

ROBERT NEWMAN COVINGTON

Vanderbilt Law School
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Education

Elementary and Secondary Education in the public schools of Evansville, Indiana, and Paris, Tennessee

B.A. *summa cum laude*, Yale University, 1958

J.D., Vanderbilt University, 1961

Academic and Professional Experience

Professional Employment:

Faculty of the School of Law, Vanderbilt University, since 1961
Assistant Professor, 1961-1964
Associate Professor, 1964-1969
Professor of Law, 1969-____
Associate Dean, 1972-1975

Visiting Professor, University of California, Davis, 1975-1976

Visiting Professor (summers), University of Michigan, 1971; University of Texas, 1983

Consultant, Tennessee State Law Library Commission, 1965-1975

Consultant, Tennessee Department of Labor 1971-1972 (Drafting project, Tennessee Occupational Safety and Health Act of 1972)

Administrative Law Officer, California Agricultural Labor Relations Board, 1975-1976

Courses Taught:

Advanced Topics in Labor and Employment Law (current)
 Agency & Partnership
 Collective Bargaining and Arbitration
 Employment Discrimination
 Industrial Injury Compensation
 Insurance Law (current)
 Labor Relations Law (current)
 Labor Standards
 Law of Work
 Legal Methods
 Local Government Law
 Legal Problems of Regional Development
 Profession of Law
 Public Employee Bargaining
 Sports Law (current)
 Torts

Law School Activities

Director of Admissions, 1972-1975

Committee service: At various times, committees on (committees chaired for one year or more indicated by an asterisk):

Admissions*; Career Services*; Clinical Education*; Curriculum*; Executive; Faculty Selection*; Law School Relations; Student-Faculty Relations*; Teaching Techniques; Writing Programs*; a variety of ad hoc committees, including those considering retention, promotion, tenuring of individual colleagues*

Faculty Adviser, Vanderbilt Law Review, 1961-1969; 1981-1990

Faculty Adviser, Phi Delta Phi, 1985-2000

Faculty Adviser, Journal of Entertainment Law and Practice, 1999-2001

President, Vanderbilt Chapter, Order of the Coif, 1995-2002

Prepared Self-Study for ABA Accreditation Site Visit, 1980; chaired self-study committee for ABA site visit, 2001-2002

University Activities and Honors:

2002: Through the generosity of alumnus J.P. Foster, a classroom in the new north wing of the Vanderbilt Law School was designated the Covington Room

1992: Recipient of the Thomas Jefferson Award "for distinguished service to Vanderbilt through extraordinary contributions as a member of the faculty in the councils and government of the University"

Faculty Senate

Law School Representative, 1986-1989
 Chair-elect, 1987-1988
 Chair, 1988-1989
 Consultative Committee, 1987-1990
 Task Force on the Faculty Manual (chair), 2004-05

Service as a member of university committees:

University Research Council, 1965-1968
 Committee on Faculty Responsibility, 1966-1971
 Public Exercises Committee, 1966-1975
 University Calendar Committee, 1969-1971, 1973-1975
 Urban and Regional Development Center Oversight Committee, 1969-1971
 Human Relations Council, sub-committee on Graduate Education, 1972-1975
 Vanderbilt Library Excellence Fund, 1978-1979
 University Library Committee, 1979-1987
 Ad hoc Committee on Student Participation in the University Community (advisory to Vice-Chancellor Purdy) 1970-1972
 Search Committee for Provost (Hobbs)
 Search Committee for Director of University News and Public Affairs, 1988
 University Proxy Committee, 1988-1989
 Equal Access Committee, 1990-1993
 Implementation Committee, Programs for Senior Scholars, 1993-1995
 Situation of the Senior Scholar (Advisory to the Provost) 1991-1992
 Board of Directors, Vanderbilt Student Communications, Inc., 1991-1994; 1996-1997; Chair, 1993-1994
 Traffic and Parking, 1995-1998
 Conduct Council, 1997-2000
 Appellate Review Board 2002-
 Sweatshops Taskforce, 2001

Chancellor's Standing Committee on Sweatshops, 2001-2003;
chair, 2002-2003
Committee on Committees, 2003

Other Campus Activities:

Advisory Board, St. Augustine's Chapel, 1989-1996

University Club of Nashville (a club for faculties and selected alumni of
Vanderbilt and other area universities)

Treasurer, 1962-1963

President, 1969-1971

Secretary, 1989-1992; 1998-1999

Director, 1999-2001

Published Work

Books and Monographs

Casebooks and Other Course Materials:

PROBLEMS OF PROFESSIONAL RESPONSIBILITY: INSURANCE. 1966. Council on Education in Professional Responsibility (joint project of AALS, ABA, NLADA) 49 pages.

