CAREER PATHWAYS: LABOR AND EMPLOYMENT LAW

I. Overview

A. Survey of Substance

As a general subject, labor and employment law deals with the laws and regulations that govern the employer-employee relationship. More specifically, employment law governs the relationship of individual employees with their employers (or potential employers), while labor law governs the relationship between groups of employees, like labor unions, with employers.

Issues likely to arise under employment law may include employment discrimination (including Americans with Disabilities Act discrimination, racial, age or gender discrimination, sexual harassment, and other civil rights issues), employee benefits issues (including pension issues), wage and hour laws and regulations, wrongful termination and worker’s compensation claims, and a variety of contractual issues unique to each individual employment contract, including covenants not to compete and severance issues. Employment law is governed by a combination of state and federal constitutional and statutory provisions as well as the administrative regulations.

Issues likely to arise under labor law may include negotiations in a collective bargaining context and compliance with labor laws and regulations, such as unfair labor practices by both employers and organizing entities. Lawyers also represent both unions and management in regard to union organizing, representation elections, and related campaigns. Labor law is governed by a combination of state and federal statutory law, primarily the National Labor Relations Act, and administrative regulations promulgated and adjudicated by the National Labor Relations Board.

In today’s highly charged work environments, labor and employment lawyers might represent employees or management in a variety of tort matters such as libel and slander, invasion of privacy, or intentional infliction of emotional harm. Lawyers may be called on to advise or litigate in related areas such as substance abuse testing, AIDS-related issues, criminal background checks, or even immigration matters.

B. Typical Practice Settings

Practitioners in labor and employment law may work in a wide variety of contexts and settings. Labor and employment lawyers may be asked to perform litigation (both in
Many large law firms represent employers in both employment and labor matters. Larger law firms also may represent large labor unions. Some firms do labor and employment law exclusively, while others will have labor and/or employment practice areas.

Plaintiff’s work in the labor and employment context is typically practiced in smaller law firms or by individual practitioners. Plaintiff’s work may include representing plaintiffs in discrimination, worker’s compensation, or wrongful termination claims, among others.

Many public and private employers, including schools, colleges, universities, and government agencies, have in-house legal counsel departments of varying sizes depending on the size of the business.

State and federal administrative agencies tasked with enforcing labor and employment laws and regulations have large legal departments. Such agencies include the Department of Labor, the Department of Justice, the Department of Health and Human Services, the Equal Employment Opportunity Commission (EEOC) and the National Labor Relations Board (NLRB).

C. Typical Tasks

Labor and employment lawyers spend much of their time conferring with and advising their clients and drafting legal documents, such as memoranda, letters, briefs, position papers, and policy manuals. For those lawyers who engage in litigation, days are spent in typical civil trial advocacy tasks such as legal analysis and research, discovery, investigation, reviewing and analyzing documents, assessment of mediation or settlement potential, locating and preparing witnesses, preparing for trial, and conducting trials. Labor and employment lawyers might also spend a great deal of time in training and advising an organization’s staff. Those drawn to this field will find that strong writing and oral advocacy skills are essential. Interpersonal skills, such as comfort working with difficult clients or situations and tenacity are also recommended.

II. Courses

A. Primary

- Labor Law (or Labor Relations)
- Fair Employment Practices
- ADR-Labor
- Employee Benefits
B. **Secondary**

- Administrative Law
- Disability Law and Practice
- Negotiation
- Contracts
- Torts
- ADR-Arbitration
- ADR-Mediation
- Federal Discrimination Seminar
- Legal Drafting – Contract Drafting
- Unfair Trade Practices
- NLRB Externship
- EEOC Externship
- MALSI Consumer Unit Externship
- The University of Memphis Legal Counsel’s Office Externship
- Memphis-Shelby County Airport Authority Externship
- Trial Advocacy

III. **Related Opportunities**

Clerking opportunities may exist both with private firms of various sizes or with governmental agencies practicing labor and employment law. There also may be clerking opportunities with in-house legal departments, most likely at larger employers, such as AutoZone, Federal Express, International Paper, or Memphis Light, Gas and Water. The Law School offers externship opportunities with the NLRB, the EEOC, the University of Memphis Legal Counsel’s Office, and the Memphis-Shelby County Airport Authority. The MALSI Consumer Unit Externship may offer opportunities to represent employees.

There are also co-curricular opportunities. The Wagner Moot Court team focuses on labor and employment issues and provides more in-depth exposure to specific issues. Students interested in writing law review notes, seminar papers, or other papers on labor and employment may submit to a variety of writing competitions:

1. Louis Jackson National Student Writing Competition in Labor and Employment Law  
   ([http://www.kentlaw.edu/academics/plel/LouisJacksonNWC.html](http://www.kentlaw.edu/academics/plel/LouisJacksonNWC.html))
2. ABA Labor and Employment Law Student Writing Competition  
3. College of Workers’ Compensation Student Writing Competition  
IV. Resources

- Memphis Bar Association – Labor and Employment Section
  - www.memphisbar.org
- Tennessee Bar Association – Labor and Employment Section
- American Bar Association – Labor and Employment Section
  - www.americanbar.org/groups/labor_law.html
- Labor and Employment Relations Association
  - www.leraweb.org
- College of Labor and Employment Lawyers
- Employment Law Networking Group on Linkedin
- Department of Labor
  - http://www.dol.gov/
- United States Equal Employment Opportunity Commission
  - http://www.eeoc.gov/
- Occupational Safety & Health Administration
  - http://www.osha.gov/
- The Association of Corporate Counsel Employment and Labor Law Committee
- Interstate Labor Standards Association
  - http://www.ilsa.net/
- Global Legal Resources Guide to Labor Law
  - http://www.hg.org/employ.html
- Fair Labor Association
  - http://www.fairlabor.org/
- Tennessee Department of Labor and Workforce Development
- National Employment Lawyers Association
  - http://www.nela.org/nela/index.cfm
- Tennessee Employment Lawyers Association
  - https://www.tennela.org/
- United States Department of Labor Employment Law Guide
V. Contacts

A. Law School Faculty

- Prof. Ernest Lidge

B. Law School Adjunct Faculty

- Jennifer Keisewetter
- Sheri Lipman