

**JOSEPH P. MASTROSIMONE**  
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Washburn University School of Law  
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## ACADEMIC POSITIONS

**WASHBURN UNIVERSITY SCHOOL OF LAW**, Topeka, KS

*Professor of Law*

July 2017 – present

*Associate Dean for Academic Affairs*

July 2017 – March 2021

*Associate Professor of Law*

August 2011 – June 2017

Courses: Legal Analysis, Research and Writing I & II; Labor Law; Employment Law; Public Sector Employment Law; Comparative Labor and Employment Law; Employment Discrimination; Employee Benefits Law

**THE UNIVERSITY OF KANSAS SCHOOL OF LAW**, Lawrence, KS

*Adjunct Professor*

January 2010 – August 2011

Courses: Lawyering I & II

**THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL**, Washington, DC

*Professorial Lecturer of Law – Legal Research and Writing*

August 2001 – June 2005

Courses: Legal Research and Writing I & II

## RESEARCH INTERESTS

Traditional Labor Law, Ethics of Legal Writing

## EDUCATION

**THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL**, Washington, DC

J.D. with Highest Honors (1998)

Class Rank: 11/467 (GPA 3.808)

Activities: Notes Editor, THE GEORGE WASHINGTON UNIVERSITY LAW REVIEW

Research and Writing Fellow, 1997-1998

Co-Executive Director/Producer 1998 Law Revue Show

Honors: Order of the Coif

Ogden W. Fields Labor Law Award

Lawrence E. Siebel Employment Law Memorial Prize

Am. Jur. Awards for multiple first-year classes

**THE UNIVERSITY OF ROCHESTER**, Rochester, NY

B.A. in Political Science, *cum laude* (1995)

Certificate in Management Studies, Public Sector Analysis

## SCHOLARSHIP

### LAW REVIEW ARTICLES

Joseph P. Mastrosimone, *Benchslaps*, 2017 UTAH L. REV. 331 (Spring 2017)

Joseph P. Mastrosimone, *Still “Takin’ Care of Business”?: A Comparative Analysis of Amendments to the Georgian Labor Code*, 3 GEORGIAN COMMERCIAL L. REV. J. 39 (2014)

Joseph P. Mastrosimone, *Limiting Information in the Information Age: The NLRB's Misguided Attempt to Squelch Employer Speech*, 52 WASHBURN L.J. 473 (2013)

Victor E. Schwartz, Mark A. Behrens & Joseph P. Mastrosimone, *Reining in Punitive Damages "Run Wild: " Proposals for Judicial and Congressional Reform*, 65 BROOK. L. REV. 1003 (Winter 1999)

## BOOKS

Author, *Questions and Answers: Employment Law* (Carolina Academic Press, forthcoming 2022)

Editor, *Kansas Employment Law Handbook* (3<sup>rd</sup> Ed.) (Kansas Bar Association, 2016)

Author, "Kansas Statutory Fair Employment Laws" in *Kansas Employment Law Handbook* (3<sup>rd</sup> Ed.) (Kansas Bar Association, 2016)

## ESSAYS AND SHORTER WORKS

"Beyond Bargaining: Consequences of NLRB's Graduate Students Decision," *The Huffington Post* (August 29, 2016).

"Beware of Ghost (Writing)!," 84:8 *Journal of the Kansas Bar Association* 10 (September 2015).

"President Obama's Proposed Overtime Regulations Could Leave Workers Worse Off," *The Huffington Post* (June 30, 2015).

"A Shameful Perception Will Beget a Difficult Reality for Kansas," *The Huffington Post* (February 12, 2015). Reprinted by *The Wichita Eagle* (Sunday February 14, 2015).

"Mind Your Manners," 83:9 *Journal of the Kansas Bar Association* 10 (October 2014).

"Washburn University School of Law: Helping to Create a Diverse Bar," 83:6 *Journal of the Kansas Bar Association* 12 (June 2014).

"Unionizing College Football Players Is More Than a Hail-Mary Pass," *The Huffington Post* (January 31, 2014).

"NLRB Should Rethink Not Reissue Election Reform Rules," *The Huffington Post* (December 13, 2013).

"Ending the War Games Over the NLRB," *The Huffington Post* (July 23, 2013).

"Don't Act Like an Ostrich: How to Not Run Afoul of the Duty of Candor," 82:5 *Journal of the Kansas Bar Association* 14 (May 2013).

"Adding Punch to Your Arguments: The Thesis Sentence," 81:3 *Journal of the Kansas Bar Association* 12 (March 2012).

