CATHERINE LAURA FISK

Chancellor's Professor of Law
School of Law
University of California, Irvine
3500E Law Building, 401 E. Peltason Drive
Irvine, CA 92697-8000
949.824.3349
cfisk@law.uci.edu

ACADEMIC EMPLOYMENT

Chancellor's Professor of Law, School of Law, University of California at Irvine (2008-present) (secondary appointments in Criminology, Law & Society and History).

Douglas Blount Maggs Professor of Law (2007-2008), *Professor of Law* (2004-2007), Duke University, Durham, North Carolina.

Professor of Law, University of Southern California, Los Angeles, California. 2003-2004.

Professor of Law & William M. Rains Fellow (1996-2003), *Associate Professor* (1992-1996), Loyola Law School, Loyola Marymount University, Los Angeles, California.

Visiting Professor, Duke University School of Law, Durham, North Carolina. 2002.

Visiting Professor, University of California at Los Angeles Law School. 1997, 1999, 2002.

Lecturer, University of Wisconsin Law School, Madison, Wisconsin. 1991.

Current and Recent Courses: The Legal Profession; Employment Discrimination Law; Labor Law; First Amendment; Employment Law; Labor and the First Amendment; Labor Law Practicum.

Past Courses: Civil Procedure; Interdisciplinary Perspectives on Discrimination Seminar; Legislative Drafting Practicum; Seminar on Academic Writing; Labor in Contemporary Southern California (freshman seminar); Appellate Litigation Clinic; Employment and Intellectual Property Seminar; Readings on Ethics; Employee Benefits Seminar; Workers' Rights Under International Law; Legislation Seminar; Legal Writing.

EDUCATION

LL.M., 1995, University of Wisconsin at Madison
Thesis: *Preemption and the Development of Federal Common Law under the Employee Retirement Income Security Act*

J.D., 1986, University of California at Berkeley
Order of the Coif; Executive Editor and Student Articles Editor, *Berkeley Women's Law Journal*; Vice-President, Berkeley Public Interest Law Foundation

A.B., 1983, *summa cum laude*, Princeton University
Phi Beta Kappa; Buchanan Prize winner (best academic record in Politics Department); New York Herald Prize winner (best senior thesis on American government); National Merit Scholar

LEGAL EMPLOYMENT

Arbitrator, Writers Guild of America-West agreement with motion picture and television producers, Los Angeles, CA. occasional, 2003-2015.

Attorney, Appellate Staff, Civil Division, United States Department of Justice, Washington, D.C. 1990-1991. (Civil federal appellate litigation.)

Associate, Rogovin, Huge & Schiller, Washington, D.C. 1988-1990. (Trial, appellate, administrative, and arbitral litigation representing unions, ERISA funds, and other civil litigants.)

Law Clerk for Judge William A. Norris, United States Court of Appeals for the Ninth Circuit, Los Angeles, California. 1987-1988.

Staff Attorney, United States Court of Appeals for the Ninth Circuit, San Francisco, California. 1986-1987.

Intern, Altshuler & Berzon, San Francisco, California. 1985-1986. (Labor litigation.)

Intern, Legal Aid Society of Alameda County, Oakland, California. Summer 1985. (Welfare rights litigation.)

Summer Associate, Law Offices of Gerald W. Markham, Kodiak, Alaska. Summer 1984. (Admiralty and maritime personal injury litigation.)

BOOKS

Writing for Hire: Unions, Hollywood, and Madison Avenue (Harvard University Press 2016).

The Legal Profession: Ethics in Contemporary Practice (West Publishing Co. 2014) (with Ann Southworth).

Labor Law in the Contemporary Workplace (West Publishing Co., 2d ed., 2014, 1st ed, 2009) (with Christopher Cameron, Roberto Corrada, Kenneth Dau-Schmidt, and Martin Malin).

Working Knowledge: Employee Innovation and the Rise of Corporate Intellectual Property, 1800-1930 (University of North Carolina Press, 2009, paperback ed. 2014).

Winner of the Littleton-Griswold Prize of the American Historical Association (best book on the history of American law and society) and the John Philip Reid Prize of the American Society for Legal History (best book on Anglo-American legal history).

Commentary, Paul Daguid, *Controlling Knowledge: On Catherine Fisk's* Working Knowledge, 9 *Le Libello Aegis* 5-11 (2013)

Subject of a Forum 28 *History and Technology* 69 (2012) (with essays by Collins, Graham, Scranton & Alexander)

Reviews: Hovenkamp, 98 JOURNAL OF AMERICAN HISTORY 213 (June 2011); Bateman, ESSAYS IN HISTORY (2011); Bracha, *The New Intellectual Property of the Nineteenth Century*, 89 TEXAS L. REV. 423 (2010); Swanson,1 IP LAW BOOK REVIEW (2010); Flavia, EUROPEAN SOCIETY FOR COMPARATIVE LEGAL HISTORY (October 2014).

Labor Law Stories (Foundation Press, 2005) (with Laura J. Cooper).

ARTICLES AND BOOK CHAPTERS

The Writers' Share, __ SUFFOLK UNIVERSITY LAW REVIEW __ (forthcoming 2017) (Donahue Lecture).

Police Unions, 85 GEORGE WASHINGTON LAW REVIEW __ (forthcoming 2017) (with L. Song Richardson).

Writing for Hire: Hollywood Writers and the On Demand Economy, UNIVERSITY OF CHICAGO LEGAL FORUM (forthcoming 2017) (invited contribution to symposium on Law and the Disruptive Workplace).

Law & Society, in OXFORD HANDBOOK OF LEGAL HISTORICAL RESEARCH (Markus Dubber & Christopher Tomlins, eds., Oxford University Press, forthcoming 2017).

Intellectual Property History as Labor History, in INTELLECTUAL PROPERTY IN CONTEXT: TOWARD A LAW AND SOCIETY PERSPECTIVE (William Gallagher & Deborah Halbert, eds., Cambridge University Press, forthcoming 2017).

Story Work: Non-Proprietary Autonomy and Contemporary Television Writing, TELEVISION AND NEW MEDIA (2016) (with Michael Szalay), DOI: 10.1177/1527476416652693, available at http://tvn.sagepub.com/content/early/2016/06/08/1527476416652693.full.pdf?ijkey=PWiRQu0ZZrch5gH&keytype=finite.

Managing Multiple Employment Arbitration Cases with Class Action Waivers, in ARBITRATION 2015: PRIVACY, TRANSPARENCY, LEGITIMACY -- PROCEEDINGS OF THE NATIONAL ACADEMY OF ARBITRATORS 207 (Arlington, VA: BNA 2016).

Workplace Democracy and Democratic Worker Organizations: Notes on Workers Centers, 17 THEORETICAL INQUIRIES IN LAW 101 (2016).

