

Curriculum Vita  
**Emily A. Spieler**

Edwin W. Hadley Professor of Law  
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**Education**

Yale Law School, New Haven, Conn. J.D., 1973.  
Harvard-Radcliffe College, Cambridge, Mass. A.B. magna cum laude, 1969 (Modern European History and Literature).

**Bar Admissions**

State of West Virginia, 1978; U.S. District Court of the Southern District of West Virginia  
Commonwealth of Massachusetts, 1974; U.S. District Court of Massachusetts

**Employment**

**Edwin W. Hadley Professor of Law, Northeastern University School of Law, Boston, MA.**

August 2012-August 2013: Visiting Scholar, Institute for Work and Employment  
Research, Sloan School of Management, Massachusetts Institute of Technology.

**Dean and Edwin W. Hadley Professor of Law, Northeastern University School of Law.**  
Boston, MA. July 1, 2002 – August 12, 2012.

**Hale J. and Roscoe P. Posten Professor of Law, West Virginia University College of Law,**  
1990-2002.

Fall 2001. Fulbright Scholar, University College Cork, Cork, Ireland

Visiting Scholar, Kennedy School of Government, Harvard University, and The Health  
Institute, New England Medical Center, Tufts University (Spring 1999).

Visiting Professor, Faculty of Law, University of Lund, Lund, Sweden (October 1998)

1989 - 1990. **Commissioner, W.Va. Workers' Compensation Fund**, Charleston, WV (sole executive of exclusive state fund, responsible for rate-making and claims processing and awarding)

1987 - 1989 and 1983 - 1985. **Professor of Labor Studies, Institute for Labor Studies**, West Virginia University, Charleston, WV

1985 - 1987. **Deputy Attorney General for Civil Rights**, Office of the Attorney General, State of West Virginia (founding Deputy; responsible for leading the development of civil rights strategy while responding to Supreme Court order to clear a backlog of 1500 cases under the WV Human Rights Act that were ready for litigation)

1978 - 1983. Attorney, solo practice. East Bank and Charleston, West Virginia, specializing in labor, employment and civil rights law. Practice during this period also included:

1982 - 1983. Hearing Examiner: West Virginia Human Rights Commission; Board of Medicine; Board of Social Work.

1978 - 1981. Co-Director, Occupational Health Project, Cabin Creek Health Association, Dawes, WV.

1976 - 1978. Attorney, solo practice, Cambridge, Massachusetts (specialization in employment and labor law).

1975 - 1977. Special Assistant Attorney General for the Massachusetts Department of Public Health, Lead Poisoning Prevention Division (part-time special prosecutor of landlords accused of public health violations for failure to remove lead paint from residential properties).

1974 - 1976. Partner in the law firm of Allen, Flaherty, Rosenberg, Saltzman and Spieler, Cambridge, Massachusetts ("The Women's Law Collective")

November 1973 - April 1974. Research grant to study management of health care institutions and occupational health and safety in Yugoslavia.

July 1973 - November 1973. Food Research and Action Center, New York, New York (now located in Washington, D.C.)

June 1972 - October 1972. Health Policy Advisory Center, New York, New York (research

internship funded by the Law Students Civil Rights Research Council).

September 1971 - May 1971 and January 1972 - June 1972. New Haven Legal Assistance Association, New Haven, Connecticut (part-time law clerk).

June 1971 - August 1971. Dine Ben Nahilna Agaditahe, Inc., Shiprock, New Mexico (Navajo Legal Services) (summer law clerk).

## **AWARDS and HONORS**

Elected Fellow, College of Workers' Compensation Lawyers, 2007

Elected Fellow, American Bar Foundation, 2007

Dr. Martin Luther King Jr. Achievement Award, presented January 21, 2002 by West Virginia University President's Office, WVU Center for Black Culture and History, and WVU Martin Luther King, Jr. Program Committee, Morgantown, West Virginia

Fulbright Scholar Award, Fall 2001, University College Cork, Ireland

Elected to membership in National Academy of Social Insurance, 1994.

Faculty Scholar, West Virginia University College of Law, 1997-1998; West Virginia University College of Law Most Significant Faculty Scholarship (annual award to one member of College of Law faculty): Awards for most significant scholarship published during 1993, 1994, 1995.

West Virginia Celebrate Women Award for Outstanding Achievement in Government Service, presented February 7, 1990, Charleston, West Virginia.

