

MICHAEL J. YELNOSKY
401 254-4607; myelnosky@rwu.edu

TEACHING and ADMINISTRATIVE EXPERIENCE

Roger Williams University School of Law, 1993-Present
Dean (2014-present)
Professor of Law (2002–present)
Associate Dean for Academic Affairs (2004-2008)
Distinguished Service Professor (2011-2013)

Seton Hall University School of Law
Visiting Associate Professor, 1998-1999

Chicago-Kent College of Law/IIT
Visiting Assistant Professor, 1992-1993

Villanova University School of Law
Visiting Instructor, 1990-1992

FELLOWSHIP

New York University School of Law
Research Fellow and Visiting Scholar
Center for Labor and Employment Law, 1997-1998

EDUCATION

University of Pennsylvania Law School
J.D., *cum laude*, 1987
Law Review
Comment, *Business Inviters' Duty to Protect Invitees from Criminal Acts*, 134 U. PA. L. REV. 883 (1986).
Block Award Recipient -- Outstanding Work in Wills and Trusts; Distinguished Performance -- Wills and Trusts, Labor Arbitration, Employment Discrimination Independent Study

University of Vermont
B.S., *magna cum laude*, 1982
Kappa Delta Pi - National Honor Society in Education

CLERKSHIP

Honorable Edmund V. Ludwig
United States District Court for the Eastern District of Pennsylvania, 1987-1988

SELECTED PUBLICATIONS

DIRECTV, Inc. v. Imburgia and the Continued Ascendance of Federal Common Law: Class-Action Waivers and Mandatory Arbitration Under the Federal Arbitration Act, 22 ROGER WILLIAMS U.L. REV. 287 (2017)

Harris v. Quinn: What We Talk About When We Talk About Right-To-Work Laws, 20 ROGER WILLIAMS U.L. REV. 119 (2015)

“Thoughts” About Dean David Logan, 19 ROGER WILLIAMS U.L. REV. 619 (2014)(with Diana Hassel, Andrew Horwitz, and David Zlotnick)

Who Rates Prospective Federal Judges for the American Bar Association?, 19 ROGER WILLIAMS U.L. REV. 91 (2014)

Fully Federalizing the Federal Arbitration Act, 93 OR. L. REV. 729 (2012)

Employment Testers Revisited, 62 NYU ANN. CONF. ON LAB. 685 (2011)

The Impact of “Merit Selection” On the Characteristics of Rhode Island Judges, 15 ROGER WILLIAMS U.L. REV. 649 (2010) (symposium on “Judicial Selection in Rhode Island”)

What Do Unions Do About Appearance Codes?, 14 DUKE J. GENDER L. & POL’Y 521 (2007) (symposium on “Makeup, Identity Performance, and Discrimination”)

3 NYU SELECTED ESSAYS ON LABOR AND EMPLOYMENT LAW: BEHAVIORAL ANALYSES OF WORKPLACE DISCRIMINATION (edited with Mitu Gulati 2007)

Ten Years (or so) After Gilmer: Arbitration of Employment Law Claims under the Federal Arbitration Act and the Role of Rhode Island Law, 9 ROGER WILLIAMS U.L. REV. 499 (2004) (10th Anniversary Edition)

Mediation?, 53 NYU ANN. CONF. ON LAB. 901 (2004)

The Prevention Justification for Affirmative Action, 64 OHIO ST. L.J. 1385 (2003)

2 NYU SELECTED ESSAYS ON LABOR AND EMPLOYMENT LAW (edited with David Sherwyn, 2003)

NYU WORKING PAPERS ON LABOR AND EMPLOYMENT LAW: 1998-1999 (edited, 2001)

Title VII, Mediation, and Collective Action, 1999 U. ILL. L. REV. 583

What Does “Testing” Tell Us About the Incidence of Discrimination in Housing Markets? 29 SETON HALL L. REV. 1488 (1999) (symposium on “Housing and Hope: An Agenda for Reform”)

The At-Will Rule and an Employer's Duty to Investigate and Remedy Workplace Harassment: A Reasonable Regulatory Approach?, 51 NYU ANN. CONF. ON LAB. 467 (1999)