Harris v. Quinn *and the Contradictions of Compelled Speech*, 48 LOYOLA OF LOS ANGELES LAW REVIEW 439 (2015) (with Margaux Poueymirou).

Some Realism About Realism in Teaching About the Legal Profession, in THE NEW LEGAL REALISM, VOLUME 1 (Macaulay, Mertz & Mitchell, eds., Cambridge University Press, 2015) (with Ann Southworth & Bryant Garth).

Will Work for Screen Credit: Labor and the Law in Hollywood, in HOLLYWOOD AND THE LAW (McDonald, Carman, Hoyt & Drake, eds., British Film Institute/Palgrave MacMillan, 2015).

Building an Experiential Law School in THE NEW 1L: FIRST YEAR LAWYERING WITH CLIENTS (Capulong, Millemann, Rankin & Ruan, eds. Carolina Academic Press, 2015) (with Erwin Chemerinsky & Carrie Hempel).

Labor Protest Under the New First Amendment, 36 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 277 (2015) (with Jessica Rutter).

Restoring Equity in Right to Work Law, 4 UC IRVINE LAW REVIEW 857 (2014) (with Benjamin Sachs).

Collective Actions and Joinder of Parties in Arbitration: Implications of D.R. Horton *and* Concepcion, 35 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 175 (2014).

Political Speech and Association Rights After Knox v. SEIU Local 1000, 98 CORNELL LAW REVIEW 1023 (2013) (with Erwin Chemerinsky).

The Labor History of Intellectual Property in Writing for Film, Television, and Advertising, 43 INTELLECTUAL PROPERTY LAW & POLICY JOURNAL 157 (November 2013) (in Japanese).

Supervisors in a World of Flat Hierarchies, 64 HASTINGS L.J. 1403 (2013).

Workplace Knowledge and the Mobile Employee, in BUSINESS INNOVATION: A LEGAL BALANCING ACT (Marilyn Pittard, ed., Edward Elgar Publishing Co., 2013).

Contingent Loyalty and Restricted Exit: Commentary on the Restatement of Employment Law, 16 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 413 (2012) (with Adam Barry).

Labor and the States' Fiscal Problems, in WHEN STATES GO BROKE (Peter Conti-Brown & David Skeel, eds., Cambridge University Press 2012) (with Brian Olney).

Law and the Evolving Shape of Labor: Narratives of Expansion and Retrenchment, 8 LAW, CULTURE AND THE HUMANITIES 1 (2012).

The Role of Private Intellectual Property Rights in Markets for Labor and Ideas: Screen Credit and the Writers Guild of America, 1938-2000, 32 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 215 (2012). Reprinted in 2012 ENTERTAINMENT, PUBLISHING AND THE ARTS HANDBOOK (Thompson Reuters West 2012).

Imagine a World Where Employers Are Required to Bargain with Minority Unions, 27 ABA JOURNAL OF LABOR & EMPLOYMENT LAW 1 (2011) (with Xenia Tashlitsky).

The Failing Faith in Class Actions: Wal-Mart v. Dukes *and* AT&T Mobility v. Concepcion, 7 DUKE JOURNAL OF CONSTITUTIONAL LAW AND PUBLIC POLICY 73 (2011) (with Erwin Chemerinsky).

The Anti-Subordination Principle of Labor Preemption, 5 HARVARD LAW & POLICY REVIEW 17 (2011) (symposium on Jobs and the American Worker).

Our Institutional Commitment to Teaching About the Legal Profession, 1 UC IRVINE LAW REVIEW 73 (2011) (with Ann Southworth) (symposium on the founding of UCI Law School).

The Role of the Judiciary When the Confirmation Process Stalls: Thoughts on the Two-Member National Labor Relations Board, 5 FLORIDA INTERNATIONAL LAW REVIEW 593 (2011) (symposium on The National Labor Relations Board at 75).

The Jurisdiction of the Writers Guild to Determine Authorship of Movies and Television Programs, 48 ELN (ENGLISH LANGUAGE NOTES) 15 (Fall/Winter 2010) (symposium on "Juris-Dictions": new work on law and literature).

Overview of the Law of Workplace Harassment, in LITIGATING THE WORKPLACE HARASSMENT CASE 1-65 (Marlene Heyser, ed., American Bar Association, 2010) (with Dianne Avery).

The Modern Author at Work on Madison Avenue, in MODERNISM AND COPYRIGHT (Paul Saint-Amour, ed., Oxford University Press, 2010).

Interest Arbitration and the Employee Free Choice Act, 70 LOUISIANA LAW REVIEW 47 (2009) (employment law symposium) (with Adam Pulver).

The National Labor Relations Board in Administrative Law Exile, 58 DUKE LAW JOURNAL 2013 (2009) (with Deborah Malamud). Reprinted in LABOR AND EMPLOYMENT LAW INITIATIVES AND PROPOSALS UNDER THE OBAMA ADMINISTRATION (Zev Eigen, ed., Wolters Kluwer 2011).

Working Group on Chapter 4 of the Proposed Restatement of Employment Law: The Tort of Wrongful Discipline in Violation of Public Policy, 13 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 159 (2009) (with Bales, Corrada, Grodin, Kim & Secunda).

Preemption and Civic Democracy in the Battle Over Wal-Mart, 92 MINNESOTA LAW REVIEW 1502 (2008) (with Michael Oswalt) (symposium on The Low Wage Worker: Legal Rights – Legal Realities).

After Inclusion, 4 ANNUAL REVIEW OF LAW & SOCIAL SCIENCE 83 (2008) (with Devon Carbado and Mitu Gulati).

The Story of Ingersoll Rand v. Ciavatta: *Employee Inventors in Corporate Research & Development – Reconciling Innovation with Entrepreneurship,* in *Employment Law Stories*, Samuel Estreicher & Gillian Lester, eds. (Foundation Press 2007).

Credit Where It's Due: The Law and Norms of Attribution, 95 GEORGETOWN LAW JOURNAL 49 (2006).

Privacy, Power, and Humiliation in the Workplace: The Problem of Appearance Regulation, 66 LOUISIANA LAW REVIEW 1111 (2006).

The Story of Hoffman Plastic Compounds, Inc. v. NLRB: *Labor Rights Without Remedies for Undocumented Immigrants*, in *Labor Law Stories*, Laura Cooper & Catherine Fisk, eds. (Foundation Press, 2005) (with Michael J. Wishnie).

The Story of Hoffman Plastic Compounds, Inc. v. NLRB: *The Rules of the Workplace for Undocumented Immigrants*, in *Immigration Stories*, David Martin & Peter Schuck, eds. (Foundation Press, 2005) (with Michael J. Wishnie).

Knowledge Work: New Metaphors for the New Economy, 80 CHICAGO-KENT LAW REVIEW 839 (2005).