First recipient of the West Virginia Martin Luther King, Jr. Holiday Commission "Living the Dream" Award for Advocacy of Justice, presented January 20, 1986, Charleston, West Virginia.

West Virginia State Bar Certificate of Merit, presented May 4, 1985, Morgantown, West Virginia.

## **SERVICE**

### **National & International**

Institute for Work and Health, Toronto, Ont., CA: Chair, Scientific Advisory Committee, 2012-; Member, Scientific Advisory Committee, 2008-2012; five-member International Review Board, 2007.

College of Workers' Compensation Lawyers: Member, Board of Governors and Fellow (elected as founding fellow 2007, elected to Board of Governors 2007-10, 2010-13)

National Academy of Social Insurance: Member, Workers' Compensation Data Panel (current); Steering Committee, Workers' Compensation Initiative (1997-2007); Chair, Subcommittee on the interrelationships between workers' compensation and other social insurance programs and protective labor legislation; Member, committee on benefit adequacy; co-author of report on benefit adequacy in workers' compensation; Planning Committee, NASI Project on Workers in the Second Half of Life (1998-2000); member, Workers' Compensation Data Panel, 2000- . (Elected to membership in the Academy 1994)

National Economic and Social Rights Initiative: Member, Advisory Committee, National Initiative on Rethinking Workers' Compensation, 2009 - .

American Bar Association, Section on Legal Education and Admission to the Bar: Member, Faculty for Workshop for Newly Appointed Deans, June 2010 and June 2011.

Member, President Obama's Transition Team for the U.S. Department of Labor (focused on the Occupational Safety and Health Administration), 2008-09

American Bar Association: Member, Board of Governors, College of Workers' Compensation Attorneys, Torts and Insurance Practice Section, American Bar Association, 2008-; Public Co-Chair, Workers' Compensation Committee of the Labor and Employment Section, American Bar Association, 1996 - 1998.

Boston Bar Association: member, Governing Council (2004-2007); member, Task Force on Diversity (2007-2008); member, Steering Committee, Section on Diversity and Inclusion in the Bar (2008-2010).

Member, National Academies (National Academy of Sciences, Institute of Medicine, National Academy of Engineering, and National Research Council) Committee on Health and Safety Needs of Older Workers. 2001-2004.

Chair, Worker Advocacy Advisory Committee, U.S. Department of Energy. 2001-2003. (Federal Advisory Committee to oversee implementation of the Energy Employees Occupational Illness Compensation Program Act of 2000).

National Advisory Board, Workers' Disability Income Systems, Inc. 1999 - 2007.

National Institute for Occupational Safety and Health, National Occupational Research Agenda Implementation Team: Social and Economic Consequences of Workplace Illness and Injury 1997-2003.

National Advisory Committee, Robert Wood Johnson Foundation Workers' Compensation Health Initiative 1996 - 2001.

American Medical Association, Steering Committee, AMA Guides to the Evaluation of Permanent Impairment (committee formed in preparation for fifth edition of the Guides) 1997 - 1998.

Expert Panel, Robert Wood Johnson Foundation funded project to develop tools to evaluate the effectiveness of managed care programs in workers' compensation, City University of New York Medical School 1997 - 1998.

Member, Occupational Injury Prevention Panel, Centers for Disease Control and Prevention (CDC), 1990-1991.

### **Public Service - State of West Virginia**

W.Va. Supreme Court of Appeals Oversight Committee, Workers' Compensation Mediation Project, 1998 - 2001 (appointed by Chief Justice of the West Virginia Supreme Court of Appeals).

Board member, W.Va. Public Employees Insurance Agency Finance Board, 1990 - 1998. Served as Board liaison to Offices of Governor and Attorney General regarding litigation against tobacco industry, 1995 - 1998. The Finance Board was the governing body for the health and life insurance programs for all public employees in West Virginia. (appointment by the Governor)

Commissioner, W.Va. Human Rights Commission, 1990-1997. (West Virginia Fair Employment Practice Agency, responsible for enforcement of laws against discrimination in employment and housing.) (appointment by Governor)

Resource member, Task Force on Finance and Costs, W.Va. Health Care Planning Commission, 1992 - 1993 (appointment by Governor).