Whither Weber?, 4 ROGER WILLIAMS U.L. REV. 205 (1998) (symposium on *Board of Education v. Taxman*)

If You Write It, (S)He Will Come: Judicial Opinions, Metaphors, Baseball, and "The Sex Stuff", 28 CONN. L. REV. 815 (1996)

Rhode Island's Judicial Nominating Commission: Can "Reform" Become Reality?, 1 ROGER WILLIAMS U.L. REV. 87 (1996)

Using Mediation to Resolve Equal Employment Opportunity Commission Discrimination Charges, 1995 WILEY EMPLOYMENT LAW UPDATE 21

Salvaging the Opportunity: A Response to Professor Clark, 28 U. MICH. J. L. REF. 151 (1994)

Filling An Enforcement Void: Using Testers to Uncover Discrimination In Hiring for Lower-Skilled, Entry-Level Jobs, 26 U. MICH. J.L. REF. 403 (1993)

SELECTED LECTURES AND PRESENTATIONS

"Traversing the Employment Litigation Landscape in the #MeToo Era," American College of Trial Lawyers, New England Regional Meeting (June 2018)

"Why GOOD Guys – Guys Overcoming Obstacles to Diversity – Are So Important," Rhode Island Bar Association, Annual Meeting (June 2018)

Justice Gorsuch and *Chevron* Deference," 54th Federal Administrative Law Judges Conference Annual Meeting (September 2017)

"Prelegal Education and Admission to Law School – Creating a Unified Social Media Campaign," AALS Annual Meeting (January 2017)

"The Role of the ABA Standing Committee on the Federal Judiciary," Federal Bar Association Annual Meeting and Convention (September 2014)

"The Future of Affirmative Action Under Title VII," 67th Annual Conference on Labor, New York University School of Law (June 2014)

"How do Federal Judges Decide Cases?," United States District Court for the District of Rhode Island Conference, (October 2013) (moderator)

“Section 302 of the LMRA and Neutrality Agreements,” Labor and Employment Law Roundtable, Cornell University School of Hotel Administration, Center for Hospitality Research (May 2012)

“*Nicastro* and *Goodyear*: New Developments in Personal Jurisdiction,” United States District Court for the District of Rhode Island Conference (October 2011)

“Should Employment Law Claims Continue to be Arbitrated?,” Southeastern Association of Law Schools Annual Meeting (August 2011)

“The Politics and Process of Judicial Confirmations,” American Constitution Society and Common Cause Rhode Island, The University Club of Providence, RI (November 2010) (moderator and program organizer)

“The Impact of “Merit Selection” On the Characteristics of Rhode Island Judges, Roger Williams University School of Law Symposium on Rhode Island’s 15-Year Experience with Judicial Merit Selection (November 2009) (program organizer)

“Rhode Island’s Merit Selection System: Strengths and Weaknesses,” University Symposia Program on Judicial Selection, United States District Court for the District of Rhode Island (September 2009)

“Testers Revisited,” 62nd Annual Conference on Labor, NYU School of Law (June 2009)

“Unconscious Discrimination: The Evidence,” Employment Law Program for Federal Judges, NYU School of Law (March 2009)

“Unconscious Discrimination: The Evidence,” Employment Law Program for Federal Judges, NYU School of Law (March 2008)

“What Do Unions Do About Appearance Codes?,” Symposium on Makeup, Identity Performance, and Discrimination, Duke Law School (October 2006)

“Employment Discrimination Update,” Annual Meeting, Rhode Island Bar Association (June 2006)

“Arbitration of Statutory Employment Claims,” Annual Meeting, Rhode Island Bar Association (June 2005)

“Developments in the Law of Affirmative Action,” First Circuit Judicial Conference (June 2005)

“Employment Discrimination Update,” Annual Meeting, Rhode Island Bar Association (June 2004)

“The Prevention Justification for Affirmative Action,” Harvard Law School Corporate Misconduct Colloquium (March 2004)

“Civil Rights Update: The University of Michigan Affirmative Action Cases,” Annual Meeting, Rhode Island Bar Association (June 2003)

