

## DAVID SHERWYN

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### EDUCATION:

Cornell Law School, J.D. 1989

Cornell University, New York State School of Industrial and Labor Relations, B.S. 1986

### ACADEMIC EXPERIENCE:

John & Melissa Ceriale Professor of Hospitality Human Resources & Professor of Law  
School of Hotel Administration, Cornell University, 2011-present

Courses: (1) Business and Hospitality Law; (2) Employment Discrimination Law  
and (3) Labor Relations in the Hospitality Industry

Stephen H. Weiss Presidential Fellow, Cornell University 2014-present

The Weiss Presidential Fellowship is Cornell University's most prestigious  
teaching award. Each year a committee of Weiss fellows, deans, and students  
select 2 or 3 tenured faculty from the University and names them Weiss Fellows  
for excellence in undergraduate teaching.

Director: Cornell Center for Innovative for Hospitality Labor & Employment Relations  
School of Hotel Administration, Cornell University, 2013-present

Co-Director: Pillsbury Institute for Hospitality Entrepreneurship  
School of Hotel Administration, Cornell University, 2019-present

Director: Center for Hospitality Research  
School of Hotel Administration, Cornell University, 2006-2009

Associate Professor of Law  
School of Hotel Administration, Cornell University, 2003-2011

Assistant Professor of Law  
School of Hotel Administration, Cornell University, 1997-2003

Research Fellow  
Center for Labor and Employment Law, New York University School of Law,  
2001-present

Visiting Lecturer

School of Hotel Administration, Cornell University, 1996-1997

Adjunct Professor of Law

Cornell Law School, 1995-1997

Visiting Lecturer

New York State School of Industrial and Labor Relations, Cornell University,  
1994-1997

Courses Taught: Employment Law, Employment Discrimination Law, and Sports  
Arbitration

## **PUBLICATIONS:**

### **Law Reviews:**

Katz, H, Sherwyn, D., & Wagner: Congress Was Wrong: Arbitration is More Employee Friendly than Litigation & We Can It Even More Just! Forthcoming (*Journal of Labor & Employment Law* ABA Publications)

Sherwyn, D., & Wagner, P., Happy 2022 - War between Capital and Labor Must Be Over for the sake of unions, employers, employees, consumers, and the United States Economy. (Forthcoming NYU Annual Survey of American Law)

Heise, M. & Sherwyn, D., ( 2021) Sexual Harassment A Doctrinal Examination of Law, An Empirical Examination of Employer Liability, and A Question of About NDA's – Because Complex Problems Do Not Have Simple Solutions, 96 *Indiana Law Journal* 4

Estreicher, S., Heise, M., & Sherwyn, D., (2018) Evaluating Employment Arbitration: A Call for Better Empirical Research 70 *Rutgers Law Review* 335

Eigen, Z. & Sherwyn, D. (2016) Deferring for Justice: How Administrative Agencies Can Solve the Employment Dispute Quagmire by Endorsing an Improved Arbitration System 26 *Cornell Law School Journal of Law & Public Policy* # 2, pages 217-274

Carvell, S. & Sherwyn, D. (2015) It Is Time for Something New: A 21<sup>st</sup> Century Joint-Employer Doctrine for 21<sup>st</sup> Century Franchising 5 *American University Business Law Review* 1 pages 5-36.

Eigen Z., Sherwyn D., Eigen, Z., & Menillo, N., (2014) When Rules Are Made To Be Broken. 109 *Northwestern. U. L. Rev.* 173 (2015).

Heise, M., & Sherwyn, D. (2013) Experimental Evidence that Retaliation Clams are Unlike Other Employment Discrimination Claims 44 *Seton Hall Law Review* No 2 455-504.

Eigen, Z., & Sherwyn, D. (2012). A Moral Contractual Approach to Labor Law Reform:

A Template for Using Ethical Principles to Regulate Behavior Where Law Failed to Do So Effectively. 63 University of California at Hastings Law Journal No. 3 pages 695-746.

Eigen, Z., Menillo, N., & Sherwyn, D. (2011). Shifting the Paradigm of the Debate: A Proposal to Eliminate At-Will Employment and Implement a Mandatory Arbitration Act. 87 Indiana Law Journal No. 1 pages 271-288.

Sherwyn, D. & Heise, M. (2010). The *Gross* Beast of Burden of Proof: Experimental Evidence On How The Burden of Proof Influences Employment Discrimination Case Outcomes. 42 Arizona State Law Review 901.

Sherwyn, D., Estreicher, S., & Heise, M. (2005). Assessing The Case For Employment Arbitration: A New Path for Empirical Research. 57 Stanford Law Review 1557.

Sherwyn, D. (2003). Because it Takes Two: Why Post-Dispute Voluntary Arbitration Programs Will Fail to Solve the Problems Associated with Employment Discrimination Law Adjudication. 24 University of California at Berkley Journal of Employment Law and Labor Law 1. Reprinted in Estreicher, M. & Sherwyn, D., (Editors). *Alternative Dispute Resolution in the Employment Arena: Proceedings of the New York University 53<sup>rd</sup> Annual Conference on Labor* (2004 Kluwer Law International).

