End Matter
The Hofstra Labor & Employment Law Journal is pleased to consider unsolicited manuscripts for publication year round. Manuscripts should be addressed to: Managing Editor of Articles, Hofstra Labor & Employment Law Journal, Hofstra University School of Law, 121 Hofstra University, Hempstead, New York 11549 or sent via e-mail to laboremploymentlaw@hofstra.edu. All manuscripts should be double-spaced in Microsoft Word format. Citations should follow the form prescribed in The Bluebook: A Uniform System of Citation (18th ed. 2005).

Published two times per year by the Hofstra Labor & Employment Law Journal. The current subscription rate is twenty-five dollars per volume. Subscription renewals will be automatic unless notice to the contrary is received. All communications concerning subscriptions should be addressed to: Business Administrator, Hofstra Labor & Employment Law Journal, Hofstra University School of Law, 121 Hofstra University, Hempstead, New York 11549. Back issues can be obtained by contacting William S. Hein & Co., 1285 Main Street, Buffalo, New York 14209, 800-828-7571, or in PDF format through HeinOnline (http://heinonline.org).

© Copyright 2010 by the Hofstra Labor & Employment Law Journal. All rights reserved.
HOFSTRA LABOR & EMPLOYMENT LAW JOURNAL
2009-2010

VOLUME 27

Editor-in-Chief
BRANDON SIPHERD

Managing Editor of Articles
WILLIAM J. JOYCE

Managing Editor of Staff
TONJA STRICKLAND

Articles Editors
MATTHEW A. BROWN
ALISON CAIN
CLAIRE MITCHELL
ANEEBA REHMAN
KRISTIN STURTEVANT
CHRISTOPHER VOLPE

Research Editors
MOSHE SINGER
FREDERICK SOLLER
ELIZABETH M. TETRO

Notes and Comments Editors
ROSEANNE BEOVICH
JUSTIN V. BUSCHER
ASHLEIGH GARVEY
ADAM J. HILLER

Business Administrator
JESSIE PIERRE

Symposium Editor
ILYSE RUBEL

Alumni Affairs Coordinator
SARAH E. CRABTREE

Associate Editors
KEVIN KAY

Senior Staff
KATHERINE R. O’BRIEN
HALA TAHAN

Notes and Comments Editors
ROSEANNE BEOVICH
JUSTIN V. BUSCHER
ASHLEIGH GARVEY
ADAM J. HILLER

Staff
TAYLOR BEAUMONT
DAVID G. BELLIVEAU
JOHN S. CAMPO
CHRISTINE CHESTER
BRIAN CONBOY
MICHAEL COTTER
AMANDA CULLY
DAVID GREENBERG
JILL GREENFIELD
STEVEN GUERRA

James P. Judge
SCOTT D. KAGAN
ANNETTE M. LALIC
CRISTINA LIPIAN
CARRON MITCHELL
SEAN O’HARA
ANTHONY M. PALLONE
MONICA N. PHAM
ALEXI T. POULIANOS
KARIS RASMUSSEN

NOAH S. REISS
JAMIE RIGEL
ANTHONY C. SERRANO, JR.
KATHRYN L. SULLIVAN
JONATHAN TEMCHIN
EVAN TOKUNAGA
MORDY YANKOVICH
ELITSA V. YOTKOVA

National Advisory Board
DANIEL DRISCOLL
SAMUEL ESTREICHER
ALAN M. KORAL
PAUL SECUNDA
PEARL ZUCHLEWSKI

Faculty Advisory Board
GRANT M. HAYDEN
SUSAN JOFFE

Alumni Advisory Board
DAVID B. FELDMAN, CHAIR
HON. STEPHEN L. UKILEY
SARA WYN KANE
MERYL R. KAYNARD*

HOLLY E. RICH

* Honorary Member

Published by Scholarly Commons at Hofstra Law, 2010
Richard A. Bales & Jason N.W. Plowman,
Compulsory Arbitration as Part of a Broader Employment Dispute Resolution Process: The Anheuser-Busch Example  .......... 1

Lauren E. Berson & Nicholas L. Cushing,
Safeguarding Employee Stock Ownership Plans: Insurance as Assurance ...................................................... 539

Debra A. Davis,
The Next Generation of Preemption Cases: State Regulation of 401(k) Plans ................................................ 355

Jonathan Barry Forman,
Where Are We Going, and Where Should We Be in Ten Years? ................................................................. 475

David K. Fram, Esq.,
The ADA Amendments Act: Dramatic Changes in Coverage. 193

Thomas P. Gies & Jane R. Foster,
Leaving Well Enough Alone: Reflections on the Current State of ERISA Remedial Law ...................................... 449

Jodie Meade Michalski,
Knowing When to Keep Quiet: Weingarten and the Limitations on Representative Participation ...................... 163

