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- Fullerton, John F., III and Bruce R. Millman, *NLRA Issues for the Non-Union Workplace*, **vol. 24, no. 1**, page 31.
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## G

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## H

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- Jurisprudence of Doubt*,” **vol. 22, no. 1**, page 97.
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## R

- Rabin, Robert J. (reviewer), *Book Review: The Legal Future of Employee Representation*, edited by Matthew W. Finkin, vol. 10, no. 4, page 761.

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- Ray, James S. and Barbara A. Brown, *Federal Legislation Update: April-June 1987*, vol. 3, no. 4, page 911.
- Ray, James S. and Barbara A. Brown, *Federal Legislation Update: July-September 1987*, vol. 4, no. 1, page 133.
- Ray, James S. and Barbara A. Brown, *Federal Legislation Update: October-December 1987*, vol. 4, no. 2, page 331.
- Ray, James S. and Barbara Berish Brown, *Federal Legislation Update: January-July 1988*, vol. 4, no. 4, page 817.
- Ray, James S. and Barbara Berish Brown, *Federal Legislation Update: January-October 1988*, vol. 5, no. 1, page 135.
- Ray, James S. and Barbara Berish Brown, *Federal Legislation Update: January-March 1989*, vol. 5, no. 2, page 275.
- Ray, James S. and Barbara Berish Brown, *Federal Legislation Update: January-March 1990*, vol. 6, no. 2, page 479.
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## S

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