Sherwyn, D., Heise, M., & Eigen, Z., (2001). Don't Train Your Employees and Cancel Your 1-800 Harassment Hotline: An Empirical Examination and Correction of the Flaws in the Affirmative Defense to Sexual Harassment. 69 Fordham Law Review 1265. Reprinted in Sherwyn, D. & Yelnosky, M., (Editors). *NYU Selected Essays on Labor and Employment Law* (2003 Kluwer Law International).

Sherwyn, D., Tracey, J.B., & Eigen, Z. (1999) In Defense of Mandatory Arbitration of Employment Disputes: Saving the Baby, Tossing out the Bath Water, and Constructing a New Sink in the Process. 2 University of Pennsylvania Journal of Labor and Employment Law. 73.

### **Hospitality Journals:**

Lakhani, T., Sherwyn, D., & Wagner, P., Same Words, Different Meanings – Same Courts, Different Leanings: How the Supreme Court's Latest Religious Accommodation Holding Changes the Law and Affects Employers. (Forthcoming CQ)

Katz, Harry & Sherwyn D., Employment Arbitration, Litigation, or an EEOC Claim – Which Route Is Better? Research Evidence and a Policy Proposal (forthcoming Cornell Hospitality Quarterly)

Fanelli, C, Sherwyn, D. & Wagner, P., ( 2021) The Case of the Chelsea Grand: Card-Check Neutrality, Management Contracts and The Duties of Owners and Operators (Cornell Hospitality Quarterly).

Sherwyn, D., & Wagner, P., (2018) Sexual Harassment after Weinstein, Sherwyn, D., How Employment Law Became a Major Issue for Hotel Operators (Cornell Hospitality Quarterly). 51 (1), 118-127.

Sturman, M. & Sherwyn, D., (2009). The Utility of Integrity Testing for Controlling Workers' Compensation Costs. (Cornell Hospitality Quarterly) 50 (1), 432-445.

Sherwyn, D., (2008). Roundtable Retrospective 2007: Dealing With Sexual Harassment. (Cornell Hospitality Quarterly) 49 (1), 53-61.

Sherwyn, D., Eigen, Z., & Wagner, P., (2006). The Hotel Industry's Summer of 2006: Watershed Moment for America's Labor Unions. Cornell Hotel and Restaurant Administration Quarterly. 47 (4), 337-349

Sherwyn, D., Eigen, Z., & Gilman, G., (2006). Retaliation: The Fastest Growing Discrimination Claim. Cornell Hotel and Restaurant Administration Quarterly. 47 (4), 350-358

King, G.R., Winchester, J., & Sherwyn, D., (2006). You (Don't) Look Marvelous: Considerations for Employees Regulating Employee Appearance. Cornell Hotel and Restaurant Administration Quarterly. 47 (4), 359-368

Sherwyn, D., Wagner, P., & Baumgarten, J., (2004). The Mixed Motive Instruction: Did the Supreme Court Make Discrimination Cases Unwinnable. Cornell Hotel and Restaurant Administration Quarterly. 45 (2), 186-195

Sherwyn, D., Wagner, P., & Gilman, G., (2004). Trying To Make Sense of Sexual harassment Law after Oncale, Holman, and Rene. Cornell Hotel and Restaurant Administration Quarterly. 45 (2), 172-186.

Sherwyn, D., (2004). Introducing the Hospitality Roundtable on Legal Issues. Cornell Hotel and Restaurant Administration Quarterly. 45 (2), 170-171.

Sherwyn, D., (2002). Arbitration of employment discrimination lawsuits: legalities, Practicalities, & Realities (Cornell Hotel and Restaurant Administration Quarterly). 43 (6), 62-72. Reprinted in Estreicher, M. & Sherwyn, D., (Editors). *Alternative Dispute Resolution in the Employment Arena: Proceedings of the New York University 53<sup>rd</sup> Annual Conference on Labor* (2003 Kluwer Law International).

Sherwyn, D. S., & Sturman, M. C., (2002). Job-sharing: A potential tool for hotel managers. Cornell Hotel and Restaurant Administration 43 (5), 84-92.

Zuel, J., & Sherwyn, D., (2001). Identifying Uniform Employment-termination Practices for Multinational Employers. Cornell Hotel and Restaurant Administration Quarterly, 42 (5), 72-85.

Stokes, A., Murphy, R., Wagner, P., & Sherwyn, D., (2001). How Unions Organize New

Hotels without an Employee Ballot: Neutrality Agreements. Cornell Hotel and Restaurant Administration Quarterly, 42 (5), 86-96.

Sherwyn, D., Sturman, M., Eigen, Z., Heise, M., & Walwyn, J., (2001). The Perversity of Sexual Harassment Law: Effect of Recent Court Rulings. Cornell Hotel and Restaurant Administration Quarterly, 42 (3), 46-56.

Sherwyn, D., Kaufman, & Z., Klausner, A., (2000). Same-sex Sexual Harassment: How the “Equal Opportunity Harasser” Became a Legitimate Defense Cornell Hotel and Restaurant Administration Quarterly, 41 (6), 75-80.