CASES AND MATERIAL ON LEGAL METHODS.(with E. Blythe Stason, John W. Wade, Elliott E. Cheatham, Theodore A. Smedley) 1969. Foundation Press. 781 pages.

DISCRIMINATION IN EMPLOYMENT. (with James E. Jones, Jr., and Aaron A. Caghan) 283 pages. BNA Books, 1971.

Revised edition (with James E. Jones, Jr.) 1973.

Third edition (with James E. Jones, Jr. and Julius P. Getman) 1976

SOCIAL LEGISLATION. (with Aaron A. Caghan) 249 pages. BNA Books, 1971.

Revised edition. 1974.

LEGISLATION PROTECTING THE INDIVIDUAL EMPLOYEE. (with Alvin L. Goldman) 1982. BNA Books. 794 pages.

Texts:

1965 SUPPLEMENT to Stone & Williams, TENNESSEE WORKMEN'S COMPENSATION LAW. 1965. Michie Co. 74 pages.

INDIVIDUAL EMPLOYEE RIGHTS IN A NUTSHELL (with Kurt H. Decker) 1995. West Publishing Co. 386 pages. New edition issued as:

EMPLOYMENT LAW IN A NUTSHELL (with Kurt H. Decker) 2002. West Group. 537 pages.

Proceedings

PROCEEDINGS: NINETEENTH ANNUAL SOUTHERN INDUSTRIAL RELATIONS AND HUMAN RESOURCE CONFERENCE (edited by Robert N. Covington, Carol Graham and Richard L. Hannah)(1998)

Collected Essays:

ESSAYS IN PROCEDURE AND EVIDENCE.(co-editor with Thomas G. Roady, Jr.) 1971. Vanderbilt University Press. (A re-edited version of essays previously published in the *Vanderbilt Law Review*.)

Articles and Reviews

Surveys:

Insurance -- 1961 Tennessee Survey, 15 VAND. L. REV. 914-920 (1962)

Insurance -- 1962 Tennessee Survey, 16 VAND. L. REV. 773-791 (1963)

Business Associations -- 1963 Tennessee Survey, 17 VAND. L. REV. 1075-1090 (1964)

Insurance -- 1963 Tennessee Survey, 17 VAND. L. REV. 1075-1090 (1964)

Insurance -- 1964 Tennessee Survey, 18 VAND. L. REV. 1237-1247 (1965)

Shorter Articles and Book Reviews

Book Appraisal of J. CAVANAUGH, THE LAWYER IN SOCIETY, 57 LAW LIBRARY J. 266-267 (1964)

Review of R.C. HORN, SUBROGATION IN INSURANCE, 17 HASTINGS L. J. 659-661 (1966)

Review of A. CONARD & R. KNAUSS, CASES AND MATERIALS ON BUSINESS ORGANIZATIONS, 19 J. LEGAL ED. 237-240 (1966)

Review of J. CRANE & A. BROMBERG, LAW OF PARTNERSHIP, 22 VAND. L. REV. 721-724 (1969)

Review of J. DEJ. PEMBERTON, JR. (ED.), EQUAL EMPLOYMENT OPPORTUNITY-- RESPONSIBILITIES, RIGHTS, REMEDIES, 1 EMPLOYEE REL. L.J. 510-514 (1976)

Covington's Choices, 10 THE VANDERBILT LAW SCHOOL REPORTER 35-39 (Fall 1979)

Winners and Losers: What Difference Does the Law Make to Strikers? 12 THE VANDERBILT LAWYER 3-7 (Winter 1982)

Labor Law, 16 THE VANDERBILT LAWYER 13-17 (Winter 1986)

Personal Observations: High Points in the History of the Law School, 22 THE VANDERBILT LAWYER 5-8 (1991)

Upcoming Legal Issues, 23 OWEN AT VANDERBILT MAGAZINE 35 (Winter 2003)

Arbitration in THE NEW BOOK OF KNOWLEDGE (2004 ED.)