In Defense of Filibustering Judicial Nominations, 26 CARDOZO LAW REVIEW 331 (2005) (with Erwin Chemerinsky).

What Is Commercial Speech? The Issue Not Decided in Nike v. Kasky, 54 CASE WESTERN RESERVE LAW REVIEW 1143 (2004) (with Erwin Chemerinsky).

Justice for Janitors in Los Angeles and Beyond: A New Form of Unionism in the 21st Century? in *The Changing Role of Unions: New Forms of Representation* (Phanindra Wunnava, ed.) (M.E. Sharpe 2004) (with Erickson, Milkman, Mitchell & Wong).

Authors at Work: The Origins of the Work-for-Hire Doctrine, 15 YALE JOURNAL OF LAW & THE HUMANITIES 1 (2003).

Union Lawyers and Employment Law, 23 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 57 (2002).

Reflections on the New Psychological Contract and the Ownership of Human Capital, (Symposium on The New Psychological Contract), 34 CONNECTICUT LAW REVIEW 765 (2002).

Justice for Janitors in Los Angeles: Lessons from Three Rounds of Negotiations, 40 BRITISH JOURNAL OF INDUSTRIAL RELATIONS 543 (2002) (with Erickson, Milkman, Mitchell, and Wong).

Unions and Low-Wage Immigrant Workers: Lessons from the Justice for Janitors Campaign in Los Angeles, 1990-2002, Center for the Study of Law and Society Working Paper Series, available at http://repositories.cdlib.org/csls/lss/ (with Erickson, Milkman, Mitchell, and Wong).

Humiliation at Work, 8 WILLIAM & MARY JOURNAL OF WOMEN AND THE LAW 73 (2001).

The Expressive Interest of Associations, 9 WILLIAM & MARY BILL OF RIGHTS JOURNAL 595 (2001) (with Erwin Chemerinsky).

Working Knowledge: Trade Secrets, Restrictive Covenants in Employment, and the Rise of Corporate Intellectual Property, 1800-1920, 52 HASTINGS LAW JOURNAL 441 (2001), reprinted in *International Library of Essays in Law and Society – Intellectual Property* pp. 53-148 (William Gallagher, ed., Ashgate Press, 2007), and in *Trade Secrets and Undisclosed Information, Critical Concepts in Intellectual Property Law* (Sharon Sandeen & Elizabeth Rowe, eds., Edward Elgar Pub. Co., 2014).

Union Representation of Immigrant Janitors in Southern California: Economic and Legal Challenges, in *Organizing Immigrants* (Ruth Milkman, ed., Cornell University Press, 2000) (with Daniel J.B. Mitchell and Christopher L. Erickson).

Civil Rights Without Remedies: Vicarious Liability Under Title VII, Section 1983, and Title IX, 7 WILLIAM & MARY BILL OF RIGHTS JOURNAL 755 (1999) (with Erwin Chemerinsky).

Removing the 'Fuel of Interest' from the 'Fire of Genius': Law and the Employee Inventor, 1830-1930, 65 UNIVERSITY OF CHICAGO LAW REVIEW 1127 (1998). Reprinted in ROBERT MERGES, ED., FOUNDATIONS OF INTELLECTUAL PROPERTY (Matthew Bender, 2012), pp. 43-44.

ERISA Preemption of State and Local Laws on Domestic Partnership and Sexual Orientation Discrimination in Employment, in *Symposium on Emerging Issues in Sexual Orientation Law*, 8 UCLA WOMEN'S LAW JOURNAL 267 (1998).

Rights in Employee Inventions and Creative Works: An Overview of United States Law, in *Symposium on Cutting-Edge US Employment Issues Relevant to Contemporary New Zealand Concerns*, 23 NEW ZEALAND JOURNAL OF INDUSTRIAL RELATIONS 47 (1998), reprinted in 5 *Intellectual Property Rights: Critical Concepts in Law* 7 (David Vaver, ed., Routledge 2006).

Union Representation of Immigrant Janitors in *Southern California: Economic and Legal Challenges*, Working Paper of the UCLA Institute on Industrial Relations (1998) (with Daniel J.B. Mitchell and Christopher L. Erickson).

The Filibuster, 49 STANFORD LAW REVIEW 181 (1997) (with Erwin Chemerinsky).

The Last Article About the Language of ERISA Preemption? A Case Study of the Failure of Textualism, 33 HARVARD JOURNAL ON LEGISLATION 35 (1996).

Lochner Redux: The Renaissance of Laissez-Faire Contract in the Federal Common Law of Employee Benefits, 56 OHIO STATE LAW JOURNAL 153 (1995).

Employer-Provided Child Care Under Title VII: Toward an Employer's Duty to Accommodate Child Care Responsibilities of Employees, 2 BERKELEY WOMEN'S LAW JOURNAL 89 (1986).

ESSAYS AND BOOK REVIEWS

Book Review, Katherine Turk, *Equality on Trial: Gender and Rights in the North American Workplace*, __ LAW AND HISTORY REVIEW __ (forthcoming 2017).

Book Review, MacDougall, *The People's Network: The Political Economy of the Telephone in the Gilded Age*, 101 JOURNAL OF AMERICAN HISTORY no. 4 (Mar. 2015).

Labor at a Crossroads: In Defense of Members-Only Unionism, THE AMERICAN PROSPECT (Jan. 15, 2015).

Reimagining Labor Law: Building Worker Collectivities After the NLRA, 4 UC IRVINE LAW REVIEW 526 (2014).

Courts Versus Unions: Speech and Association Rights Under Fire, 23 NEW LABOR FORUM 42 (2014).

Author Response: Law and the Problem of Embodied Knowledge, 28 HISTORY AND TECHNOLOGY 101 (2012).

Foreword: Law As … Theory and Method in Legal History, 1 UC IRVINE LAW REVIEW 515 (2011) (with Robert W. Gordon).

Interest Arbitration and the Employee Free Choice Act: A Time Honored and Tested Method to Ensure Good-Faith Bargaining, ACADEMICS ON EMPLOYEE FREE CHOICE: MULTIDISCIPLINARY APPROACHES TO LABOR LAW REFORM p. 36 (John Logan, ed., UC Berkeley Labor Center, 2009), http://laborcenter.berkeley.edu/laborlaw/efca09.pdf

Labor Markets, Income Inequality and Globalization, 15 GEO. J. POVERTY & INEQUALITY 475 (2008) (Conference on Wealth Inequality and the Eroding Middle Class).

Preemption and Civic Democracy in the Battle Over Wal-Mart, 11 WORKING USA: THE JOURNAL OF LABOR AND SOCIETY 45 (2008) (with Michael Oswalt).

