

# Labor Law

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## A Problem-Based Approach

THIRD EDITION

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*For Victoria, Isabel, and Daniel*

MCD

*With love to Lynn, Noah, and Naomi*

JMH

*To Sandi, with love*

PMS

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# Preface

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Come what may, it is crucial for students and others utilizing this book to have a model of learning that mirrors the type of problems that labor attorneys face in practice. The problem-based approach we take in this book, which moves beyond lectures, the Socratic teaching model, and the case-book method, is meant to develop critical reasoning skills meant required to be a successful attorney. We also believe strongly that the problem-based pedagogical method will directly help students in their eventual practice of labor law by synchronizing the way labor law is taught with the way it is tested in the law school environment.

A typical chapter in this book commences with a clear synopsis of the materials to be covered in the chapter. Second, introductory materials relate the basic thrust of the materials about to be covered. Third, in most sections, a problem is presented based on scholarly articles in the area, recent case law, and current events. Fourth, students are given problem materials to work through to solve the hypothetical presented; these materials include case excerpts, public documents, and law review articles and other secondary materials. Fifth, and finally, the students are presented with a section entitled, “Post Problem Discussion.” This section seeks to highlight important areas in the primary and secondary materials, while providing additional materials for consideration of the problem. We hope that professors will engage in classroom teaching based on the problem(s) assigned for class. Indeed, this material lends itself well to classroom role-playing exercises and other experiential learning techniques.

To be clear, *Labor Law: A Problem-Based Approach* still features the most important cases, documents, and articles for students, updated through early 2024, to study in order to become proficient in the practice of American private-sector labor law. But rather than attempting to have students glean the important facets of the law solely through the traditional case method, this book’s problem-based approach requires students to act like attorneys. In short, this book provides a pedagogical alternative that we believe many professors and students will embrace as more compatible with the challenges that labor law practitioners will face in the coming decades. In our view, engagement with both the theoretical foundations and practical implications of labor law is essential for any labor law student who wishes to think critically about these issues and become a more effective advocate for their clients.

Throughout this book, we also hope to bring to bear our familiarity with the Internet, blogs, and social media to make our book one of the most interactive for students. In this vein, students will find relevant links to government websites, links to the Workplace Prof Blog (which Professor Hirsch co-edits), and links to other relevant information on the Internet.

We offer thanks to all who helped us with this project, especially to the law professors who gave us permission to reproduce their works and to our families, for putting up with our long hours in bringing this book to publication yet again.

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