Forewords to:

THE LABOR LAW GROUP, THE PARK CITY PAPERS (1985)

J. JONES, W. MURPHY & R. BELTON, DISCRIMINATION IN EMPLOYMENT (1986)

R. RABIN, E. SILVERSTEIN & G. SCHATZKI, LABOR AND EMPLOYMENT LAW (1988)

M. FINKIN, A. GOLDMAN, & C. SUMMMERS, LEGAL PROTECTION FOR THE INDIVIDUAL EMPLOYEE (1989)

Abstracts:

Abstract: "Taking a Total Compensation Approach to Employment-Based Health Care: Linking a Raise in the Minimum Wage to a Health Care Credit," PROCEEDINGS OF THE SIXTEENTH ANNUAL SOUTHERN INDUSTRIAL RELATIONS AND HUMAN RESOURCE CONFERENCE 4-5 to 4-8 (D. Gibson & J. Simpson, eds. 1995).

Abstract: "Employment Arbitration After *Gilmer*: Some Unresolved Issues," PROCEEDINGS OF THE SEVENTEENTH ANNUAL SOUTHERN INDUSTRIAL RELATIONS AND HUMAN RESOURCE CONFERENCE 119-121 (N. Kauffman, ed. 1996).

Abstract: "The Wage and Hour Law Meets the Informal Economy," PROCEEDINGS OF THE EIGHTEENTH ANNUAL SOUTHERN INDUSTRIAL RELATIONS AND HUMAN RESOURCE CONFERENCE (P. Way and N. Johnson, editors, 1997).

Abstract: “Amending ERISA’s Preemption Provisions,” PROCEEDINGS OF THE NINETEENTH ANNUAL SOUTHERN INDUSTRIAL RELATIONS AND HUMAN RESOURCE CONFERENCE, 40-42 (R. Covington, C. Graham, and R. Hannah, eds. 1998).

Abstract: “Drafting and Interpreting Coverage Provisions in Protective Labor Legislation,” PROCEEDINGS OF THE TWENTIETH ANNUAL SOUTHERN INDUSTRIAL RELATIONS AND HUMAN RESOURCE CONFERENCE, 68-70(M. Jedel, L. McClurg, and Q. Marrero, eds. 1999).

Abstract: “Amending the Americans With Disabilities Act: Possible Responses to Recent Supreme Court Interpretations,” PROCEEDINGS OF THE TWENTY FIRST ANNUAL SOUTHERN INDUSTRIAL RELATIONS AND HUMAN RESOURCE CONFERENCE, 10-12(Glenn Feldman and Alison Schmied, eds. 2000).

Abstract: “Out of Control? The Declining Significance of Antitrust Law in Professional Sports Labor Relations,” PROCEEDINGS OF THE TWENTY SECOND ANNUAL SOUTHERN INDUSTRIAL RELATIONS AND HUMAN RESOURCE CONFERENCE, 86-89 (CARRIE G. DONALD AND JOHN RALSTON, eds. 2001).

Abstract: “The Labor and Employment Law Opinions of Justice White: Employment Discrimination Cases,” PROCEEDINGS OF THE TWENTY THIRD ANNUAL SOUTHERN INDUSTRIAL RELATIONS AND HUMAN RESOURCE CONFERENCE, 44-46 (ROGER WEIKLE, ed. 2002).

Abstract: “The Labor and Employment Law Opinions of Justice White: Deferral to the National Labor Relations Board,” in PROCEEDINGS OF THE TWENTY FOURTH ANNUAL SOUTHERN INDUSTRIAL RELATIONS AND HUMAN RESOURCE CONFERENCE (HANK FINDLEY, ed. 2003)(compact disk).

Articles, Book Chapters and Longer Reviews:

Covered Employment and Compensable Injury Concepts in Tennessee, 16 VAND. L. REV. 1123-1157 (1964)

Development of the Vanderbilt Legal Writing Program, 16 J.LEGAL.ED.342- (1964)

Reformation of Contracts of Personal Insurance, 1964 U. ILL. L. FORUM 548-570

Moral and Legal Responsibilities of Nurses, 4 NURSING_FORUM 19-26 (1966)

The Pervasive Approach to Teaching Professional Responsibility: Experiences in an Insurance Course, 41 COLO. L. REV. 343-354 (1969)[reprinted in D. WECKSTEIN, EDUCATION IN THE PROFESSIONAL RESPONSIBILITIES OF THE LAWYER (1970)]

American and British Employment Discrimination Law, 10 VAND. J. OF TRANSNATIONAL L. 359-431 (1977)

Title VII Blues (A Comment on W. GOULD, BLACK WORKERS IN WHITE UNIONS) 87 YALE L.J. 397-405 (1978)