### **Memberships**

Fellow: American Bar Foundation; American College of Workers' Compensation Lawyers  
Member: National Academy of Social Insurance; Massachusetts Bar Association; Boston Bar Association; Association of American Law Schools; American Bar Association (Committees on Legal Education, Labor & Employment Law, Torts & Insurance Practice, and Health Law Forum); International Society for Labour Law and Social Security; American Public Health Association (Occupational Health Section); Workers' Compensation Research Group; Law & Society Association

## **Reports and Testimony (unpublished)**

Congressional Testimony before the Subcommittee on Workforce Protections of the Committee on Education and Labor of the U.S. House of Representatives: “Developments in State Workers’ Compensation Systems: The Use of the AMA Guides to the Evaluation of Permanent Impairment.” November 17, 2010. Written testimony available at: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_house\\_hearings&docid=f:61993.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_house_hearings&docid=f:61993.pdf)

U.S. National Reporter, Report prepared on Occupational Risks: Social Protection and Employers’ Liability for the International Congress of Labour Law and Social Security, Paris, France. September 2006.

Member, drafting committee, Health and Safety Needs of Older Workers, Report of the National Research Council of the National Academies, 2004

Dispute Resolution in Workers’ Compensation Managed Care. Report prepared for Robert Wood Johnson funded project, A Guide to Evaluating the Effectiveness of Managed Care Programs in Workers’ Compensation. 1996

Labor Principle Number 10: Compensation for Occupational Injuries and Illnesses in the U.S. Prepared for NAFTA Commission for Labor Cooperation, June 1996

U.S. National Reporter, Report prepared on Health Care: Public and/or Private Systems for the IIIrd American Congress of Labor Law and Social Security, Montreal, Canada. May 1995.

## **PUBLICATIONS**

### **Articles and Book Chapters (\* = peer reviewed)**

\*Boden, LI and Spieler E. Compensation for Work Injury and Illness. In *The Oxford Handbook of U.S. Social Policy*, Oxford University Press (forthcoming 2013).

\*Spieler E and Burton JF Jr. The lack of correspondence between work-related disability and receipt of workers’ compensation benefits. *American Journal of Industrial Medicine* 55(6):487-505, June 2012.

\*Utterback, David F., Schnorr, TM, Silverstein, BA., Spieler, EA., Leamon, TB., Amick, BC III. Occupational Health and Safety Surveillance and Research Using Workers' Compensation Data. *Journal of Occupational & Environmental Medicine*. 54(2):171-176, February 2012.

Spieler E. Legal Remedies: Job Security for Workers, in *Occupational and Environmental Health: Recognizing and Preventing Disease and Injury* 6<sup>th</sup> ed. (Levy Barry, David Wegman, Sherry Baron, Rosemary Sokas, eds) 2011; 685-93.

\*Boden LI and Spieler E. The Relationship between Workplace Injuries and Workers' Compensation Claims: The Importance of System Design. In *Workers' Compensation: Where Have We Come From? Where Are We Going?* (Richard A. Victor and Linda L. Carrubba, eds). Workers' Compensation Research Institute WC 10-33, 2008; 215-234.

Boden LI, Spieler E, Leifer N. Legal Remedies and Social Benefits for Occupationally and Environmentally Injured Workers in *Occupational Health: Recognizing and Preventing Work-Related Disease and Injury*, 5<sup>th</sup> ed., (Levy B, D Wegman eds). 2006.

\*Burton, JF Jr. and Spieler E. Workers' Compensation and Older Workers. In *IAIABC Journal* 41(2), Fall 2004.

Spieler E. Legal Approaches to Preventing Occupational Disease and Injury. In *Preventing Occupational Injury and Illness, 2d ed.*, (Levy B, Wagner, Weeks, Rest, eds.), American Public Health Association 2004.

Spieler E. Risks and Rights: The Case for Occupational Safety and Health as a Core Worker Right in *Workers' Rights as Human Rights* (Gross J, ed.) ILR Press 2003: 78-118.

Spieler E. The Americans with Disabilities Act and Family Medical Leave Act. In *Occupational Safety and Health Law*, American Bar Association treatise published by Bureau of National Affairs (Rabinowitz R, ed., 2002).

\*Boden LI, Biddle E, Spieler E. Editorial: Social and Economic Impacts of Workplace Illness and Injury, *American Journal of Industrial Medicine* 40: 398 (Sept. 2001)

Burton JF, Spieler E. Workers' Compensation and Older Workers, *Health and Income Security for An Aging Workforce*, No.3, National Academy of Social Insurance (April 2001).

Burton JF, Spieler E. Workers' Compensation and the Aging Workforce. Commissioned paper for National Academy of Social Insurance Annual Meeting, 2000. In *Ensuring Health and Income Security for an Aging Workforce* (Budetti, Burkhauser, Gregory and Hunt, eds) 2001: 41-84.