Sherwyn, D., Eigen, Z., & Klausner A., (2000). Interpreting the ADA and Civil Rights Law: Five Supreme Court rulings. Cornell Hotel and Restaurant Administration Quarterly, 41, 85 – 93.

Sherwyn, D., Lankau, M., & Eigen, Z., (1999). The Good, the Bad & the Ugly: The Peculiar Discrimination Case of Joe’s Stone Crabs. Cornell Hotel and Restaurant Administration Quarterly, 40 (5), 10-17.

Sherwyn, D. & Tracey, J.B., (1998). Sexual-Harassment Liability in 1998: Good News or Bad News for Employers and Employees. Cornell Hotel and Restaurant Administration Quarterly, 39 (5), 14-21.

Lynn, M., Le, Joseph-Mykal, & Sherwyn, D., (1998). Reach Out and Touch Your Customers. Cornell Hotel and Restaurant Administration Quarterly, 39 (3), 60-65.

Sherwyn, D. & Tracey, J.B., (1997). Mandatory Arbitration of Employment Disputes: Implications for Policy and Practice. Cornell Hotel and Restaurant Administration Quarterly, 38 (5), 58-66.

**From the Center: Cornell Hospitality Quarterly Columns:**

Sherwyn, D., (2007). Progress Report: The Center at Fifteen. Cornell Hotel and Restaurant Administration Quarterly, Vol. 48, pp. 352-353.

Sherwyn, D., (2007). Roundtables Focus on Key Issues in Hotel Finance, Marketing, and Law. Cornell Hotel and Restaurant Administration Quarterly, Vol. 48, pp. 220-222.

Sherwyn, D., (2007). May: A Month of Roundtables. Cornell Hotel and Restaurant Administration Quarterly, Vol. 48, pp. 112-113.

Sherwyn, D., (2007). Goodbye, Hello. Cornell Hotel and Restaurant Administration Quarterly, Vol. 48, pp. 4-5.

Sherwyn, D., (2006). Your Seat at the Roundtable. Cornell Hotel and Restaurant Administration Quarterly, Vol. 47, pp. 317-318.

## **Hotel Executive**

Should the Hospitality Industry Require Employees and Guests to Be Vaccinated? 12/21

## **Center for Hospitality Research Reports:**

Sherwyn D., (2017) The Effect of Labor Law Changes under the New Administration: Too Soon to Tell, Cornell Institute for Hospitality Labor and Employment Relations Reports

Eigen, Z., Menillo, N., & Sherwyn: (2017) When Rules are Made to Be Broken; Cornell Institute for Hospitality Labor and Employment Relations Reports

Eigen, Z., & Sherwyn, D., (2016) Why Retaliation Cases Are Unlike Other Discrimination Cases; Cornell Institute for Hospitality Labor and Employment Relations Reports

Sherwyn D., (2016) Dealing With Shifting Labor Sands. Cornell Institute for Hospitality Labor and Employment Relations Reports

Sherwyn, D. and Ritter, D., (2015) The U.S. Supreme Court Rules in Favor of Employees in the Young and Abercrombie Cases: What Do They Really Hold? Cornell Institute for Hospitality Labor and Employment Relations Reports

Gilman, G; and Sherwyn, D. (2014) Arbitration: A Positive Employment Tool and Potential Antidote to Class Actions Cornell Institute for Hospitality Labor and Employment Relations Reports

Klausner, A., Salvatore, P., & Sherwyn D., (2013) The National Labor Relations Act Is Not Just for Unionized Employers Anymore *Cornell Institute for Hospitality Labor and Employment Relations Reports*

Eigen, Z., & Sherwyn, D., (2013) Using the Ethical Principles of Union Organizing to Avoid Card-Check Neutrality and Corporate Campaigns *Cornell Institute for Hospitality Labor and Employment Relations Reports*

Richmond, C., Sherwyn, D., & Lomanno, M., Restaurants at the Crossroads: A State By State Summary of Key Wage-and-Hour Provision Affecting the Restaurant Industry. *CHR Reports Vol. 7, No 15, October 2007.*

Sherwyn, D., & Gilman, G., Retaliation: Why an Increase in Claims Does Not Mean the Sky Is Falling, *CHR Reports Vol. 7, No 15, October 2007.*

Sturman, M. C., Sherwyn, D., (2007). The Truth About Integrity Tests: The Validity and Utility of Integrity testing for the Hospitality Industry. *CHR Reports Vol. 7, No 15, October 2007.*

Sherwyn, D., Eigen, Z. J., (2007). Card Checks & Neutrality Agreements: How Unions Staged a Comeback in 2006. *CHR Reports Vol. 7, No 6, April 2007*

Sherwyn, D., Carvell, S., & Baumgarten, J., (2007). The Mixed Motive Instruction in Employment Discrimination Case: What Employers Need to Know. *CHR Reports Vol. 7, No 1, January 2007*

Sherwyn, D., (2006). Mandatory Arbitration: Why ADR May Be The Most Equitable Way To Resolve Discrimination Claims. *CHR Reports Vol. 6, No 9, July 2006*

#### **Other Professional Publications:**

Sherwyn, D.S. & Sturman, M. C., (2002). What's Happened Since *Ellerth* and *Faragher*?. *HR.Com*, [On-Line], January 21.