Review of B. GROSS, REVERSE DISCRIMINATION, 3 EMPLOYEE REL. L.J. 426-442 (1978)

Arbitrators and the Board: A Revised Relationship, 57 N.CAR. L. REV. 91-136 (1978)

Malpractice Insurance: What Went Wrong, in A. JAMES (ED.), LEGAL MEDICINE WITH SPECIAL REFERENCE TO DIAGNOSTIC IMAGING (1980)

Review of W. KOLVENBACH, COOPERATION BETWEEN MANAGEMENT AND LABOR, 16 VAND. J. OF TRANSNATIONAL L. 735-740 (1983)

Employment Injuries: Benefits and Rehabilitation--United States National Report, pages 281-330 in volume 3 of INTERNATIONAL CONGRESS OF LABOUR LAW AND SOCIAL SECURITY, 110 CONGRESO INTERNACIONAL: PONENCIAS NACIONALES (1985)

Problems in Search of a Solution, pages 3-34 in BEST'S REVIEW (PROPERTY/CASUALTY INSURANCE EDITION) July, 1986

Employment At Will in Tennessee, 17 MEM. ST. U.L. REV. 363-415 (1987)

Equal Pay Acts: A Survey of Experience Under the British and American Statutes, 21 VAND. J. TRANSNATIONAL L. 649-730 (1988)

Law as Text: A Response to Professor Michael Ryan, 43 VAND. L. REV. 1787 (1990)

After-Acquired Evidence: What Should Arbitrators and Courts Do After Misco, McKennon and Gilmer? 6 J. OF INDIVIDUAL EMPLOYMENT RIGHTS 81-101 (1997).

May We Dance? Or Must We: Bargaining Over the Transfer of Work, pages 214-246 in PROCEEDINGS OF THE EIGHTH ANNUAL LABOR AND EMPLOYMENT LAW INSTITUTE, UNIVERSITY OF LOUISVILLE (Edwin Render, Maureen Sullivan and Donald Olson, eds.)(1998)

Employment Arbitration After Gilmer: Have Labor Courts Come to the United States?, 15 HOFSTRA LAB. & EMP. L.J.343-411 (1998).

Amending ERISA's Preemption Scheme, 8 KANSAS J. L. & PUB. POLICY 1 (Winter 1999); ABSTRACTED BY Social Sciences Research Network, Labor & Employment Law Abstracts, No. 29, August 10, 1999

Labor Law: Workplace Issues, pages 478-482 in OXFORD COMPANION TO AMERICAN LAW (KERMIT HALL, ED. 2002)

(How Much) Is the Law To Blame For Baseball's Turbulent Labor Relations, pages 356-361 in 4 JOURNAL OF SPORTS ECONOMICS (November 2003)

Decisions of the United States Supreme Court in Labor and Employment Law Cases, chapter 11 (pages 267-296) in PREPARING AN EMPLOYMENT CASE FOR TRIAL (EDWIN RENDER AND CHERRY HENAULT, EDS. 2004)

The Paramour Problem Returns, pages 13-24 in SOUTHERN BUSINESS REVIEW, Vol. 31, No. 2 (2006)

Benefit Denials and ERISA Preemption: The Ongoing Story, 12 J. OF INDIVIDUAL EMPLOYMENT RIGHTS 3-20 (2006)

E-zine article:

Auer v. Robbins, No (over)time for Sergeants?, West's Legal News, December 10, 1996, 12-10-96 WLN 13145, http://www.westpub.com.wlntop/12-10-96_WLN_13145

Editorial Board Memberships

Editorial Policy Committee, The Labor Law Group, 1982-1994

Journal of Individual Employee Rights, 1992-

Journal of Labor and Employment Law, University of Pennsylvania, 1999-

Organizations and Affiliations:

- American Bar Association (Member, 1961-)
 - Section Memberships:
 - Tort and Insurance Practice
 - Labor and Employment Law
 - Legal Education (Accreditation Site Visit Team, University of Dayton, 1985)
 - Central and East European Law Initiative:
 - Commentator on Draft Labor Code, Republic of Belarus, Central and East European Law Initiative, 1994; Commentator on the Draft Labor Code for the Republic of Armenia, 1997;
 - Commentator on draft law On Labour Unions, Republic of Belarus, 1998

- Tennessee Bar Association (Member, 1961-)
 - Section membership: Labor

- Nashville Bar Association

- Phi Delta Phi (Historian, Malone Inn, 1960; Faculty Adviser, 1985-2000)