Thoughts on Treating Union Representation Processes as a Market in Need of Legally Required Disclosure of Information, VIRGINIA LAW REVIEW IN BRIEF (2008), www.virginialawreview.org.

Foreword: Making Makeup Matter, 14 DUKE JOURNAL OF GENDER LAW & POLICY 1 (2007) (with Devon Carbado & Mitu Gulati) (*Symposium on Makeup, Identity Performance and Discrimination*).

Book Review, *Defending Rights: Law, Labor Politics, and the State in California 1890-1925*, by Thomas Ralph Clark, 1 CALIFORNIA LEGAL HISTORY 171 (2006).

Foreword – Looking for a Miracle? Women, Work, and Effective Legal Change, 13 DUKE JOURNAL OF GENDER LAW & POLICY 1 (2006).

A Founders' Roundtable Discussion, 20 BERKELEY JOURNAL OF GENDER, LAW & JUSTICE 20 (2005).

Book Review, *Trade Secrets: Intellectual Piracy and the Origins of American Industrial Power*, by Doron S. Ben-Atar, 79 BUSINESS HISTORY REVIEW 367 (2005).

Book Review, *In Pursuit of Equity* by Alice Kessler-Harris, 51 BUFFALO LAW REVIEW 101 (2003).

Justice for Janitors in Los Angeles: Lessons from Three Rounds of Negotiations, *California Policy Options* (2002) (with Erickson, Milkman, Mitchell, and Wong).

Introduction to Symposium on Rampart Police Scandal: Policing the Criminal Justice System, 34 LOYOLA OF LOS ANGELES LAW REVIEW 537 (2001) (with David W. Burcham).

The Filibuster, in *Encyclopedia of the American Constitution, Supplement II* (2000) (with Erwin Chemerinsky).

In Defense of the Big Tent: The Importance of Recognizing the Many Audiences for Legal Scholarship, 34 TULSA LAW JOURNAL 667 (1999) (with Erwin Chemerinsky).

Owning Employees' Knowledge, 2 PERSPECTIVES ON WORK 12 (1998).

ERISA Preemption of State and Local Laws on Domestic Partnership and Sexual Orientation Discrimination in Employment, 12 CALIFORNIA LABOR AND EMPLOYMENT LAW QUARTERLY 11 (1998) (with Julianne Scott).

Book Review, *Lawyers Against Labor* by Daniel Ernst, 41 AMERICAN JOURNAL OF LEGAL HISTORY 152 (1997).

Still 'Learning Something of Legislation': The Judiciary in the History of Labor Law, 19 LAW & SOCIAL INQUIRY 151 & 217 (1994) (review essay and rejoinder).

WORKS IN PROGRESS

Labor Protest and the First Amendment, 1935-1985 (book manuscript)

Complicity, Compulsion, and Constitution (article, with Erwin Chemerinsky)

Governance of Worker Centers (article, with Sameer Ashar)

OTHER WRITINGS

Editorials

"Real Education Reform Requires Great Teachers," *The Recorder* (June 27, 2016).

"Fundamental Changes in New Equal Pay Law," *National Law Journal* (Jan. 11, 2016).

"Misclassification of Employees," *National Law Journal* (Nov. 9, 2015).

"Religious Discrimination and Religious Freedom," *National Law Journal* (June 15, 2015).

"Hollywood Should Stop Discriminating Against Female Directors," *Sacramento Bee* (May 23, 2015).

"Despite Concepcion, Class Actions Live On," *National Law Journal* (Mar. 2, 2015).

"Why Should Unions Negotiate for Workers Who Don't Pay Their Fair Share?" *Los Angeles Times* (July 9, 2014) (with Benjamin Sachs).

"Eliminating Teacher Tenure Will Not Improve Public Education," op-ed, *Sacramento Bee* (June 22, 2014) (with Erwin Chemerinsky).

"College Football Players' Option to Unionize Is Within Legal Bounds," *National Law Journal* (May 19, 2014).

The Speech and Association Rights of Employees After Knox v. SEIU Local 1000 (American Constitution Society Issue Brief, February 2014) (with Erwin Chemerinsky).

"Wal-Mart, Gap Skirt the Issue," op-ed, *Los Angeles Times* (May 17, 2013) (with James Brudney).

"'Penn' is Mightier than Decades of Court Precedent," *LA Daily Journal* (Aug. 25, 2009).

"Two Cheers for the Boomers," *California Lawyer* (November 2007) (with Erwin Chemerinsky).

"Judges Know Best," Forum Column, *LA Daily Journal* (May 15, 2007) (with Erwin Chemerinsky).

"Judges Do Make Law: It's Their Job," op-ed, *USA Today* (Aug. 24, 2005)(with Erwin Chemerinsky).

"Senate Must Reject Nominee Who Blatantly Distorts Truth," op-ed, *LA Daily Journal* (Nov. 12, 2003).

"No to a Far-Right Court: Use Filibusters," op-ed, *Los Angeles Times* (Nov. 11, 2002) (with Erwin Chemerinsky).

Selected Blog Posts

"The New Regime," *Onlabor* (January 21, 2017).

"The Future of Labor," *Onlabor* (November 18, 2016).

"Fact and Fiction About Graduate Student Unionizing," *Onlabor* (September 7, 2016).

"Fair Treatment for Theatre Labor: A Right to Perform Plays," *Onlabor* (June 27, 2016) (The Wooster Group arranged for Frances McDormand and other actors to read the text of this post on video; the video is available on http://thewoostergroup.org/blog/2016/09/01/fair-treatment-for-theatre-labor-a-right-to-perform-plays/.

"Eliminating Non-competes One Employer at a Time Through Single-Issue Labor Organizing Campaigns," *Onlabor* (June 9, 2016).

"Free Speech Rights of Public Employees: *Heffernan v. City of Paterson*," *OnLabor* (May 11, 2016).

"The Uber Settlement is Only the Beginning," *ACSBlog* (Apr. 27, 2016).

"What Scalia's Replacement Could Mean for Workers," *OnLabor* (Feb. 26, 2016).

"Public Employee Unions and Pensions," *OnLabor* (Jan. 22, 2016).

"Majority Rule and the Rights of Minorities: *Friedrichs* and *Penn Plaza*," *OnLabor* (Nov. 3, 2015).

"NLRB's *Browning-Ferris* Decision Could Reshape Contract and Franchise Labor," *OnLabor* (Aug. 28, 2015).

"Symposium: The *Friedrichs* Petition Should Be Dismissed," *Scotusblog* (Aug. 26, 2015).

"Scalia May Be Critical Vote in *Friedrichs v. California Teachers Ass'n*" *OnLabor* (June 30, 2015).

"A RFRA Right to Collective Action?" *OnLabor* (Nov. 10, 2014).

"Does *Hobby Lobby* Allow Gender Discrimination?" *OnLabor* (Nov. 7, 2014).