\*Spieler E, Shor G. Editorial: The continuing struggle for adequate compensation for injured workers. 20 *New Solutions* 197-206 (2000). (Guest Editor, Volume 20 *New Solutions*, Assessing Workers' Compensation, 197-311,2000).

Spieler E. On the Road: Images of Truth-telling in Rural America, *Mich. J. Law & Gender* 6:377, 2000.

\*Spieler E, Barth P, Burton JF, Himmelstein J, Rudolph L. Recommendations to Guide the Revision of the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, *JAMA* 283: 519-523 (2000).

Spieler E. Is workers' compensation the only legal remedy for workers who are injured at work? In *Occupational Health: Recognizing and Preventing Work-Related Disease and Injury*, 4<sup>th</sup> ed. (Lippincott, Williams & Wilkins, Levy BS, Wegman DH, eds.) 2000

\*Spieler E. Solutions for the Problems of Special Populations at Risk. In *Special Populations in Occupational Health* (monograph, Howard Frumpkin and Glenn Pransky, eds.), *Occupational Medicine: State of the Art Review* (1999).

Spieler E, Burton JF. Compensation for Disabled Workers: Workers' Compensation. In *New Approaches to Disability in the Workplace* (Industrial Relations Research Association, Terry Thomason, John F. Burton, Jr., and Doug Hyatt, eds., 1998).

Spieler E. Assessing Fairness in Workers' Compensation Reform: A Commentary on the 1995 West Virginia Workers' Compensation Legislation, 98 *W.Va. Law Rev.* 23-170 (1995). Cited by the W.Va. Supreme Court of Appeals in *Blankenship v. Richardson*, 196 W.Va. 726, 474 S.E.2d 906 (1996).

Spieler E. Legal Issues in Occupational Medicine. In *Occupational Injuries: Evaluation, Management, and Prevention* (Herington and Morse eds., Mosby Yearbook, 1995).

Spieler E. Report on the U.S. Health Care System, prepared as U.S. Reporter for Health Care: Public or Private, IIIrd American Congress of Labor Law and Social Security, Montreal, Canada, May 1995 (unpublished report).

Spieler E. Perpetuating Risk? Workers' Compensation and the Persistence of Occupational Injuries, 31 *Houston Law Rev.* 119-264 (1994). Excerpts reprinted in *Employment Law* (Rothstein M, Leibman L, eds. ); 1995 *Workers' Compensation Yearbook* (Burton, JF Jr. ed. 1994). Reviewed in 3 *Ed Welch On Workers' Compensation* 152 (1994). Received West Virginia College of Law Most Significant Faculty Scholarship Published During 1994 Award.

Spieler E. Injured Workers, Workers' Compensation, and Work, 95 *W.Va. Law Rev.* 333-467 (1992-93). Cited by the W.Va. Supreme Court of Appeals in *Lyons v. Richardson*, 429 S.E.2d 44, 47 n.3 (W.Va. 1993). Received West Virginia College of Law Most Significant Faculty Scholarship Published During 1993 Award.

\*Spieler E. Social Welfare Policy in the Context of Economic Restructuring, 30 *Urban Studies* 351 (1993). Cited by W.Va. Supreme Court of Appeals in *Blankenship v. Richardson*, 196 W.Va. 726, 474 S.E.2d 906 (1996).

Spieler E. Can Coal Miners Escape Black Lung? An Analysis of the Coal Miner Job Transfer Program and Its Implications for Occupational Medical Removal Protection Programs, 91 *W. Va. Law Rev.* 775-816 (1989).

\*Wagner G, Spieler E. Disease Surveillance and Health Promotion for Coal Miners Utilizing Independent Community Health Care Centers. 14 *Annals of the American Conference of Governmental Industrial Hygienists* 285 (1986).

Spieler E. Licensure of Health Workers, *Health/PAC Bulletin*, November 1972. Reprinted in abridged form under the title Division of Laborers in *Prognosis Negative: Crisis in the Health Care System* 205-214 (Kotelchuck, ed. 1976).

### **Written Materials for Continuing Legal Education Programs**

Continuing Conflict Between the Exclusivity of Workers' Compensation and the Availability of Alternative Civil Remedies (National Symposium on Workers' Compensation, Annual Meeting, July 20, 1998, Dearborn, Michigan).