## PRESENTATIONS

"What's New in HR – Emerging Trends in Labor and Employment Law" – Stinson Morrison Hecker – Fall 2006, Fall 2007, Fall 2008

"Immigration Law Compliance" – Kansas Livestock Association, Winter 2008

"Dealing with Downsizing and the Potential Reemergence of Labor Unions" – Stinson Morrison Hecker Corporate Law Seminar, Spring 2009

"The Weakening Pulse of Missouri's Employment-at-Will Doctrine" – Associated Industries of Missouri Employment Law Conference, Spring 2009

“Labor and Employment Law Update - 2010 Review & 2011 Preview” – KHRC Employment Law Seminar, Fall 2010

“Labor and Employment Law Update – 2010 Review & 2011 Preview” – Kansas Bar Association CLE, Fall 2010

“Disability Discrimination: Protections and Responsibilities” – K-State Disability Employment Expo, Fall 2010

“Protection from Genetic Discrimination Under Federal and Kansas Law” – KU Law Human Rights Symposium, Winter 2011

“Protection from Genetic Discrimination Under Federal and Kansas Law” – KBA Civil Rights CLE, Winter 2011

"Creating Ethical and Professional Law Students and Lawyers: Introducing Professionalism and Legal Ethics Through the First-Year Writing Class" – Legal Writing Institute Teaching Workshop, Fall 2011

"Writing it Right: Ethical and Professional Concerns in Legal Writing" – Kansas Bar Association CLE Seminar, Spring 2012

Panelist, "Views from the Tenure Track" – The 15th Biennial Conference of the Legal Writing Institute, Summer 2012

"Recent Developments in Labor and Employment Law" – Selected Topics and Miscellany 2012 CLE Program, Summer 2012.

Moderator, "Academic Support for Legal Writing Students from Diverse Communities" – Student Populations: Diversity Matters (Legal Writing Institute one-day workshop), Fall 2012

"Limiting Information in the Information Age: The NLRB's Misguided Attempt to Squelch Employer Speech" – Employment and Labor Law in the 21st Century Changes in the Arenas of Conflict Symposium, Spring 2013

"U.S. Just Cause Termination Principles: A Comparative Analysis of Proposed Amendments to Georgian Labor Code" – Commercial Law Week, National Center for Commercial Law, Free University, Tbilisi, Republic of Georgia, Summer 2013

"Does Pro-Business Employment Law Attract Business?: A Review of American Right to Work Laws Effect on Management & Labor" – Commercial Law Week, National Center for Commercial Law, Free University, Tbilisi, Republic of Georgia, Summer 2013

"Towards Implementing Carnegie: Introducing Legal Ethics and Professionalism Through Legal Writing" – Association of Legal Writing Directors' 2013 Biennial Conference, Summer 2013.

Panelist, "Meow! Meow!: Ways to Herd Cats and Coordinate in a Directorless Program" – Association of Legal Writing Directors' 2013 Biennial Conference, Summer 2013 (co-authored with Emily Grant, Jeffrey Jackson and Tonya Kowlaski).

“Update on Employment and Labor Law,” 2014 Selected Topics and Miscellany CLE, Washburn University School of Law, Topeka, Kansas, Summer 2014

“Funny Ha Ha or Funny Unethical?: What Our Students Can Learn From Judicial Bench Slaps,” 16<sup>th</sup> Biennial Conference of the Legal Writing Institute, Philadelphia, Pennsylvania, Summer 2014.

“Get’em Writing: The Many Benefits (and Few Detriments) of a First-Day Writing Assignment,” Association of Legal Writing Directors 2015 Biennial Conference, Memphis, Tennessee, Summer 2015.

“Update on Employment and Labor Law,” 2015 Selected Topics and Miscellany CLE, Topeka, Kansas, Summer 2015.

“Everything Employment Lawyers Need to Know About the NLRA \*But are Afraid to Ask,” 2015 Employment Law CLE, Topeka, Kansas, Fall 2015 (Co-presented).

“Get’em Writing: The Many Benefits (and Few Detriments) of a First-Day Writing Assignment,” Legal Writing Institute 2016 Biennial Conference, Portland, Oregon, Summer 2016.

Keynote Address, “The Policy, Power, and Politics of Labor and Employment Law,” Future of Labor and Employment Law: Power, Policies, and Politics Symposium, Washburn University School of Law, Topeka, Kansas, Winter 2017

“Detangling Labor Law: The NLRB and Religious Educational Institutions,” Future of Labor and Employment Law: Power, Policies, and Politics Symposium, Washburn University School of Law, Topeka, Kansas, Winter 2017

“Writing it Right: Ethical and Professional Concerns in Legal Writing,” 2017 Selected Topics and Miscellany CLE, Washburn University School of Law, Topeka, Kansas, Summer, 2017

"Update in Employment Law," 2018 Selected Topics and Miscellany CLE, Washburn University School of Law, Topeka, Kansas, June 21, 2018

Panelist, "What to Make of Student Evaluations," AALS Arc of Career Program, Association of American Law Schools annual meeting, New Orleans, Louisiana, January 3, 2019

Moderator, "Increasing Tension: Labor and Employment Law Protections and Religious Accommodations," Labor Relations and Employment Law section, Association of American Law Schools annual meeting, New Orleans, Louisiana, January 4, 2019

"Free Speech in the Workplace," Law Day, Washburn University School of Law, Topeka, Kansas, May 1, 2019

"Public Sector Workers and the First Amendment: Protections and Limitations," Kansas Department of Administration Office of Chief Counsel, Fall 2019 CLE Seminar, Topeka, Kansas, September 20, 2019

"As the Pendulum Swings: An Update on the Trump NLRB," Kansas Bar Association, 2019 Employment Law CLE, Topeka, Kansas, November 21, 2019

"Workshop on Sexual Harassment Prevention Policies in Higher Education Institutions," Consortium of colleges and universities in the Republic of Georgia, April 30, 2021 (with Dr. Pam Foster)

## **LEGAL EXPERIENCE**

### **SPECIAL MASTER, Topeka, KS**

Serve as court-appointed special master to resolve complex discovery disputes in state court litigation.