"What It Means That McDonalds Is Responsible for Its Franchises," *OnLabor* (July 30, 2014).

Harris v. Quinn Symposium: Court Departs from Federalism, First Amendment Jurisprudence," *Scotusblog* (July 3, 2014).

UNIVERSITY SERVICE

University of California, Irvine

Law School Service: Academic Affairs Committee (chair, 2013-14); Faculty Appointments Committee (co-chair 2016-17, 2008-09; member 2011-2012); Editor, UCI Law Working Paper Series (2008-); Law Review Faculty Advisor (2009-13, 2015-); Mentoring Committee (2009-10, 2014-15); Promotion and Tenure Committee (2016-17, 2013-14, 2010-11); Self-Study Committee (chair, 2010-11); Curriculum Committee (2008-10); Faculty Affairs Committee (2008-10).

Re-Imagining Labor Law: Building Worker Collectivities after the NLRA, Law Labor Symposium, February 22–23, 2013 (Organizer)

University Service: Co-Director (since 2010) and Board of Advisors (since 2008), Center in Law, Society & Culture; Co-convener, Socio-Legal Studies Workshops (2011-present); Advisory Board, UCI Community Labor Project (since 2015); UC Office of the President Forum on Campus Sexual Assault (2015); Committee on Scholarly Awards and Honors (2015-2017); affiliated faculty, Center for Creative Economies (2014-present).

Duke University (2004-2008)

University Service: Chair, University Academic Programs Committee; University Priorities Committee; Board of Trustees Committee on Faculty, Graduate and Professional Schools Affairs; University Academic Council; Faculty Hearing Committee.
Law School Service: Faculty Advisor, *Duke Journal of Gender Law & Policy*; Law School Strategic Planning Committee; Appointments Committee; Advisory Board, Children's Education Law Clinic; Lateral Hiring and Workshops Committee; Co-editor, Duke Law Working Paper Series; Tenure Review Committee.

University of Southern California (2003-2004)

Steering Committee, Center for Law, History and Culture; Judicial Clerkships Committee

Loyola Law School (1992-2003)
Co-editor, Loyola Law School Public Law & Legal Theory Working Paper Series; Faculty advisor to *Loyola of Los Angeles Law Review*; Dean's Advisory Committee; Appointments Committee; Student Journals Committee; Judicial Clerkships and Careers in Academe Committee; Curriculum Committee; Disability Committee; Clinics and Pro Bono Service Committee; Sexual Harassment Committee; Research and Sabbaticals Committee

SELECTED SPEECHES AND PRESENTATIONS

"Is it Time for a New Free Speech Fight? Thoughts on Whether the First Amendment Is Friend or Foe of Labor," David Feller Memorial Lecture, UC Berkeley, April 2017.

"Writing for Hire," Donahue Lecture, Suffolk University Law School, February 2017.

"Labor Organizing in the On-Demand Economy," University of Chicago Legal Forum Symposium on Law and the Disruptive Workplace, November 2016.

"Workplace Knowledge and Employee Mobility: Lessons from History," Academy of Management Annual Meeting, Anaheim, August 9, 2016.

"Employment Discrimination Update," Federal Judicial Center National Conference of District Judges, April and July, 2016.

"Dependent Contractors and the Gig Economy: New Challenges for Employers, Employees, and Unions," Orange County Labor and Employment Relations Association, Anaheim, July 2016.

"The First Amendment and Labor Protest," AFL-CIO Lawyers' Coordinating Committee Meeting, Chicago, May 2016.

"The Future of Organized Labor," Chicago-Kent College of Law, November 2015.

"Authors at Work: Writing for Hire in Twentieth-Century Film, Television, and Advertising," Princeton University Program in Law and Public Affairs, October 2015.

"Labor Organizations for the Gig Economy," Colorado Bar Association, Denver, October 2015.

"The First Amendment and Labor Protest," United Food and Commercial Workers Lawyers' Meeting, Quebec, September 2015.

"Authors at Work," invited speaker, Writers Guild of America Foundation 95th Anniversary Celebration, Los Angeles, August 2015.

"Political Activities of Organizations," invited panelist, Labour Law Research Network, University of Amsterdam, Netherlands, June 2015.

"Managing Multiple Employment Arbitration Cases with Class Action Waivers," invited panelist, National Academy of Arbitrators Conference, San Francisco, May 2015.

"Dues and Don'ts After *Harris v. Quinn*," invited panelist, National Center for the Study of Collective Bargaining in Higher Education and the Professions, National Conference, CUNY Graduate Center, New York, April 2015.

"Rethinking Collective Bargaining and Union Representation," invited panelist, Albert Shanker Institute - Sidney Hillman Foundation – American Prospect Symposium on The American Labor Movement at a Crossroads, Washington, D.C., January 2015.

"*Knox, Harris* and the Aftermath," invited panelist, American Constitution Society National Convention, Washington, D.C., June 2014.

"Collective Actions and the NLRA After *D.R. Horton,*" Employee Rights Advocacy Institute for Law & Policy, *Berkeley Journal of Employment and Labor Law,* Symposium on Forced Arbitration in the Workplace, University of California, Berkeley, February 2014.

"Worker Voice, Labor Speech," Plenary Session, Conference on Race, Labor and the Law, UCLA Institute for Research on Employment and UCLA Critical Race Program, UCLA, February 2014.

"The Writers' Share: Understanding the Existence and Absence of Private Intellectual Property Rights in Writing for Film, Television and Advertising," University of Michigan Legal History Workshop, Ann Arbor, November 2013.

"Rethinking the Union's Role as Exclusive Representative of Employees in the U.S.," Labor Law Research Network Inaugural Conference, Pompeu Fabra University, Barcelona, June 2013.

"Authors Anonymous: Screen Credit in Hollywood and Attribution on Madison Avenue," Hagley Museum & Library Symposium on Historicizing Intellectual Property, Wilmington, DE, May 2013.

"Novel First Amendment Theories to Invigorate Worker Voice in the 21st Century," American Constitution Society Convening, Washington, D.C., April 2013.

"The Writer' Share: The Origin of Residuals and the Writers' Guild in Hollywood, 1935-1955," Society of Cinema and Media Studies Conference, Chicago, March 2013.

"The Status of the NLRB and Its Rulemaking," ABA Labor & Employment Law Section Mid-Winter Meeting, San Diego, CA. March 2013.

"A Federal Right to Members Only Representation in Right to Work States", Re-Imagining Labor Law: Building Worker Collectivities after the NLRA, UC Irvine School of Law, Irvine, CA. February 2013. (with Benjamin Sachs)

"The Labor History of Intellectual Property in Writing for Film, Television, and Advertising," invited lecture, Hokkaido University Graduate School of Law, Sapporo, Japan, and Nagoya University Graduate School of Law, Nagoya, Japan. October 2012.