- Southern Law Review Conference (Chair, 1963-64)

- American Judicature Society

- Association of American Law Schools
 - Committee on Libraries*
 - Member, 1969-1970
 - Section on Pre-Legal Education and Admission to Law School*
 - Vice-chair 1972-1974; Chair, 1974-1975
 - Section on Labor Relations Law*
 - Vice-chair, 1973-1974; Chair, 1974-1975

- Phi Beta Kappa (inducted, Alpha of Connecticut, 1957)

- Order of the Coif (inducted 1961; President, Vanderbilt chapter, 1995-2002)

- Middle Tennessee Yale Club

- American Arbitration Association (Labor panel)

Labor Law Group Trust
 Member, 1970-
 Trustee, 1982-1994
 Chair, 1982-1989

International Society for Labor and Social Security Law
 Member, 1981-
 Reporter for U.S. National Branch, 1985

Labor and Employment Research Association (formerly the Industrial Relations
 Research Association)

Tennessee Employment Relations Research Association
 (President, 2001-02)

American Constitution Society

Selected presentations:

“Recent developments in labor and employment law,” Tennessee Employment
 Relations Research Association, October 2005

Moderator, Panel on Works Councils and Co-Determination, US Branch,
 International Society for Labor and Social Security Law, Chicago, May 25, 2005

Moderator, Panel on NCAA Rules and Procedures, sponsored by the *Journal of
 Entertainment Law and Practice*, Nashville, February 10, 2005

“Recent Supreme Court Decisions,” Tennessee Employment Relations Research
 Association, October 2004

“Problems for Contemporary Arbitrators,” (Panel), Tennessee Labor-
 Management Conference, Nashville, August 19, 2004

“Issues in Arbitration” panelist, Tennessee Labor-Management Conference,
 Nashville, August 14, 2003

“Arbitrators and Advocates,” Tennessee Employment Relations Research
 Association, Arnold Air Force Base, October 16, 2002

“What’s Been Happening in Sports Law,” ABA Forum on Entertainment and
 Sports Law, Nashville, October 11, 2002

“Problems and Opportunities in Cooperative Development of Teaching
 Materials,” Critical Tax Theory Conference, Washington University, St. Louis,
 April 22, 2001

“The Intersection of Antitrust and Labor Relations Law: The Case of Professional Sport,” SEAALS, Captiva, Florida, August 3, 2000

“Supreme Court Decisions in Labor and Employment Law,” Carl A. Warns, Jr., Labor & Employment Law Institute, Louis D. Brandeis School of Law, University of Louisville, May 26, 2000

“Recent Developments in Labor and Employment Law,” Tennessee Employment Relations Research Association, Nashville, April 2000

"Developments in Labor and Employment Law," Tennessee Employment Relations Research Association, Nashville, March 1998

"John Wade: Portrait of a Leader," University of Mississippi Law School, December 1995

"Development of Workers Compensation Programs in the United States," Testimony before the Select Joint Committee on Workers Compensation, Tennessee General Assembly, August 1995

"A Less Bad Alternative: Law Firm Use of ADR," TIPS Committee on Employer-Employee Relations, ABA National Convention, New Orleans, August 1994

"Developments Under the Age Discrimination in Employment Act," Vanderbilt Law School, April 1994

"Legal Education at Vanderbilt," Vanderbilt Law School Dean's Council, March 1992

"Should the NLRA Be Amended?" Federal Bar Association, Nashville, December 1991

"Developments in the Law of Wrongful Discharge," American CLE Seminar, Cincinnati, May 1990

"National Labor Relations Act: Recent Developments," Tennessee Bar Association, Nashville, February 1990

"Developments in Labor and Employment Law," Tennessee Labor-Management Conference, October 1989

"Developments in Labor Law: Whatever Happened to Bargaining?" SMU Multistate Conference, April 1989

General Personal Data

Married to Paula Anne Hattox Covington, B.A. (Syracuse); M.A., History (Vanderbilt); M.L.S. (Peabody, Vanderbilt). Senior Lecturer in Latin American Studies and Latin American and Iberian Bibliographer, Vanderbilt University

No children

Born September 9, 1936, in Evansville, Indiana

Principal hobbies and interests: Music (bass, the Vanderbilt Law School *Headnotes* and the Vanderbilt Community Chorus, formerly the choir of St. George's Church; piano); Reading (history, mystery novels)