“Mediation v. Arbitration: How Should Parties Resolve Discrimination Claims?,” Labor and Employment Law Roundtable, Cornell University School of Hotel Administration, Center for Hospitality Research (May 2003)

“The Prevention Justification for Affirmative Action,” NYU School of Law Center for Labor and Employment Law Workshop (Feb. 2003)

“Arbitration of Discrimination Claims: Is It Possible to Arbitrate Discrimination Claims in the Union Environment?,” The 5th Annual Hospitality Law Institute (October 2002) (program moderator)

“Employment Discrimination Update,” Annual Meeting, Rhode Island Bar Association (June 2002)

“The Prevention Justification for Affirmative Action,” NYU School of Law Center for Labor and Employment Law Conference on Behavioral Analyses of Workplace Discrimination (April 2002) (presenter and conference organizer)

“Recent Developments Under the Americans with Disabilities Act,” Continuing Legal Education Program, Roger Williams University (February 2002)

“Employment Discrimination Update,” Annual Meeting, Rhode Island Bar Association (June 2001)

“Employment Discrimination Update,” Annual Meeting, Rhode Island Bar Association (June 2000)

“Mediation?,” 53rd Annual Conference on Labor, New York University School of Law (May 2000)

“The At-Will Rule and Sexual Harassment Investigations,” 11th Annual Conference, Labor Research Center, University of Rhode Island (April 2000)

“What Does “Testing” Tell Us About the Incidence of Discrimination in Housing Markets?,” First Monday, Feinstein Institute for Legal Service, Roger Williams University School of Law (October 1999)

“A Debate on Affirmative Action” with Roger Pilon of the CATO Institute, Federalist Society, Roger Williams University School of Law (September 1999)

“Justifications for Affirmative Action and Title VII Doctrine,” Cornell University School of Hotel Administration (September 1999)

“Survey of the Current Law of Individual Employee Rights: Square Pegs in Round Holes?,” 52nd Annual Conference on Labor, New York University School of Law (May 1999) (moderator)

“Title VII, Mediation, and Collective Action,” Legal Theory Workshop, Seton Hall University School of Law (March 1999)

“Developing Issues in the Use of Testers in Employment Discrimination Research and Litigation,” NYU School of Law, Center for Labor and Employment Law (February 1999) (program organizer and moderator)

“What Does “Testing” Tell Us About the Incidence of Discrimination in Housing Markets?,” Seton Hall University Law Review Symposium – “Housing and Hope: An Agenda for Reform” (November 1998)

“The At-Will Rule and an Employer’s Duty to Investigate and Remedy Workplace Harassment: A Reasonable Regulatory Approach?,” 51st Annual Conference on Labor, NYU School of Law (May 1998)

“Affirmative Action: The Diversity Justification,” 8th Annual Meeting, Labor Research Center, University of Rhode Island (April 1997)

“Recent Developments in EEO Law,” Annual Meeting, Rhode Island Bar Association (June 1997)
“Recent Developments in EEO Law,” Annual Meeting, Rhode Island Bar Association (June 1995)

SELECTED OP-ED ARTICLES

The Insider’s Club for Judges, WASH. POST, Aug. 16, 2013, at A15

Pension Law May be Unconstitutional, PROVIDENCE J., Dec. 23, 2012, at A12

Pertinent Questions, Post-Curran, PROVIDENCE J.-BULL., Feb. 13, 1997, at A15

A NonCynical Look at Judicial Reform, PROVIDENCE J.-BULL., March 21, 1995, at A10

COMMUNITY SERVICE

Federal Bar Association, Rhode Island Chapter
Governing Board, 2014-2016

Labor and Employment Relations Association - Rhode Island Chapter
President, 2008-2011

Common Cause of Rhode Island
Governing Board: 1994-1996; Chair, Judicial Selection Committee: 1994-1997

LAW PRACTICE

Morgan, Lewis & Bockius, Philadelphia, Pennsylvania -- Associate: 1989-1990

Mellon, Webster & Mellon, Doylestown, Pennsylvania -- Associate: 1988-1989