"Political Speech and Association Rights After *Knox v. SEIU Local 1000* and *Citizens United*," invited luncheon speech, Labor and Employment Colloquium, Northwestern University, Chicago, September 2012.

"Collective Action at a Crossroads," American Constitution Society, Washington, D.C. June 2012.

"Restricting Employee Mobility to Control IP Rights: Recent and Proposed Developments in US Law," Cambridge University Center on Intellectual Property and Information Law, Faculty of Law, Cambridge, England, March 2012.

"Contingent Loyalty and Restricted Exit: Commentary on the Restatement of Employment Law," American Bar Foundation, Chicago, November 2011.

Testimony before the U.S. House of Representatives Subcommittee on Health, Education, Labor and Pensions, Hearing on the National Labor Relations Board and Corporate Campaigns. May 26, 2011.

"Taking the Long View on Competition and the Mobile Employee," at Conference on Business Innovation: A Legal Balancing Act, Monash University in Prato, Italy. May 2011.

"Teaching Labor Law in Law Schools" and "Collective/Class Actions and Collective Action: Selected Ethics and Legal Issues," at AFL-CIO LCC Union Lawyers Conference, San Diego. April 2011.

"Imagining a World With Members-Only Bargaining," ABA Labor and Employment Law Section Mid-Winter Meeting, Lanai, Hawai'i. February 2011.
"The State of Labor and How Labor Representation Has Changed in a Post-Modern World," ABA Section of Labor and Employment Law Conference, Chicago, IL. November 2010.

"Screen Credit and the Writers Guild of America, 1938-2000," Yale University Legal History Forum. November 2010.

"The History of Screen Credit for Writers in Hollywood: Contract, Credit and Authorship – the Role of Law in Media Production," Society for Cinema and Media Studies, Los Angeles, CA. March 2010.

"The University I am For," one of a series of panel discussions on the future of the university, Critical Theory Institute, UC Irvine. March 2010.

"Attribution and Authorship in the Digital Age," Symposium on Digital Labour, University of Western Ontario, Canada. October 2009.

"Attribution within Organizations: Crediting Work in the Context of Anonymous Authorship at the J.Walter Thompson Advertising Agency," U.C. Berkeley Center for the Study of Law & Society, March 2009.

"Commentary on the Proposed Restatement of Employment Law: The Public Policy Tort," Hastings College of the Law, San Francisco, CA. February 2009.

"The NLRB in the Bush Administration," Conference on "The American Right and US Labor: Politics, Ideology & Imagination," UC Santa Barbara. January 2009.

"Attribution and Human Capital," Panel on Labor Relations and Employment Law, Association of American Law Schools Annual Meeting, San Diego, CA. January 2009.

"Free Speech and Government Accountability after *Garcetti v. Ceballos*," First Amendment Law Review symposium, University of North Carolina, Chapel Hill, NC. February 2008.

"Attribution and Human Capital in the Twentieth Century: How Professional Reputation Became the New Intellectual Property," Princeton University, Princeton, NJ. November 2007.

Co-convener, and paper presenter, "Employment Rights – Employment Realities: Symposium on Low Wage Work," University of Minnesota, Minneapolis, MN. November 2007.

"New Frontiers in Employment Litigation: Analysis of Class Action Litigation," Institute for Law and the Workplace Conference, Chicago-Kent College of Law, Chicago, IL. November 2007.

"Technology and the Emergence of Property Concepts in Human Capital and Professional Reputation in the Twentieth Century," paper presented at Law & Society Association meeting, Berlin, Germany. July 2007.

"Attribution, Authenticity, and the Corporate Production of Culture, 1900-1930," paper presented at the Association for the Study of Law, Culture, and the Humanities Conference, Georgetown Law School, Washington, D.C. March 2007.

"Corporate Management of Science and Scientific Management of Corporations, 1890-1930," paper presented at UCLA IP Scholarship Colloquium, Los Angeles, CA. February 2007.

"Free Labor and the Culture of Work, 1885-1920," paper presented at the Triangle Legal History Seminar Series, National Humanities Center, Durham, NC. February 2007.

"Assembly Line Creativity" paper presented at London School of Economics, UK. December 2006.

Co-Convener, Symposium on Makeup, Identity Performance & Discrimination, Duke University School of Law, October 2006.

"Should Compensation to Employee Inventors be Mandatory in the U.S.?" Loyola Law School IP Special Focus Conference on Employee Inventors, Los Angeles, CA, September 2006.

"In Search of an Organizing Theme for Employment Law," Labor Law Group Conference, Saratoga Springs, NY, June 2006.

"Recent Developments in Employment Law," CLE Program sponsored by the North Carolina Academy of Trial Lawyers, Raleigh, NC, May 2006.

"Credit Where It's Due," paper presented at the Con/Texts of Invention Conference, Case Western Reserve University, Cleveland, OH, April 2006.

"Credit Where It's Due," paper presented at the Oxford University Intellectual Property Center, St. Peter's College, Oxford, England, January 2006.

"Credit Where It's Due," Paper presented at "IP@Work" Conference, Interdisciplinary Center at Herzliya, Israel, December 2005, "No-Compete and Trade Secret Law," Institute of Judicial Administration and the Center for Labor and Employment Law, NYU School of Law, November 2005.

"Recent Developments in the Law of Employment Discrimination," CLE Programs Sponsored by Guam Bar Association, Saipan Bar Association of Commonwealth of the Northern Marianas Islands, and the Judiciary of the Republic of Palau, August 2005.

"Employment Law for Supervisors," Council of Appellate Staff Attorneys, Dallas, Texas, July 2005.

"Labor Law for the Non-Unionized Workplace: What Employment Lawyers Should Know About Labor Law," Pacific Coast Labor and Employment Law Conference, Seattle, Washington, May 2005.

"Working Knowledge: Employee Innovation and the Rise of Corporate Intellectual Property," Information Ecology Lecture, Duke University, Durham, North Carolina, April 2005.

"Labor Law and the Four Obstacles to Union Organizing," Third Reconstruction Institute Conference on Labor and Community Organizing, Duke University, Durham, North Carolina, April 2005.

"Same-Sex Marriage as a Civil Rights Issue," Randolph Thrower Symposium, Emory University Law School, Atlanta, Georgia, February 2005.

"The History of Intellectual Property as a Term and as a Concept," Keynote Address, Wisconsin Symposium on Legal History, sponsored by the Institute for Legal Studies and the University of Wisconsin Law School, Madison, Wisconsin, November 2004.

"Employment Law Update," Judicial Conference of the U.S. Courts for the Tenth Circuit. Park City, Utah, July 2004.

