

Preface

We are very pleased to present this *Ninth Edition of How to Take a Case Before the NLRB*. This book is published by the American Bar Association's Committee on Practice and Procedure Under the National Labor Relations Act (P&P Committee) and Bloomberg BNA. Members of the P&P Committee revised and updated all chapters in this edition, and drafts were then reviewed by the Senior Editors and current NLRB employees.

In 2011, the P&P Committee published a supplement to the Eighth Edition. We prepared the Ninth Edition primarily because of the promulgation by the NLRB of revised rules for the processing of representation cases.

As editors-in-chief, we have truly enjoyed working with the senior editors, chapter editors, and chapter reviewers. These men and women have made a great contribution to the practice of labor law. We urge all of those using this book to thank these professionals when you see them.

Our particular thanks go to David Wagoner and Anne Scott of Bloomberg BNA. David is new to the Bloomberg BNA staff but he has stepped right in and made our jobs easier. Anne Scott has overseen this project and has been the senior editor for four editions of *The Developing Labor Law*. She is a treasure.

We hope that this new edition of this important work will, like its predecessor, greatly aid labor lawyers.

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EDITORS' NOTE**EXPLANATION****Explanation of Citation Style Used for Board Decisions Invalidated by Supreme Court Decisions in *New Process Steel* and *Noel Canning***

In recent years, two Supreme Court cases undid certain Board decisions based upon challenges to the composition of the Board. These cases are:

- *New Process Steel v. NLRB*, 130 S. Ct. 2635, 188 LRRM 2833 (2010), where the Court invalidated decisions of the two-Member Board—cases decided between January 18, 2008 (352 NLRB No. 1) and March 26, 2010 (355 NLRB No. 22); and
- *NLRB v. Noel Canning*, 134 S. Ct. 2550, 199 LRRM 3685 (2014), where the Court invalidated decisions of the January 2012 recess appointees of President Obama (recess Board)—cases decided between January 31, 2012 and July 16, 2013 (NLRB Volumes 358 and 359).

We have identified these decisions in citations by using the term “(two-Member Board)” or “(recess appointment),” respectively, at the end of the relevant citation. The “(recess appointment)” reference has been added to cases that had no litigation after the recess Board decision.

- We have noted those Board decisions that subsequently have been reconsidered by the Board in new decisions by providing the new citation and then adding “*reaff'g*” or “*aff'd*” and the citation to the invalidated decision from either volume 358 or 359.
- The decisions invalidated by the Supreme Court and not reconsidered, namely, the “recess appointment” cases, are included in this book because, invalidated or not, they reflect a development in the law—a development of which the practitioner should be aware.