Sherwyn, D., (1997). Negotiating Mandated Arbitration Procedures for Discrimination Claims. *BNA's Collective Bargaining Bulletin*, January 16, p. 12.

#### **Hospitality Law (a monthly publication) Comments:**

Sherwyn, D., (2003). Stop 'rude' behavior Arbitration is alive and well. *Hospitality Law*,

Vol. 18, No. 4.

Sherwyn, D., (2003). Employers may sometimes terminate injured employees. Hospitality Law, Vol. 18, No. 6.

Sherwyn, D., (2002). No discrimination when job performance is actual reason for termination. Hospitality Law, Vol. 18, No. 9.

Sherwyn, D., (2003). Hotel benefits from friendly state law. Hospitality Law, Vol. 18, No. 11.



Sherwyn, D. (2003). N.Y. tires to clarify rules for arbitration clause in union-negotiated agreements. *Hospitality Law*, Vol. 18, No. 12

Sherwyn, D., (2002). Arbitration is alive and well. *Hospitality Law*, Vol. 17, No. 7.

Sherwyn, D., (2002). Timing is everything in defending retaliation case. *Hospitality Law*, Vol. 17, No. 5.

Sherwyn, D., (2002). Compare employee's behavior to others before termination. *Hospitality Law*, Vol. 17, No. 4.

Sherwyn, D., (2002). Employment at-will is alive and well in New York. *Hospitality Law*, Vol. 17, No. 3.

Sherwyn, D., (2001). Beware of retaliatory discharge after workplace romance. The case of *Lipphardt v. Durango Steakhouse of Brandon* (11th Cir. 01). *Hospitality Law*, Vol. 16, No. 12.

Sherwyn, D., (2001). Love affairs gone sour challenge hospitality managers. *Hospitality Law*, Vol. 16, No. 12.

Sherwyn, D., (2001). Don't ignore deadlines when bringing property into ADA compliance. *Hospitality Law*, Vol. 16, No. 10.

Sherwyn, D., (2001). Treat all sexual harassment as unlawful: The Case of *Nichols v. Azteca Restaurant Enterprises* (9th Cir. 01). *Hospitality Law*, Vol. 16, No. 9.

Sherwyn, D., (2001). Use arbitration contract to force at-will employees to arbitrate: The case of *Meyer v. Starwood Hotels & Resorts* (S.D.N.Y. 01). *Hospitality Law*, Vol. 16, No. 8

Sherwyn, D., (2001). Bad case makes bad law on religious accommodation: The case of *Hussein v. the Pierre Hotel* (S.D.N.Y. 01) *Hospitality Law*, Vol. 16, No. 7.

Sherwyn, D., (2001). Good harassment policy tops non-reporting employee: The case of *Zelaya v. Eastern & Western Hotel Corp.*, (9th Cir. 01). *Hospitality Law*, Vol. 16, No. 5.

Sherwyn, D., (2001). Workers' compensation as a harassment defense: The Case of *Bartoli v. Applebee's Restaurant* (N.D. Il 01). *Hospitality Law*, Vol. 16, No. 4.

Sherwyn, D., (2001). Mixed-motive instruction is prejudicial to employers: The case of *Costa v. Desert Palace* (9th Cir. 00). *Hospitality Law*, Vol. 16, No. 3

Sherwyn, D., (2001). Improve your defense by knowing the technical side of your case: The case of *Renalds v. SRG Restaurant Group* (N.D. Il 00). *Hospitality Law*, Vol. 16, No. 2

Sherwyn, D., (2000). Good record keeping is key to policy of mandatory arbitration: Ryan's Family Steakhouse v. Brooks-Shades (AL). Hospitality Law, Vol. 15, No. 12

Sherwyn, D., (2000). Prepare to defend all terminations: Munoz v. Oceanside Resorts (11th Cir.). Hospitality Law, Vol. 15, No. 11.

Sherwyn, D., (2000). No justice for Joe's in lengthy case: EEOC v. Joe's Stone Crab (11th Cir.). Hospitality Law, Vol. 15, No. 10.

Sherwyn, D., (2000). "Can an employer prevail in a case where an employee has alleged sexual harassment by a coworker? Yes, if the conduct was not severe or pervasive." Hostetler v. Quality Dining (7th Cir.). Hospitality Law, Vol. 15, No. 9.

Sherwyn, D., (2000). "What is a disability and when is an employee unlawfully regarded as having a disability?" Sinkler v. Midwest Property Management (7th Cir.). Hospitality Law, Vol. 15, No. 6.

Sherwyn, D., (2000). Law protects 'equal opportunity' harassers: Hancock v. Cracker Barrel Old Country Store (S.D.AL.). Hospitality Law, Vol. 15, No. 3.

