

**Nancy M. Modesitt**  
Professor of Law  
University of Baltimore School of Law  
1420 N. Charles St.  
Baltimore, MD 21201  
(410) 837-1902  
Nmodesitt@ubalt.edu

## **EDUCATION**

University of Virginia School of Law, J.D.  
Essay and Book Review Editor, *Va. J. of Soc. Pol. & Law*

Drew University, B.A., *summa cum laude*, *Phi Beta Kappa*, Sociology and  
Political Science

## **TEACHING EXPERIENCE**

2007 - present            University of Baltimore School of Law  
Professor of Law

- Teach Employment Discrimination, Employment Law, Torts, Introduction to Lawyering Skills, Rules and Reasoning.
- Service to law school includes:
  - Curriculum Committee (Chair, 2019-present)
  - ABA Self-Study Committee (Co-Chair), 2016-2018
  - Assessment Committee, 2015-2018 (Chair, 2015-2017)
  - Ad Hoc Committee on Developing a Hybrid Evening Program, 2021-present
  - Dean's Council, 2019-2020, 2021-2022
  - Ad Hoc Committee on Bar Passage, 2018-2022
  - Academic Standards Committee, 2018-2022
  - Director of Legal Analysis, Writing & Research, 2019-present

2003 - 2006            American University, Washington College of Law  
Legal Rhetoric Program  
Acting Academic Coordinator, 2005-2006

- Taught Legal Rhetoric, Employment Law, and Contracts.
- Developed the research curriculum for Legal Rhetoric, the first-year legal research, analysis, and writing program.

## **PUBLICATIONS**

- *OSHA's Comprehensive Failure to Protect Workers During the COVID-19 Pandemic*, 126 Dickenson L. Rev. 193 (2021).
- *The War on Whistleblowers*, 6 U. Penn. J. L. & Pub. Affairs 603 (2021).
- *The Biden administration Should Use OSHA to Help Curb the Pandemic*, The Hill, Nov. 22, 2020.
- *A New Type of Circuit Split: The Hidden Circuit Split in Retaliation Cases*, 68 U. Kan. L. Rev. 137 (2019).
- *Targeting Impeachment Whistleblower has a Chilling Effect*, The Baltimore Sun, Nov. 13 2019.
- *Could Knowing How Much Your Co-Worker Earns Help Close the Gender Pay Gap?* The Conversation, May 1, 2016, available at <https://theconversation.com/could-knowing-how-much-your-coworker-earns-help-close-the-gender-pay-gap-58570>.
- *Causation in Whistleblowing Claims*, 50 U. Rich. L. Rev. 1193 (2016).
- *Whistleblowing: The Law of Retaliatory Discharge* (3d ed. 2015) (with Janie Schulman & Daniel Westman).
- *Why Whistleblowers Lose: An Empirical and Qualitative Analysis of State Court Cases*, 62 U. Kan. L. Rev. 165 (2013).
- *The Garcetti Virus*, 80 U. Cinn. L. Rev. 161 (2011).
- *Reinventing the EEOC*, 63 S.M.U. L. Rev. 1237 (2010).
- *The Hundred-Years War: The Ongoing Battle Between Courts and Agencies over the Right to Interpret Federal Law*, 74 Mo. L. Rev. 949 (2009).
- *Wrongful Discharge: The Use of Federal Law as a Source of Public Policy*, 8 U. Penn. J. Lab. & Empl. 623 (2006).

## **SELECTED PRESENTATIONS**

- Invited speaker, ACS Maryland: Whistleblowers and the Impeachment Inquiry, October 30, 2019.
- Presenter, *A New Type of Circuit Split: The Hidden Circuit Split in Retaliation Cases*, Colloquium on Scholarship in Labor and Employment Law, October 12, 2019.
- Invited speaker, Common Issues in Employment Contracts for Doctors, Society for Gynecologic Oncology, March 2017
- Panelist, Current Issues in Whistleblowing, Southeastern Law School Association Conference, July 2015.
- Provided testimony at the invitation of the Equal Employment Opportunity Commission on the development of its Strategic Enforcement Plan, July 12, 2012.
- Invited presenter, *The Garcetti Virus*, Fifth Annual Seton Hall Labor and Employment Law Scholars Forum, October 2010.

## **BAR MEMBERSHIP AND OTHER ASSOCIATIONS**

- Virginia State Bar, admitted 1996
- Legal Writing Institute
- Association of Legal Writing Directors

## **PROFESSIONAL EXPERIENCE**

*2002 - 2003*    **Attorney-Advisor, U.S. Department of Justice  
Executive Office for United States Attorneys,  
General Counsel's Office, Washington, DC**

- Represented United States Attorneys' Offices before the Equal Employment Opportunity Commission and Merit Systems Protection Board.
- Litigation experience included drafting motions and briefs, as well as taking and defending depositions.
- Advised United States Attorneys and senior managers on handling employment discrimination claims, employee disciplinary matters, and ethical obligations of attorneys.

*1999 - 2001*    **Associate, Cooley Godward LLP  
Reston, VA**

- Represented technology companies and venture capitalists in employment law matters.
- Negotiated and drafted employment agreements, non-competition agreements, and intellectual property assignment agreements.
- Advised clients on the applicability and interpretation federal wage and hour laws, employment discrimination laws, the Family and Medical Leave Act, and trade secret and non-competition matters.
- Litigated employment cases involving stock option issues, defamation claims, non-competition agreements, and employment discrimination claims.

*1998 - 1999*    **Associate, Hunton & Williams  
McLean, VA**

- Litigated employment cases in federal and state courts, including cases involving sex discrimination, enforcement of non-competition covenants, and unfair business practices.