### **KANSAS HUMAN RIGHTS COMMISSION, Topeka, KS**

*Chief Legal Counsel*

October 2009 – July 2011

Served as General Counsel to Kansas Human Rights Commission, Kansas’ fair employment practices agency. Advised agency on application of federal and state law to agency’s operations, trained staff on recent developments in federal and state labor and employment law, advised agency on open meeting and open records requirements, and drafted and reviewed vendor contracts. Represented agency in all legal proceedings including administrative hearings and state and federal court litigation. Drafted proposed legislation regarding disability amendments to Kansas Acts Against Discrimination, testified before Kansas House State and Federal Affairs

Committee in support of legislation, and lobbied various legislators in support of legislation and agency budget requests

**STINSON MORRISON HECKER LLP**, Overland Park, KS

*Associate*

September 2006 – October 2009

Counseled employers on compliance with federal, state and local labor and employment laws and regulations, including the National Labor Relations Act, Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and Older Workers Benefits Protections Act, the Family Medical Leave Act, the Fair Labor Standards Act, and the anti-retaliation provisions of SOX. Counseled employers on proper employee discipline and discharge procedures. Provided comprehensive training and counseling regarding compliance with employment provisions of the Immigration Reform and Control Act. Drafted and reviewed internal company employment policies. Represented employers before the U.S. Equal Employment Opportunity Commission, state and local fair employment practices commissions, and the National Labor Relations Board. Represented employers in federal court litigation in matters arising under Title VII, the Family Medical Leave Act, the Fair Labor Standards Act, the Age Discrimination in Employment Act, and ERISA.

**NATIONAL LABOR RELATIONS BOARD**, Washington, DC

*Counsel/Senior Counsel*

March 2002 – August 2006

From March 2002 to September 2004, served as legal counsel to five-member National Labor Relations Board with respect to the adjudication of representation cases arising from union organizing campaigns in the Office of Representation Appeals. Reviewed Regional Director's decision, briefs, and record below; conducted independent research and analysis; and presented and recommended disposition of case to Board members during weekly panels. Drafted majority and dissenting opinions for publication. From October 2004 to August 2006, served as legal counsel to Chairman Battista with respect to full range of unfair labor practice and representation issues before the Board, including "card check" and neutrality agreements.

**CROWELL & MORING LLP**, Washington, DC

*Associate*

August 1998 – February 2002

*Summer Associate and Law Clerk*

May 1997 – July 1998

Conducted legal research, drafted memoranda, and advised clients on a wide range of labor and employment issues including traditional labor law and liability under federal and state employment statutes. Assisted in the successful defense of a multi-plaintiff Title VII action, a Title VII nationwide class action, and various union organizing drives, including a Teamster organizing drive for a 600-person unit. Assisted with restructuring of a collective-bargaining agreement for an automotive parts manufacturer within the context of a bankruptcy filing. Drafted position statements filed with the EEOC and the NLRB and represented employers before state human rights department in investigative conferences. Researched and drafted position papers on national and state tort reform efforts. Assisted in drafting of class action fairness bill introduced in U.S. Senate and monitored and reported on legislative activity regarding same. Monitored and reported on general civil justice and "sunshine law" reform efforts before Congress and state legislatures. Drafted brief filed with the District of Columbia Court of Appeals on the application of the First Amendment to the issuance of a Civil Protection Order.

**MARRIOTT INTERNATIONAL, INC.**, Bethesda, MD

*Law Clerk, U.S. Lodging Group*

May 1996 – May 1997

Assisted six attorneys responsible for legal matters arising out of the daily operation of Marriott and Ritz-Carlton hotels. Drafted and reviewed contracts with vendors. Received legal inquiries from client hotels, conducted research, and communicated findings and advice.

## **SERVICE**

Member of the Bar of the states of Kansas and Missouri, the Commonwealth of Virginia, and the District of Columbia

Chairman, Kansas Bar Association Diversity Committee 2016-2017

Executive Committee Member At-Large, KBA Section on Labor and Employment Law

Legal Writing Institute

Association of Legal Writing Directors

Secretary, AALS Section on Labor Relations and Employment Law, 2016-2017

Chair-Elect, AALS Section on Labor Relations and Employment Law, 2017-2018

Chair, AALS Section on Labor Relations and Employment Law, 2018-2019

Executive Committee Member, AALS Section on Legal Writing, Reasoning, and Research, 2017-2018