Sherwyn, D., (2000). "Innkeepers must carefully consider reasons for affirmative action." Schurr v. Resorts International (3rd Cir.). Hospitality Law, Vol. 15, No. 2.

Sherwyn, D., (1999). Sexual harassment policies must apply to employees at all levels. Hospitality Law, Vol. 14, No. 12.

Sherwyn, D., (1999). Hotel's victory is bittersweet. Hospitality Law, Vol. 14, No. 11.

Sherwyn, D., (1999). Motel 6 narrowly dodges bullet; result could have been different. Hospitality Law, Vol. 14, No. 9.

### **Proceedings:**

Eigen, Z., Menillo, N., & Sherwyn, D. (2013) When Rules are Made to Broken. Proceedings of the LERA conference

Sherwyn, D., Sturman, M., Eigen, Z., & Heise, M., (2001). Using Sexual Harassment to Test Legal Theories. Proceedings of the Annual Meeting of the Academy of Management, Washington, D.C.

Sherwyn, D., Tracey, J.B., & Heise, M., (2000). Vicarious liability in sexual harassment cases: An analysis of the first 53 motions for summary judgment based on the new affirmative defense. Proceedings of the Annual Meeting of the Academy of Management, Toronto, ON, CANADA.

Sherwyn, D. & Tracey, J.B., (1999). Changes in sexual harassment law: A strategic opportunity for defining the next step in the journey. Proceedings of the Annual Meeting of the Academy of Management, Chicago, IL.

Sherwyn, D. & Tracey, J.B., (1998). The strategic implications of sexual and gender-based discrimination: The case of consensual affairs gone sour. Proceedings of the Annual Meeting of the Eastern Academy of Management, Springfield, MA.

### **Books:**

Sherwyn, D. (Editor), Employment Class and Collective Actions: Proceedings of the New York University 56th Annual Conference on Labor (2009 Kluwer Law International).

Estreicher, M. & Sherwyn, D. (Editors). Alternative Dispute Resolution in the Employment Arena: Proceedings of the New York University 53<sup>rd</sup> Annual Conference on Labor (2004 Kluwer Law International).

Sherwyn, D. & Yelnosky, M. (Editors). NYU Selected Essays on Labor and Employment Law (2003 Kluwer Law International).

### **Covid Webinars Moderated**

#### **eCornell Keynotes:**

Understanding & Complying with Employment Laws, Old & New – Navigating the Covid Crisis, March 27, 2020

Hospitality Hiring Crisis 7/21

Requiring the Covid 19 Vaccination 5/21

Pre-dispute Mandatory Arbitration 3/21

The Biden NLRB 2/2021

Labor / Management Relations in the Midst of a Pandemic, March 31, 2020

Protecting & Assisting Workers in the Midst of a Pandemic, April 20, 2020

Building Guest Confidence – Making Hospitality Safe, July 20, 2020

Robots in the Hospitality Industry, October 20, 2020

Employee Orientated Technology, October 27, 2020

Covid Safe Hotels – Health Innovations for Guests and Employees November 19,

2020

19<sup>th</sup> Annual Labor & Employment Roundtable, December 2, 2020

**Jackson, Lewis Webinars**

Complying with New Covid Laws, June 26, 2020

Layoffs, Furloughs, and Retention During Covid, July 6, 2020

Bringing Employees Back, July 14, 2020

**Korn Ferry Webinar**

Employment Relations in a Pandemic June 9, 2020

**ROUNDTABLES COORDINATED:**

Roundtable Program Coordinator: Labor and Employment Law in the Hospitality Industry During Covid (virtual), Cornell University, School of Hotel Administration, Ithaca, NY December, 2020.

Roundtable Program Coordinator: Labor Relations in the Hospitality Industry, Cornell University, School of Hotel Administration, Boca Raton, Fl. February 2020

Roundtable Program Coordinator: Dispute Resolution in the Hospitality Industry, Cornell University, School of Hotel Administration, NY, NY November, 2019.

Roundtable Program Coordinator: (Regional) Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Nashville TN, October 2019.

Roundtable Program Coordinator: Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Miami FL, October, 2019.

Roundtable Program Coordinator: 18<sup>th</sup> Annual Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, NY September, 2019.

Roundtable Program Coordinator: (Regional) Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, LA Ca., July 2019.

Roundtable Program Coordinator: Regional Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Chicago, IL May 2019

Roundtable Program Coordinator: Labor Relations in the Hospitality Industry, Cornell University, School of Hotel Administration, Boca Raton, Fl. February 2019

Roundtable Program Coordinator: (Regional) Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, SF Ca., January 2018.

Roundtable Program Coordinator: (Regional) Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, LA Ca., July 2018.

Roundtable Program Coordinator: 16<sup>th</sup> Annual Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, October 2018

Roundtable Program Coordinator: Regional Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Chicago, IL May 2018

Roundtable Program Coordinator: Labor Relations in the Hospitality Industry, Cornell University, School of Hotel Administration, Boca Raton, Fl. January 2018

Roundtable Program Coordinator: (Regional) Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, LA Ca., January 2018.