"Employment Law: What Managers Need to Know," Council of Appellate Staff Attorneys' Annual Conference, Park City, Utah, July 2004.

"Knowledge Work: New Metaphors for the New Economy," the Kenneth Piper Lecture at Chicago-Kent Law School, Chicago, Illinois, April 2004.

Moderator, "Confronting Workers' Compensation Issues in California," conference sponsored by USC Law School, RAND Corp., Communications Institute, and the California Commission on Health and Safety and Workers' Compensation, Los Angeles, California, February 2004.

"Ideas at Work," Hagley Center for the History of Business, Technology, and Society, Wilmington, Delaware, November 2003.

"What does it mean to call literature property?" Comment, USC Center for Law, History, and Culture, Los Angeles, California, October 2003.

Panelist, "Labor Law on the Edge: Doctrinal Strategies," Labor Law Group, Alton, Ontario, Canada, June 2003.

Discussant, Columbia, Georgetown, UCLA, and USC Interdisciplinary Law & Humanities Junior Scholars Workshops at Columbia University, New York, New York, June 2003, and University of Southern California, Los Angeles, California, June 2002.

Commentator, University of Southern California Center for Law, History and Culture annual lecture, Los Angeles, California, March 2003.

"A Free Labor Ideology for the Ingenious Tinkerer: Class and the Ownership of Employee Patents, 1880-1925," presented at conference on "Law and the Disappearance of Class," jointly sponsored by the University of Pennsylvania Law School, Department of History, and the University of Pennsylvania Law Review, Philadelphia, Pennsylvania, November 2002.

"A Free Labor Ideology for the Ingenious Tinkerer: Class and the Ownership of Employee Patents, 1880-1925," Hagley Center Series, Wilmington, Delaware, November 2002.

Panelist, "Civil Liberties After 9/11," New York State Appellate Judges' Conference, Saratoga, New York, November 2002.

Panelist, AFL-CIO Lawyers Coordinating Committee Western Regional Meeting, San Francisco, California, October 2002.

Employment Law Update, Judicial Conference of the U.S. Courts for the Tenth Circuit, Santa Fe, New Mexico, June 2002.

"Unions and Low-Wage Immigrant Workers: Lessons from the Justice for Janitors Campaign in Los Angeles, 1990-2002," Center for the Study of Law and Society, University of California, Berkeley, California, April 2002.

Keynote speaker, Berkeley Journal of Labor and Employment Law Banquet, Berkeley, California, April 2002.

"Union Lawyers and Disability Discrimination: Reflections on Toyota Motors v. Williams," AFL-CIO Lawyers Coordinating Committee Western Regional Meeting. Los Angeles, California, March 2002.

"Freedom of Speech and Religion in the Workplace." Plenary Session, 19th Annual Labor Law Conference, NLRB Region 21 - Orange County Industrial Relations Research Association - Federal Mediation and Conciliation Service. Anaheim, California, July 2001.

"Justice for Janitors in Los Angeles: Lessons from Three Rounds of Negotiations (with Daniel J.B. Mitchell, Christopher L. Erickson, Ruth Milkman & Kent Wong). Paper given at International Conference on Union Growth, University of Toronto, Canada, April 2001.

"An Overview of American Labor and Employment Law," American Institute for Legal Education course for European and South American lawyers. UCLA, Los Angeles, California, September 2000.

"Current Substantive Issues in Civil Rights Litigation," Judicial Conference of the U.S. Courts for the Tenth Circuit, Santa Fe, New Mexico, June 2000.

"The Lawfulness of Public Employee Strikes." Meetings of the Association of Los Angeles Deputy Sheriffs, Valencia and Pomona, California, March 2000.

"Statistical Proof of Employment Discrimination in the 1990s." International Network on Transformative Employment and Labor Law, Cape Town, South Africa, March 1999.

"Employee Rights to Inventions and Intellectual Property," Pacific Conference on Chemistry and Spectroscopy, Western Regional Conference of the American Chemical Society, Ontario, California, October 1999.

"Justice for Janitors in Los Angeles." Paper presented at the Organizing Immigrants in Southern California conference co-sponsored by the Department of Sociology and the UCLA Labor Center. UCLA, Los Angeles, California, May 1999.

"Protecting Workers' Rights: Options Under the Current Law," AFL-CIO Lawyers Coordinating Committee Union Lawyers Conference, Chicago, Illinois, June 1997 .

"Wrongful Demotion and Adverse Employment Actions Under the Common Law and Statutory Antidiscrimination Laws" (Paper presented at the 1997 Annual Meeting of the Law and Society Association.)

"ERISA for Beginners: What Every Labor and Employment Lawyer Should Know about Employee Benefits," Annual Meeting of the Labor and Employment Section of the Florida State Bar, Miami, Florida, February 1997.

Colloquia given at the Princeton University (2015, 2007)), University of Minnesota Law School (2015), Northwestern University Law School (2015), University of California Santa Barbara (2015), University of Michigan Law School (2013), University of New Mexico Law School (2012), New York University Law School (2011, 2002), Yale Law School (2010), Georgetown Law School (2010), Tulsa University Law School (2009), University of Colorado Law School (2008), Stanford University (2007), University of North Carolina Law School (2002), Duke University School of Law (2002, 2005), UCLA Law School (1997, 2002), University of Southern California Law School (2001), Whittier Law School (2000), Vanderbilt Law School (1996).

Presented papers or served as a discussant at conferences of the Law & Society Association, the Labor Law Group, American Society for Legal History, Labour Law Research Network, Society for Cinema and Media Studies, Business History Conference, Economic History Association, Social Science History Association, the International Network on Transformative Employment and Labor Law, Association of American Law Schools, and the Law & Humanities Junior Scholars Workshop (various dates, 1993 to present).

FELLOWSHIPS AND AWARDS

Collaborative Research Grant (with Michael Szalay), Center in Law Society and Culture (2013).

Littleton-Griswold Prize (best book 2010) of the American Historical Association.

John Philip Reid Award (best book 2010) of the American Society for Legal History.

Franklin Humanities Institute Seminar Fellowship (2007-2008).

Duke Bar Association Distinguished Teaching Award (2007).

Duke Law School Blueprint Award for Leadership (2006).

ACLU of Southern California Award for Pro Bono Service (2004).

ACLU of Southern California Distinguished Law Professor (2003).

William M. Rains Fellowship, Loyola Law School (1998–2003).

Industrial Relations Research Association Award for Excellence in Labor and Employment Education (2000).

Grants to support research, Hagley Museum & Library, Wilmington, Delaware (1999 & 2000).

Law & Society Association Summer Institute (1993).

University of Wisconsin Law School fellowship (1991-1992).

PROFESSIONAL AND PUBLIC SERVICE

University of California, Irvine Community Labor Project

Advisory Board (2014-present); Research Advisor for Study of Wage Theft in Orange County (2014-present).

