REVIEW 1197 (2006)

*Why the Law Still Can't Tell an Employee When It Sees One, and How it Ought to Stop Trying*, 22 BERKLEY JOURNAL OF EMPLOYMENT AND LABOR LAW 295 (2001).

*Romance Between Law Professors and Students*, 42 S. TEX. L. REV. 493 (2001).

*Parent and Child*, 50 SMU LAW REVIEW 1237 (1997).

*Variations on the Theme of Employment*, 37 SOUTH TEXAS LAW REVIEW 661 (1996).

*The Emerging Law of Intercountry Adoption*, 20 TULSA LAW JOURNAL 243 (1995).

*Labor Law Ethics*, 14 CORPORATE COUNSEL REVIEW 175 (1995).

*The Origin and Future of Exclusive Representation in American Labor Law*, 30 DUQUESNE LAW REVIEW 779 (1992).

*The Model Employment Termination Act*, 11 CORP. COUNSEL REV. No. 2 (1992).

*Beyond WARN: Laws Affecting Plant Closings*, 8 CORPORATE COUNSEL'S QUARTERLY 1 (1992).

*Transnational Adoption of Children*, 23 TULSA L.J. 317 (1988).

*1982 Eleventh Circuit Survey - Labor Law*, 34 MERCER LAW REVIEW 1175 (1982) (coauthor).

*1981 Eleventh Circuit Survey - Labor Law*, 33 MERCER LAW REVIEW 1319 (1983) (coauthor)

*One Step Forward and Two Steps Back: The Shopping Kart, General Knit Dance*, 32 MERCER LAW REVIEW 734 (1981) (coauthor)

*Accountability and the Foreign Commerce Power: A Case Study of the Regulation of Exports*, 9 GEORGIA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 575 (1979) (winner of 1979 Dean Rusk Award for most outstanding student paper written on topic concerning international or comparative law)

*Rule 402 and Eire: The Latent Conflict*, 12 GEORGIA LAW REVIEW 275 (1978)

Coauthor, *Developments in Georgia Law: Debtor - Creditor Rights*, 12 GEORGIA LAW REVIEW 938 (1978)

## Newsletters

Editor, 1990- present, Labor Section Newsletter, published by Labor and Employment Law Section of the Texas Bar Association (bi-monthly summary of employment law developments in Texas state and federal courts).

## **Scholarly and Continuing Legal Education Presentations and Materials**

“State Law Update,” Advanced Employment Law Course TexasBarCLE, Dallas, January 2023.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, San Antonio, Aug., 2023.

“State Law Update,” Advanced Employment Law Course TexasBarCLE, Dallas, January 2022.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, San Antonio, Aug. 27, 2021.

“State Law Update,” Advanced Employment Law Course TexasBarCLE, Dallas, January 14, 2021.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, Houston, Sept. 17, 2020.

“State Law Update,” Advanced Employment Law Course TexasBarCLE, Dallas, January 9, 2020.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, Houston, August 23, 2019.

“State Law Update,” Advanced Employment Law Course TexasBarCLE, Dallas, January 17, 2019.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, Houston, August 24, 2018.

“State Law Update,” Advanced Employment Law Course TexasBarCLE, Dallas, January 18, 2018.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, San Antonio, August 24, 2017.

“Employment by Design: Employees, Independent Contractors and the Theory of the Firm,” Southeastern Association of Law Schools (SEALS), Boca Raton, Florida, August 4, 2017.

“State Law Update,” Advanced Employment Law Course, TexasBarCLE, Dallas, Texas, January 2017.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, Houston, August 2016.

“Discrimination on the Basis of Pregnancy,” Labor and Employee Relations Association, Houston Chapter, June 10, 2016.

“State Law Update,” Advanced Employment Law Course, TexasBarCLE, Dallas, Texas, January 2016

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, San Antonio, September 2015.

“Employees v. Independent Contracts,” Southeastern Association of Law Schools, Amelia Island, Florida, August 2015.

“State Law Update,” Advanced Employment Law Course, TexasBarCLE, Dallas, Texas, January 2015.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, San Antonio, September 2015.

“State Law Update,” Advanced Employment Law Course, TexasBarCLE, Dallas, Texas, January 2014

“Adoption as a Human Rights Issue,” International Association of Law Schools, Bangalore, India, March 7, 2013

“Developments in Employment Law,” Houston Chapter, National Employee Lawyer’s Association, Houston Texas, February 21, 2013

“Employment Law Update,” Austin Bar Association, Austin, Texas, February 15, 2013

“State Law Update,” Advanced Employment Law Course, TexasBarCLE, Dallas, Texas, January 17, 2013

“Developments in Employment Law,” Woodlands Bar Association, Woodlands Texas, November 2, 2012

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, San Antonio, September 14, 2012.

“Workers’ Compensation Implications of Health Reform,” South Eastern Association of Law Schools, Amelia Island, Florida, July 30, 2012

“State Law Update,” Advanced Employment Law Course, TexasBarCLE, Austin, Texas, January 26, 2012

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, San Antonio, September 17, 2011.