Roundtable Program Coordinator: 16<sup>th</sup> Annual Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, October 2017

Roundtable Program Coordinator: Regional Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Chicago, IL May 2017

Roundtable Program Coordinator: The First 93 Days of the Trump Administration, Cornell University, School of Hotel Administration, Ithaca, NY April 2017.

Roundtable Program Coordinator: Labor Relations in the Hospitality Industry, Cornell University, School of Hotel Administration, Boca Raton, Fl. January 2017

Roundtable Program Coordinator: (Regional) Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, LA Ca., January 2017.

Roundtable Program Coordinator: 15<sup>th</sup> Annual Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, September 2016

Roundtable Program Coordinator: (Regional) Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, S.F. Ca. August 2016

Roundtable Program Coordinator: (Regional) Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, New York, NY, Spring 2016.

Roundtable Program Coordinator: (Regional) Labor and Employment Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Chicago, IL Spring 2016

Roundtable Program Coordinator: Joint Employers in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2016

Roundtable Program Coordinator: (Regional) Law in the Hospitality Industry, Cornell University, School of Hotel Administration, L.A. Ca. Winter 2016

Roundtable Program Coordinator: Labor Relations in the Hospitality Industry, Cornell University, School of Hotel Administration, Boca Raton, Fl. Winter 2016

Roundtable Program Coordinator: Owner/Operator Roundtable in the Hospitality Industry, Cornell University, School of Hotel Administration, Washington DC, Fall 2015 2015

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Fall 2015

Roundtable Program Coordinator: Union/Management Relations in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2015

Roundtable Program Coordinator: (Regional) Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Chicago, IL Spring 2015

Roundtable Program Coordinator: Labor Relations in the Hospitality Industry, Cornell University, School of Hotel Administration, Boca Raton, Fl. Winter 2015

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Fall 2014

Roundtable Program Coordinator: Labor Relations in the Hospitality Industry, Cornell University, School of Hotel Administration, Boca Raton, Fl. Winter 2014

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2013

Roundtable Program Coordinator: Labor Relations in the Hospitality Industry, Cornell University, School of Hotel Administration, Boca Raton, Fl. Winter 2013

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2012

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2011

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2010

Roundtable Program Co-Coordinator: Human Resources in the Hospitality Industry, Cornell University, School of Hotel Administration, Las Vegas, Nevada Spring 2010

Roundtable Program Coordinator: Sustainability in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Fall 2009

Roundtable Program Coordinator: Senior Living and the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Fall 2009

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2009

Roundtable Program Co-Coordinator: Human Resources in the Hospitality Industry, Cornell University, School of Hotel Administration, Orlando, Fl, Spring 2009

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2008

Roundtable Program Coordinator: Gaming and the Hospitality Industry, Cornell University, School of Hotel Administration, Las Vegas, Nevada Spring 2008

Roundtable Program Co-Coordinator: Human Resources in the Hospitality Industry, Cornell University, School of Hotel Administration, Las Vegas, Nevada Spring 2008

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2007

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2006

Roundtable Program Coordinator: Leadership in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Fall 2005.

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2005.

Roundtable Program Coordinator: Marketing in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2005.

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2004.

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2003.

Roundtable Program Co-Coordinator: Human Resources in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, Spring 2003.

Roundtable Program Coordinator: Law in the Hospitality Industry, Cornell University, School of Hotel Administration, Ithaca, New York, May 2002.

#### **CONFERENCES HOSTED OR COORDINATED:**

Conference Coordinator: The 14<sup>th</sup> Annual National HR in Hospitality Conference and Expo. September 2021, San Diego, Ca

Conference Coordinator: The 13<sup>th</sup> Annual National HR in Hospitality Conference and Expo. March 2019, Las Vegas, Nevada

Academic Co-Coordinator: The 12<sup>th</sup> Annual National HR in Hospitality Conference and Expo. March 2018, Las Vegas, Nevada

Academic Co-Coordinator: The 11<sup>th</sup> Annual National HR in Hospitality Conference and Expo. March 2017, Las Vegas, Nevada

Academic Co-Coordinator: The 10<sup>th</sup> Annual National HR in Hospitality Conference and Expo. March 2016, Scottsdale, AZ, Nevada

Academic Co-Coordinator: The 9<sup>th</sup> Annual National HR in Hospitality Conference and Expo. March 2015, Las Vegas, Nevada

Academic Co-Coordinator: The 8<sup>th</sup> Annual National HR in Hospitality Conference and Expo. March 2014, Las Vegas, Nevada

Academic Co-Coordinator: The 7<sup>th</sup> Annual National HR in Hospitality Conference and Expo. March 2013, Las Vegas, Nevada



Academic Co-Coordinator: The 6<sup>th</sup> Annual National HR in Hospitality Conference and Expo. April 2012, San Francisco, Ca.

Academic Co-Coordinator: The 5<sup>th</sup> Annual National HR in Hospitality Conference and Expo. April 2011, Washington, DC.

Academic Co-Coordinator: The 4<sup>th</sup> Annual National HR in Hospitality Conference and Expo. February 2010 Las Vegas, Nevada.