The Americans with Disabilities Act, the FMLA, and Ergonomic Injuries (Committee on Occupational Safety and Health, Section on Labor and Employment Law, American Bar Ass'n, Mid-Winter Meeting, March 13, 1998).

Occupational Safety and Workers' Compensation (American Bar Ass'n Annual Meeting, Section on Labor and Employment Law, Aug. 5, 1996).

New Developments in Federal Employment Law (W.Va. Continuing Legal Education materials, Nov. 20, 1993).

Returning the Injured Worker to the Workplace: The Employer's Duty under the ADA, the Human Rights Act, and the Workers' Comp. Act. (WV Continuing Legal Education program materials, Oct. 16, 1992)

Workers' Compensation in West Virginia: Vocational Rehabilitation of Injured Workers (National Business Institute continuing legal education program materials, Jan. 1991)

Rights and Responsibilities of Injured Workers: Workers' Compensation Act Revisions: Special Rights of the Occupationally Injured (WV Continuing Legal Education program materials, Dec. 1, 1990)

Update on the Law: Workers' Compensation Update (WV Continuing Legal Education program materials, Sept. 1, 1990)

Discriminatory Discharge under the WV Human Rights Act, in *West Virginia Litigation Wrongful Discharge* (Professional Education Systems, Inc., 1988 and 1989).

### **Manuals**

Bastress R, Roles F, King R, Spieler E, *Litigating Wrongful Discharge in West Virginia* (PESI 1988).

Spieler E, Bastress R, Roles F, *Litigating Wrongful Discharge in West Virginia* (PESI 1986).

W.Va. State Bar Employment Law Committee, *Manual for West Virginia Human Rights Commission Hearing Examiners* (co-chair, drafting committee). Prepared pursuant to the order of the West Virginia Supreme Court of Appeals by the West Virginia State Bar, March 1985.

Spieler, E. *Counseling Coal Miners with Respiratory Disease* (West Virginia Department of Health, 1983). A comprehensive manual for use by non-lawyers involved in counseling coal miners regarding benefit programs.

Spieler, E. *Clinical and Community Issues in Primary Care: Occupational Health: Legal and Ethical Issues* (1982) (reproduced by the Student American Medical Student Association for use in medical school curricula).

### **Abstracts and Proceedings**

Spieler E. Developments Under the Americans with Disabilities Act: Implications for Injured Workers. Paper delivered at International Conference on Medico-Legal Aspects of Work Injuries, Toronto, Canada, June 1999; abstract published in proceedings of conference.

Spieler E. State Trends in Workers' Compensation: Alternative approaches to defining and measuring success of reforms. Invited paper presented at American Public Health Association Annual Meeting, New York, NY, Nov. 1996; abstract published in *Proceedings of the American Public Health Association* (Nov. 1996).

Spieler E. Protecting Workers' Rights in Managed Care. Invited paper presented at the American Public Health Association Annual Meeting, New York, NY, Nov. 19, 1996; abstract published in

*Proceedings of the American Public Health Association* (Nov. 1996).

Spieler E, Wagner G. Compensation for Noise-Induced Hearing Loss. Paper presented at American Public Health Association Annual Meeting, Boston, MA, November 1988. Abstract published in *Proceedings of the American Public Health Association* (Nov. 1988).

Wagner G, Spieler E. Is the US Chest X-Ray Surveillance Program Succeeding in Controlling Lung Disease? *Proceedings of the VII International Conference on Pneumoconioses* (1988).

Spieler E, Wagner G. Disease Surveillance and Prevention: An Analysis of the Coal Miner Job Transfer Program. Paper presented at American Public Health Association Annual Meeting, New Orleans, La., October 1987. Abstract published in *Proceedings of the American Public Health Association* (Oct. 1987).

Wagner G, Spieler E. Occupational Health Program in a Rural Primary Care Clinic: A Report on Work in Progress. Paper presented at American Public Health Association annual meeting, November 1979. Abstract published in *Proceedings of the American Public Health Association* (November 1979).

Food Research and Action Center. *Out to Lunch: A Study of USDA's Day-care and Summer Feeding Program* (1974) (primary author).

### **Miscellaneous Publications**

Spieler E. Making legal education more practical, *National Law Journal*, February 22, 2010, 16-17.

Spieler E. Time for change: Say no to anti-gay violence, yes to Hate Crimes Act amendment *Charleston Gazette* (W.V.) March 2, 1992

**INVITED PRESENTATIONS, CONSULTANCIES and REFERENCES: available upon request**