“State Law Update,” Labor and Employment Law Course, South Texas College of Law, Continuing Legal Education, July 14, 2011.

“Supreme Court Update,” Program of the Labor and Employment Law Section, State Bar of Texas, State Bar Convention, San Antonio, June 23, 2011.

“State Law Update,” Advanced Employment Law Course, TexasBarCLE, Austin, Texas, January 20, 2011

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, San Antonio, September 17, 2010.

“State Law Update,” Labor and Employment Law Course, South Texas College of Law, Continuing Legal Education, July 15, 2010.

“Seeking the Better Interests of Children through a New International Law of Adoption,” National Adoption Conference, New York Law School, March 5, 2010

“State Law Update,” Advanced Employment Law Course, State Bar of Texas, Houston, January 14, 2010

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, Austin, October, 2009.

“The Employer Assault Against the Employment at Will Doctrine,” 2009 Employment Law Colloquium, Seton Hall, Newark, New Jersey, September 25, 2009

“Other Torts in the Restatement (Third) of Employment Law,” 2009 Employment Law Colloquium, Seton Hall, Newark, New Jersey, September 25, 2009

“State Law Update,” Labor and Employment Law Course, South Texas College of Law, Continuing Legal Education, July 24, 2009.

“State Law Update,” Advanced Employment Law Course, State Bar of Texas, Houston, Texas, January 22, 2009.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, Santa Fe, New Mexico, October 24, 2008.

“State Law Update,” Labor and Employment Law Course, South Texas College of Law, Continuing Legal Education, July 24, 2008.

“Developments in Employment Law,” Litigation Section of the State Bar of Texas, Austin, Texas, January 17, 2008.

“State Law Update,” Advanced Employment Law Course, State Bar of Texas, Houston, Texas, January 31, 2008.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, Galveston, Texas, October 12, 2007.

“State Law Update,” Labor and Employment Law Course, South Texas College of Law, Continuing Legal Education, July 12, 2007.

“State Law Update,” Employment Law Update, Labor and Employment Law Section of the State Bar of Texas, Santa Fe, New Mexico, October 7, 2006.

“State Law Update,” Labor and Employment Law Course, South Texas College of Law, Continuing Legal Education, July 2006.

“State Law Update,” Advanced Employment Law,” State Bar of Texas, San Antonio, February, 2006

“State Law Update,” Labor and Employment Law Course, South Texas College of Law, Continuing Legal Education, July 2005

“State Law Update,” Advanced Employment Law,” State Bar of Texas, San Antonio, January, 2005

“State Law Update,” Labor and Employment Law Course, South Texas College of Law, Continuing Legal Education, July 2004

“State Law Update,” Advanced Employment Law,” State Bar of Texas, San Antonio, February, 2004

“2003 Texas Employment Law Update,” Texas Labor and Employment Law Section, Spring CLE Program, March 2003

“2002 Texas Employment Law Update,” Texas Labor and Employment Law Section, Spring CLE Program, March 2002

“Coming to a Theater Near You: Employment Law Previews,” Labor and Employment Law Course, South Texas College of Law, Continuing Legal Education, July 2001

“The Oracle in Austin: Congress, Legislature and Fate” (An Employment Law Forecast), Texas Labor and Employment Law Section, State Bar Convention, Austin, June 2001

“2001 Texas Employment Law Update,” Texas Labor and Employment Law Section, Spring CLE Program, March 2001

“Six Months After Reeves: How Have the Lower Courts Responded?” Advanced Employment Law Program, State Bar of Texas (Austin, Texas, February 1-2, 2001).

“Romance Between Law Professors and Students,” Southeastern Association of Law Schools (Captiva Island, Florida August 2000).

“The History of the EEOC and the Laws It Enforces,” Southwest Texas State University, June 23, 2000

“2000 Texas Employment Law Update,” Texas Labor and Employment Law Section, Spring CLE Program, March 2000

“1999 Texas Employment Law Update, ” Texas Labor and Employment Section, Spring CLE Program, March 1999.

“2010: the Next Ten Years in Employment Law,” Employment and Labor Law Conference, South Texas College of Law, CLE Program, July 1999.

"Sexual Harassment and Retaliation," Basics of Labor and Employment Law, Texas Labor and Employment Section, September 1999.

"1998 Texas Employment Law Update," Texas Labor and Employment Section, Spring CLE Program, March 1998.

“Employment Law Update,” Employment and Labor Law Conference,” South Texas College of Law, CLE Program, July 1998.

"Ethical Issues for Labor Lawyers," Labor and Employment Law Institute, South Texas College of Law CLE Program, 1998.

"Employment Law and Arbitration," Industrial Relations Research Association, Houston Chapter, Spring 1997.

"1997 Texas Employment Law Update," Texas Labor and Employment Section, Spring CLE Program, 1997.

“Employment and Labor Law Conference,” South Texas College of Law, CLE Program, July 1997.

"1996 Texas Employment Law Update," Texas Labor and Employment Section, Spring CLE Program, 1996.

"1995 Update on Labor Law," Advanced Labor Law Course, State Bar of Texas, 1995.