Academic Co-Coordinator: The 3rd Annual National HR in Hospitality Conference and Expo. March 2009 Orlando, Florida.

Academic Co-Coordinator: The 2nd Annual National HR in Hospitality Conference and Expo. March 2008 Las Vegas, Nevada.

Academic Co-Coordinator: The 1<sup>st</sup> Annual National HR in Hospitality Conference and Expo. March 2007, Las Vegas, Nevada.

Academic Coordinator: Strategies for Success, The 5<sup>th</sup> Annual Hospitality Law Institute, New York, NY, October 2002.

Academic Coordinator and Co-Host: Cornell University and Bickel & Brewer Fourth Annual Hospitality Industry Legal Strategy Conference. October 4-6, 2000.

## **CONFERENCES AND OTHER SPEAKING ENGAGEMENTS:**

### **Annual Jones Day Labor & Employment Law Discussion Group**

1. March, 2010
2. April, 2011
3. April, 2012
4. September, 2013
5. October 8, 2014
6. 2015: October, 2015
7. September, 2016
8. September, 2017
9. October, 2018
10. October, 2019
11. October, 2020 (virtual)

### **Georgetown Hotel and Lodging Legal Summit (started in 2012 on planning Board 2013-present)**

1. November, 2012
2. October, 2013
3. November, 2014
4. November, 2015

5. October, 2016
6. October, 2017
7. October, 2018
8. October, 2019
9. October, 2020 (Virtual)

**ALIS Law (started 2014 – on planning Board 2015-present)**

1. January 2014
2. January 2015
3. January 2016
4. January 2017
5. January, 2018
6. January, 2019
7. January 2020
8. July 2021
9. January 2022
10. January 2023
11. January 2024

Speaker: The Gross beast of Burden – How the Jury Instructions Affect Discrimination Case Outcomes: Dwight D. Opperman Institute of Judicial Administration's Federal Court Judges Training Session March 2010 NYU Law School, New York, NY.

Speaker: How Roundtables Can Bridge the Gap Between Hospitality Professionals and Academics. Dublin Ireland, March 2010

Speaker: Employment Law in the Hospitality Industry: A seminar of the clients of Jones, Day, March 2010, Chicago, Illinois

Speaker: Employment Law in the Hospitality Industry: A seminar of the clients of Davis & Gilbert, January 2010, New York, NY

Speaker: Employment Law Update, Retaliation, and Labor Law Reform: The 4<sup>th</sup> Annual National HR in Hospitality Conference and Expo, February 2010 Las Vegas, Nevada.

Speaker: Employment Law Update, Sexual Harassment, and Union Negotiations. The 3rd Annual National HR in Hospitality Conference and Expo, March 2009 Orlando, Florida.

Speaker: Employment Law Update, Arbitration, and EEOC procedures. The 2nd Annual National HR in Hospitality Conference and Expo, March 2008 Las Vegas, Nevada.

Speaker: Hospitality Law: The International Lodging Conference, Rome Italy, October 2008

Speaker: EFCA. The Lodging Conference, Phoenix Arizona September 2008

Speaker: Hospitality Education: The International Lodging Conference, Rome Italy, October 2007.

Speaker: Employment Law Update, The Negotiations of 2006, and Discrimination Law. The 1<sup>st</sup> Annual National HR in Hospitality Conference and Expo, March 2007, Las Vegas, Nevada.

Speaker: 60<sup>rd</sup> Meeting of the NYU Annual Conference on Labor. Topic: Retaliation After Burlington Northern. May, 2007

Speaker: Linking the Hospitality Industry and those who study it. Dublin Ireland, December 2007.

Keynote Speaker: Cornell University School of Hotel Administration Ye Hosts Honor Society Induction Ceremony. March, 2002, Ithaca, NY.

Commentator: Research Conference on International and Domestic Arbitration, The Institute of Judicial Administration, NYU School of Law, New York, NY, September 2002.

Speaker: The Society for Human Resource Management. Topic: Sexual Harassment after Ellerth & Faragher: The first 100 cases. June 2001, Ithaca, New York

Speaker: Using labor and employment laws to give you the “house advantage”. Seminar presented by the Employment Law Alliance for the hospitality industry. Topic: Arbitration of Discrimination Law Suits: Can you, Should You. May 24, 2001, Chicago, IL.

Speaker: 54<sup>rd</sup> Meeting of the NYU Annual Conference on Labor. Topic: Creating One Set of Employment Policies for Multi-National Employers. May 17-18, 2001.

Co-Host and Moderator: Cornell University and Bickel & Brewer, Fourth Annual Hospitality Industry Legal Strategy Conference. October 4-6, 2000.

Keynote Speaker: Cornell University School of Hotel Administration, Ye Hosts Honor Society Induction Ceremony. November, 2000, Ithaca, NY.

Speaker: 53<sup>rd</sup> Meeting of the NYU Annual Conference on Labor. Topic: Empirical Studies of Arbitration Systems for Employment Disputes: What Do We Know? May 18-19, 2000.