American Association of University Professors Litigation Committee (2015-present).

Editorial Board, *Law & Social Inquiry* (2016-2018).

American Society for Legal History:

Standing Committee on the Annual Meeting (2016 – present); John Philip Reid Prize Committee (2014-2016); Committee on Membership (1997-1999).

Law & Society Association:

Board of Trustees (2006-2009); Graduate Student Workshop Committee (2009-2010); Nominating Committee (2004-2005); Willard Hurst Book Prize Committee (chair 2013-2014, chair 2003-2004, member 2008-2009).

Labor Law Group:

Executive Committee (2005-2012); Editorial Policy Committee (since 2009; co-chair since 2014); Program Committee Chair (2009-10); member (since 2000).

The Wage Justice Center Board of Directors (2009- present).

Orange County Labor and Employment Relations Association Board of Directors (2011 – 2014).

Senior Contributor, *Onlabor.org* (blog founded and run by Benjamin Sachs at Harvard Law School on workers, unions, and politics)

Service Employees International Union Ethics Review Board (2009- present); Ethics Commission Member (2008-2009).

Member, American Law Institute (elected in 2007).

Labor Law Research Network Steering Committee (2013-2015).

Labor Research and Action Network Advisory Committee (2013 – present).

Technical Working Group, U.S. Department of Labor – Gallup Voice at Work Evaluation Study (2011-2012).

Association of American Law Schools Planning Committee, Conference on Work Law (2008-09).

Editorial Advisory Board, *Law & Society Review* (2007- 2011).

Testimony Before the House of Representatives Health, Education, Labor and Pensions Subcommittee Hearing on "Corporate Campaigns and the NLRB: The Impact of Union Pressure on Job Creation," May 26, 2011.

Journal of Law, Board of Advisors (since 2010).

American Civil Liberties Union:

> National Committee on Commercial Speech (2003-2005); Board of Directors, ACLU of Southern California (1996-2004); Executive Committee of ACLU-SC (1998-2000; 2003-04); Vice-President (2000-04).

Los Angeles County Bar Association:

> Committee on Amicus Participation (2000-04); Section on Employment and Labor Law, Saturday Seminar Committee (2000-01); Committee on Sexual Orientation Bias (1995-98).

Vice-Chair, Special Committee on Investigative Oversight, City of Los Angeles (1998) (appointed pursuant to city ordinance to review allegations of discrimination by elected City officials).

Reviewer of manuscripts for Yale University Press, Oxford University Press, Stanford University Press, University of Chicago Press, University of Pennsylvania Press, *Law & Social Inquiry*, *Law & Society Review*, *Business History Review, Journal of Ethnic and Migration Studies, Policy History*, *Law & History*, and *Studies in American Political Development*, Law & Humanities Junior Scholars Conference.

PRO BONO LEGAL SERVICE

Amicus curiae brief of labor law professors, *NLRB v. Murphy Oil* (16-307, U.S.) (compulsory arbitration agreements containing class action waivers violate the Norris-LaGuardia Act and the National Labor Relations Act).

Counsel of Record, Amicus curiae brief of labor economists and social scientists, *Villareal v. RJR*, (no. 16-971, U.S.) (availability of disparate impact theory to challenge age discrimination in hiring).

Amicus curiae brief of law professors, *International Union of Operating Engineers Local 139 v. Schimel*, nos. 16-3736 (7th Cir.) (federal preemption of Wisconsin right-to-work law).

Co-Counsel, *Page v. Parisotto*, No. BC 625992 (California Superior Court, Los Angeles County, filed 7/6/2016) (sex discrimination in administration of California workers' compensation system).

Amicus curiae brief of American Association of University Professors, *Trustees of Columbia University*, 364 NLRB no. 90 (2016) (graduate students are employees under the NLRA).

Amicus curiae brief of law professors, *Vergara v. State of California*, 209 Cal. Rptr. 3d 532 (California Court of Appeal, 2d District, 2016) (California equal protection challenge to teacher tenure).

Amicus curiae brief of labor law professors filed in federal courts of appeals in the DC, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, and 11th Circuits on whether compulsory arbitration agreements containing class action waivers violate the Norris-LaGuardia Act and the National Labor Relations Act.

Amicus curiae brief of law professors in support of petition for rehearing en banc, *Sweeney v. Pence*, 767 F.3d 654 (7th Cir. 2014) (federal preemption of Indiana right-to-work law).

Amicus curiae brief of labor law professors, *Ralphs Grocery Co. v. United Food and Commercial Workers Union Local 8*, 55 Cal. 4th 1083 (California Supreme Court 2012) (intersection of labor law and First Amendment).

Counsel on appeal, *Weymouth v. United States*, 256 Fed. Appx. (4th Cir. 2007) (with Duke Appellate Litigation Clinic) (habeas corpus).

Amicus curiae brief of labor law professors in support of motion for reconsideration, *Oakwood Health Care, Inc. & Croft Metals, Inc.,* 348 NLRB No. 37 (2006) (definition of supervisor under NLRA).

Petition for certiorari, *Williams v. Missouri Dept of Mental Health*, 126 S.Ct. 1037 (2006) (cert. denied) (vicarious liability for workplace harassment).

On brief, *Scheidler v. National Organization for Women*, 126 S.Ct. 1264 (2006) (reproductive freedom).

Advised the Western Center on Law & Poverty, Los Angeles, California, on wage and hour compliance (2004).

Amicus curiae brief, *Nike v.Kasky*, 123 S. Ct. 2554 (2003) (labor speech as commercial speech).

Amicus curiae brief, *Quigley v. Rosenthal*, 327 F.3d 1044 (10th Cir. 2003) (vicarious liability of civil rights organizations for the actions of volunteers and members).

Amicus curiae brief, *Scott v. Pasadena Unified School District*, 306 F.3d 646 (9th Cir. 2002) (constitutionality of use of race, gender and ethnicity in admissions lottery for public magnet schools).

Amicus curiae brief, *Hunt v. Superior Court*, 21 Cal.4th 984, 987 P.2d 705 (Cal. 1999) (separation of powers challenge to legislation relating to indigent health care).

Amicus curiae brief and argued, *County of Los Angeles v. Superior Court*, 21 Cal.4th, 981 P.2d 68 (Cal. 1999) (survival of non-pecuniary damages in section 1983 sexual harassment suit).

Counsel on appeal (briefed and argued), *Lam v. University of Hawai'i*, 40 F.3d 1551 (9th Cir. 1994) (Title VII challenge to gender, race, and national origin discrimination in academic hiring).

Advised proponents of California Ballot Proposition 186 (single-payer health care) on ERISA preemption (1994).

BAR ADMISSIONS

California (1986) (active), District of Columbia (1988) (inactive).