"Update on Texas Employment Law," Industrial Relations Research Association, Houston Chapter, November 1995.

"Ethical Issues for Labor Lawyers," Labor and Employment Law Institute, South Texas College of Law CLE Program, 1995.

"Ethical Issues for Labor Lawyers," Texas Labor and Employment Law Section, March 1995.



"Managing Independent Contractors and Employee Leasing," Advanced Labor Law Course, State Bar of Texas 1994.

"Texas Employment Law Update," Texas Labor and Employment Section Spring CLE Program, 1994.

"Developments in Texas Employment Law," General Practice Section, State Bar Convention, 1993.

"Texas Labor Law Update," Advanced Employment Law Course, State Bar of Texas 1993.

"State Law Update," South Texas College of Law, Employment Law Institute 1993.

"Texas Employment Law Update," Texas Labor and Employment Section Spring CLE Program, 1993.

"Texas Employment Law Update," Texas Labor and Employment Section Spring CLE Program, 1992.

"Texas Employment Law Update," Texas Labor and Employment Section Spring CLE Program, 1991.

"State Law Update," South Texas College of Law, Employment Law Institute 1991.

"Developments in Texas Employment Law," Texas Labor and Employment Law Section Spring CLE Program, 1990.

"Plant Closing Laws," Mid-Winter Meeting of the Committee on Employee Rights and Responsibilities, Labor Section of the American Bar Association, 1990.

"ERISA Update," 1990 Advanced Appellate Judicial Seminar, 1990.

"Developments in Texas Employment Law," South Texas College of Law, Employment Law Institute 1990.

"Developments in Texas Employment Law" 1990 STCL Alumni CLE Program.

"State Law Update," South Texas College of Law, Employment Law Institute 1989.

"Handicap Discrimination Law," South Texas College of Law, Employment Law Institute, 1988.

### **Amicus Curiae Briefs**

*K.S.W. v. South Central Christian Family Services, Inc.*, Case No. 96-CA-000806 (Kentucky Court of Appeals) (when should nonmarital biological father be denied standing to

challenge pending adoption, if timely assertion of parental rights was allegedly thwarted by deception of birth mother?)

*Woolsey v. Smith*, Case No. 4-94-00746-CV, (Tex. App. [San Antonio] (on the importance of finality of status judgments).

### **Arbitrator**

Grievance Examiner, City of Houston Civil Service Commission (2011 -2013).

In re Green and SCI, Inc. (2007).

Public Review Board, Allied Pilots Association (2005-2007)

In the Matter of Clarence Buggs and E.J. Ardoin, for the Maritime Association I.L.A. Welfare Fund (1996).

### **Expert Witness**

*Advanced Nano Coatings, Inc. v. Hanafin*, U.S. District Court, Southern District, Case No. 4:09-CV-1243 (on whether certain communications lead to formation of contract).

*Equitable Bag Co. v. Farrell*, (District Court of Orange County, Texas, 128<sup>th</sup> District, Case No. A-890, 243-C)(on the reasonableness of covenant not to compete).

*Carney v. West Teleservices* (District Court of Bexar County, Texas, 131<sup>st</sup> District, Cause No. 97-CI-15780)(on rules for measurement of working time in compensation of employees).

*Moore v. Tel-Tex Networking Cabling, Inc.* (District Court of Harris County, Texas 157<sup>th</sup> District, Cause No. 2000-37098)(on sexual harassment issues).

*Schrader v. Calder Development Associates* (AAA No. 71-116-00392-01) (Arbitration) (on enforceability of covenant not to compete).

### **Bar Association Activities**

Treasurer/Secretary, Labor & Employment Law Section of the State Bar of Texas (1992 - present)

Newsletter Editor, Labor & Employment Law Section of the State bar of Texas (1990 - present)

Labor Law Exam Commission, Texas Board of Legal Specialization (1995)

### **Miscellaneous Activities**

Commentator, Fifth Circuit Pattern Jury Instructions, 2012-2013

Speaker, "Current Issues in U.S. Employment Law," Russia State University for the Humanities, Moscow, Russia, December 5, 2008

Speaker, "Civil Rights After September 11," Meeting of the Houston Chapter of Texas Society of CPAs," Galveston, Texas, June 2002.

Member, U.S. Dept. of State Study Group on Intercountry Adoptions (1990- 1994)

Speaker, October 1989 meeting of the Houston Association of Industrial and Organizational Psychologists, "Recent Decisions by the U.S. Supreme Court and Their Implications for Industrial Psychologists."

Speaker, Workshops on Employee Grievance Administration, sponsored by Harris County Personnel Department, October 12, 1987 and November 9, 1994.

Speaker, "Employee Training and the Law", Meeting of the Houston Chapter of the National Society for Performance and Instruction (February 9, 1987).

Speaker at Forum on "The Future of Labor Relations Law," sponsored by Public Interest Research Group, March 4, 1986.

### **Professional Memberships**

Texas Bar Association (1986 - present).

College of Labor and Employment Lawyers (2019 – present)