Moderator: Cornell University Conference on Hospitality Industry Strategy. Topic: A Proactive Approach to Managing Employee Retention and Morale: Mandatory Arbitration Strategies, March 19-21, 2000.

Speaker: University of Houston, Conrad N. Hilton College’s Symposium on Legal Issues in the Hospitality Industry at the University of Houston. Topic: Sexual Harassment

After Ellerth & Faragher: The First Fifty Summary Judgment Motions, October 28-29, 1999.

Speaker: Academy of Hospitality Industry Attorneys, 1999 Conference; Denver, Colorado. Topic: Arbitration of Discrimination Claims, May 28, 1999.

Keynote Speaker: Cornell University School of Hotel Administration Ye Hosts Honor Society Induction Ceremony. November, 1998, Ithaca, NY.

Speaker: University of Houston, Conrad N. Hilton College's Symposium on Legal Issues in the Hospitality & Gaming Industries at the University of Houston. Topics: (1) Labor and Employment Relations in 1998; and (2) Premises Liability for Hotel Owners. Dates: October 28-30, 1998.

Speaker: University of Houston, Conrad N. Hilton College's Symposium on Legal Issues in the Hospitality & Gaming Industries at the University of Houston. Topics: (1) Creating an In-house Dispute Resolution Program for Employees. (2) Collective Bargaining & Issues of Unionization. Dates: October 22-24, 1997.

Speaker: International Association of Hospitality Accountants: 44<sup>th</sup> Annual Convention, Calgary, Alberta, Canada. Topic: Workplace Torts and Courtroom Alternatives. Date: September 26, 1997.

Speaker: International Association of Hospitality Accountants: Hospitality Industry Technology Exposition and Conference, Baltimore, Maryland. Topic: Guest Stay Information: Is It Confidential? Date: June 25, 1997.

## **AWARDS:**

### **Teaching:**

2022-2023 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's junior and seniors for their core courses)

2020-2021 Ted Teng Teaching Award

2019-2020 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's junior and seniors for their core courses)

2016-2017 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's junior and seniors for their core courses)

Stephan H. Weiss Presidential Fellowship 2014 Cornell's most prestigious teaching award

2013-2014 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's junior and seniors for their core courses)

2010-2011 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's junior and seniors for their core courses)

2008-2009 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's junior and seniors for their core courses)

2007-2008 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's junior and seniors for their core courses)  
2006-2007 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's junior and seniors for their core courses)  
2004-2005 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's junior and seniors for their core courses)  
2001-2002 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's junior and seniors for their core courses)  
2000-2001 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the students of the Hotel School)  
2000-2001 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the Hotel School's juniors and seniors)  
1999-2000 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the students of the Hotel School)  
1998-1999 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the students of the Hotel School)  
1997-1998 Cornell University School of Hotel Administration Teacher of the Year  
(selected by the students of the Hotel School)  
2001 Cornell University School of Hotel Administration Professor of the Year  
(selected by Cornell's fraternities and sororities)  
1998 Cornell University School of Hotel Administration Professor of the Year  
(selected by Cornell's fraternities and sororities)

**Research:**

2001-2002 Cornell University School of Hotel Administration Research Award  
2001-2002 Cornell Hotel and Restaurant Administration Quarterly Best Article  
Nomination

**Expert Testimony (in last five years) and other Relevant Expert Work**

Wage & Hour Service charge case *Ordone v. Marriott*: 2023 Testified at deposition and trial.  
Wage & Hour Tip Pooling Class Action: *Bradley v Centraarchy Restaurant Mgt Co.*: 2019  
testified at trial  
Wage & Hour Service Charge v Tip Class Action: *Reilly v Richmond Country Club*: 2011 no  
testimony  
Wage & Hour Tip Pooling Payment Case: *Frankenstein v Host International*. Testified at  
deposition  
Discrimination Case: *United States v. Gateway Hotel*. Prepared report for Dept. of Justice  
Interest Arbitration: *Unite Here v Portland Hyatt*: 2023 testified at arbitration  
Interest Arbitration: *Unite Here v the Shay Hotel*  
Arbitration re Mgt Contract and Union organizing *Mack Caley v Hyatt*: 2021 testified at  
arbitration  
Interest Arbitration: *Unite Here v MGM National Harbor*: 2018 testified at arbitration  
Sexual Harassment *Revis v Charlotte Hilton*: 2017 testified at deposition only  
Rico Lawsuit: *Care One v. United Health Care Worker*: pending, no testimony  
Rico Lawsuit: *Sodexo v Worker's United*: 2011 no testimony

**LEGAL EMPLOYMENT:**

Stokes, Wagner 2004-present

Pinnisi, Wagner, Sherwyn & Geldenhuys, Ithaca, NY, 1994 -- 1996

Laner, Muchin, et al., LTD., Chicago, IL, 1992-1994

Rudnick & Wolfe, Chicago, IL, 1990-1991

Verrill & Dana, Portland, ME, 1989-1990

Proskauer, Rose, Goetz & Mendelsohn, New York, NY, Summer 1988

**ADMITTED:**

Maine

Illinois

New York