

LABOR RELATIONS LAW: CASES AND MATERIALS

Twelfth Edition

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LABOR RELATIONS LAW: CASES AND MATERIALS

Twelfth Edition

Theodore J. St. Antoine

*James E. & Sarah A. Degan Professor Emeritus
University of Michigan*

Charles B. Craver

*Freda H. Alverson Professor of Law
The George Washington University*

Marion G. Crain

*Wiley B. Rutledge Professor of Law and
Director, Center for the Interdisciplinary Study of Work & Social Capital
Washington University*

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121 Chanlon Rd., New Providence, NJ 07974 (908) 464-6800

201 Mission St., San Francisco, CA 94105-1831 (415) 908-3200

www.lexisnexus.com

MATTHEW  BENDER

Preface to the Twelfth Edition

The last several decades have seen an explosive growth in the law governing the workplace. Even the name of the subject has changed at some schools from Labor Relations Law to Labor and Employment Law or Work Law to reflect the expanding governmental regulation of employer-employee relations, as distinct from traditional union-management relations. Although some professors still try to include both labor relations law and employment law within the same course, most law schools have created separate courses covering Employment Discrimination Law, Individual Employment Rights, and Fringe Benefit Law. We agree with this trend, because we believe there is a substantial risk of superficiality and a lack of focus if someone tries to include all of these areas in a single three- or four-hour offering. We also think that those two almost unique American institutions — the representative labor union and the collective bargaining process as they have evolved in this country — deserve study in a setting in which they occupy the center stage.

Like its predecessors, the twelfth edition of this casebook is designed for an intensive examination of the union-management relationship throughout its major phases. We begin with a focus on the right of employees to join together for organizational purposes, regulation of the union organizing process, development of bargaining relationships, the negotiation of collective agreements, including resort to economic weapons, and the enforcement of those agreements. Kind words from many readers, both faculty members and students, have indicated that the structure of recent editions has been conducive to that purpose. In this edition, we have added new sections discussing what unions must do to remain relevant in our post-industrial economy and containing criticisms of existing National Labor Relations Act provisions and suggesting possible reforms. We have also condensed the materials pertaining to the regulation of internal union affairs.

As in the past, we have tried to respond generously to the most significant current developments in the field, while simultaneously providing a set of materials that will be truly manageable in the usual three- or four-hour courses. For this revision, we will continue our practice of publishing a biennial softbound supplement to keep the book up-to-date.

We must finally express our appreciation to Toby Gillette, Dominic Pavia, and Dave Stanek whose capable and conscientious research assistance contributed substantially to this revision, and to Shelly Ford for her expert technical assistance.

Theodore J. St. Antoine
Ann Arbor, Michigan

Charles B. Craver
Washington, D.C.

Marion G. Crain
St. Louis, Missouri

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