Andrew L. Oringer,
A Regulatory Vacuum Leaves Gaping Wounds—Can Common Sense Offer a Better Way to Address the Pain of ERISA Preemption? ................................................................. 409

Natalie Bucciarelli Pedersen,
A Subjective Approach to Contracts?: How Courts Interpret Employee Handbook Disclaimers ......................... 101

Philip B. Rosen & Richard I. Greenberg,
Constitutional Viability of the Employee Free Choice Act’s Interest Arbitration Provision .................................. 33
Andrew Steven Smith & Adam Hansen,
Federalism's False Hope: How State Civil Rights Laws Are Systematically Under-Enforced in Federal Forums (And What Can Be Done About It) ........................................... 63

Peter K. Stris,
ERISA Remedies, Welfare Benefits, and Bad Faith: Losing Sight of the Cathedral .............................................................. 387

Clovis Trevino Bravo,
ERISA Misrepresentation and Nondisclosure Claims: Securities Litigation Under the Guise of ERISA? ...................... 497

Edward A. Zelinsky,
The Paternalistic Ideology of ERISA and Unforgiving Courts: Restoring Balance Through a Grand Bargain.................. 341

TITLE INDEX OF CONTRIBUTED ARTICLES, PRACTITIONERS' NOTES, & COMMENTARY

ADA Amendments Act: Dramatic Changes in Coverage, The,
David K. Fram, Esq................................................................. 193

Compulsory Arbitration as Part of a Broader Employment Dispute Resolution Process: Anheuser-Busch Example, The,
Richard A. Bales & Jason N.W. Plowman ........................................ 1

Constitutional Viability of the Employee Free Choice Act's Interest Arbitration Provision,
Philip B. Rosen & Richard I. Greenberg...................................... 33

ERISA Misrepresentation and Nondisclosure Claims: Securities Litigation Under the Guise of ERISA?,
Clovis Trevino Bravo ................................................................ 497

ERISA Remedies, Welfare Benefits, and Bad Faith: Losing Sight of the Cathedral,
Peter K. Stris ............................................................................. 387

Federalism's False Hope: How State Civil Rights Laws Are Systematically Under-Enforced in Federal Forums (And What Can Be Done About It),
Steven Andrew Smith & Adam Hansen ........................................ 63

Knowing When to Keep Quiet: Weingarten and the Limitations on Representative Participation,
Jodie Meade Michalski ................................................................. 163

Leaving Well Enough Alone: Reflections on the Current State of ERISA Remedial Law,
Thomas P. Gies & Jane R. Foster .................................................. 449
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Next Generation of Preemption Cases: State Regulation of 401(k) Plans, The, Debra A. Davis</td>
<td>355</td>
</tr>
<tr>
<td>Regulatory Vacuum Leaves Gaping Wounds—Can Common Sense Offer a Better Way to Address the Pain of ERISA Preemption?, A, Andrew L. Oringer</td>
<td>409</td>
</tr>
<tr>
<td>Safeguarding Employee Stock Ownership Plans: Insurance as Assurance, Lauren E. Berson &amp; Nicholas L. Cashing</td>
<td>539</td>
</tr>
<tr>
<td>Where Are We Going, and Where Should We Be in Ten Years?, Jonathan Barry Forman</td>
<td>475</td>
</tr>
</tbody>
</table>

**TITLE INDEX OF CONTRIBUTED NOTES**

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are You In or Are You Out? The Effect of a Prior Criminal Conviction on Bar Admission &amp; A Proposed National Uniform Standard, Anthony J. Graniere &amp; Hilary McHugh</td>
<td>223</td>
</tr>
<tr>
<td>Cruel Choice: Patients Forced to Decide Between Medical Marijuana and Employment, A, Ari Lieberman &amp; Aaron Solomon</td>
<td>619</td>
</tr>
<tr>
<td>From the Rat to the Mouse: How Secondary Picketing Laws May Apply in the Computer Age, Thomas Moyher &amp; Robert T. Szyba</td>
<td>271</td>
</tr>
<tr>
<td>It's About Time: A Proposal to Establish a Specialized International Agency for Coal Miner Safety and Health, Sara Mischner &amp; Paula Rothfeld</td>
<td>583</td>
</tr>
<tr>
<td>Lower “Salt” Content for Employers, A, Katie A. Mabanta &amp; Alyson B. Skloot</td>
<td>301</td>
</tr>
</tbody>
</table>
LL.M. Programs

American Legal Studies

This degree is for lawyers trained outside of the U.S. With an LL.M. in American Legal Studies, attorneys are able to take the New York Bar Exam or practice in their home countries.

Family Law

Family Law LL.M. students undertake a specialized program in advanced family law, combining research, skills development, policy analysis and traditional classroom instruction.