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## **ACADEMIC EXPERIENCE**

### **CALIFORNIA WESTERN SCHOOL OF LAW, San Diego, CA**

<i>Clara Shortridge Foltz Professor of Law</i>	August 2018-present
<i>Professor of Law</i>	October 2014-August 2018
<i>Associate Professor</i>	March 2010-October 2014
<i>Assistant Professor</i>	May 2008-March 2010
<i>Visiting Assistant Professor/ Teaching Fellow</i>	August 2006-May 2008

Courses Taught: Employment Law, Constitutional Law I and Remedies

Voted *Professor of the Year* for upper-class students during the 2008-2009 academic year, 2010-2011 academic year, 2011-2012 academic year, 2013-2014 academic year, 2016-2017 academic year, 2023-2024 academic year. Also voted *Best Lecturer* during the 2023-2024 academic year and the 2024-2025 academic year.

### **UNIVERSITY OF SAN DIEGO SCHOOL OF LAW, San Diego, CA**

<i>Visiting Faculty</i>	January 2008-May 2008
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## **EDUCATION**

### **HARVARD LAW SCHOOL**

Degree: J.D., 2001

Honors/Activities: Member of the CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW

### **UNIVERSITY OF MICHIGAN**

Degree: B.A. in Political Science, December 1997, *with highest distinction*

Honors/Activities: *William Jennings Bryan Prize* (given to the graduating senior who shows the most promise in the field of political science)

*Phi Beta Kappa*

*Angell Scholar* (received every term eligible)

*University Honors* (received every term eligible)

## **PUBLICATIONS**

*Gender Sidelining and the Scourge of Single Sex School Leadership* (with Kelley King, Ed.D.), 98 ST. JOHN'S LAW REVIEW 853 (2025)

*Backdating #MeToo*, 45 CARDOZO LAW REVIEW 899 (2024)

\* Listed on SSRN's Top Ten download list for: LSN: Employment Discrimination (Topic), LSN: Employment Tort Law (Topic), LSN: Labor & Employment Litigation, Arbitration, & Dispute Resolution (Topic), LSN: Prohibited Behaviors (Sub-Topic), Sexual & Gender Based Violence eJournal and WGSRN: Other Sexual & Gender Based Violence (Topic); Law & Society: Private Law - Labor & Employment Law eJournal.

*Using a "Bystander Bounty" to Encourage the Reporting of Workplace Sexual Harassment*, 76 SMU L. REV. 163, (2023). Selected as "lead article" in that edition of the journal.

*Sidelined Again: How the Government Abandoned Working Women Amidst a Global Pandemic*, 3 UTAH L. REV. 469 (2022)

\* Listed on SSRN's Top Ten download list for: Labor & Employment Rights (Topic), LSN: Theoretical Perspectives on Employment & Labor Law (Topic), WGSRN: Gender, Work, Family (Topic), WGSRN: Legal Reform & Regulation (Topic), WGSRN: Other Gender & Social Protection (Topic), WGSRN: Other Gender, Politics & Justice (Topic), WGSRN: Other Women, Work & Family (Sub-Topic), WGSRN: Social Protection, Gender & Family (Topic) and WGSRN: Work-Life Conflict (Sub-Topic)

*Disgorging Harvey Weinstein's Salary*, 41 BERKELEY J. OF EMPLOYMENT & LABOR LAW 285 (2020), *reprinted in* Lolita Buckner Inniss & Bridget J. Crawford, TALKING ABOUT BLACK LIVES MATTER AND METOO, Univ. of California Press (forthcoming, 2024).

*Gender Sidelining and the Problem of Unactionable Discrimination*, 29 STAN. L. & POL. REV. 57 (2018), *reprinted in* GENDER, POWER, LAW & LEADERSHIP (West Academic 2019).

\* Listed on SSRN's Top Ten download list for: LSN: Anti-Discrimination Law (Topic), LSN: Employment Discrimination (Topic), LSN: Employment Tort Law (Topic), LSN: Labor & Employment Rights (Topic) and LSN: Prohibited Behaviors (Sub-Topic), PRN: Race, Gender, Disability (Topic); AARN: Kinship & Gender (Sub-Topic) and PRN: Race, Gender, Disability (Topic); PSN: Other Political Behavior: Race, Ethnicity & Identity Politics (Topic) Labor: Personnel Economics eJournal

*Madonnas and Whores in the Workplace* 22 W & M J. OF WOMEN AND THE LAW 255 (2015)

\* Listed on SSRN's Top Ten download list for: LSN: Employment Discrimination (Topic), LSN: Employment Tort Law (Topic), LSN: Theories of Discrimination (Disparate Treatment, Mixed Motives, Disparate Impact, etc.) (Sub-Topic) and Law, Politics & the Media eJournal, LSN: Discrimination Law (Topic) and Law, Politics & the Media eJournal; AARN: Kinship & Gender (Sub-Topic)

*In Defense of Snooping Employers*, 16 U. PA. J. BUS. LAW 101 (2013)

\* Listed on SSRN's Top Ten download list for: Economic Perspectives on Employment & Labor Law eJournal, Employment Law eJournal, LSN: Employment Contract Law (Topic), LSN: Legal Information & Academic Disciplines (Sub-Topic), LSN: Legal Information Scholarship (Topic), LSN: Theoretical Perspectives on Employment & Labor Law (Topic) and Legal Information & Technology eJournal, Legal Information & Privacy (Sub-Topic), Business & Professional Ethics (Sub-Topic), and Employment, Labor, Compensation & Pension Law eJournals

\* *Reprinted in* 64 DEFENSE LAW JOURNAL 121 (2015) (solicited manuscript).

*The Supreme Court's Open-Ended Protection Against Third-Party Retaliation*, 2011 HASTINGS L.J. VOIR DIRE 7 (2011) (solicited manuscript).

*Protected by Association? The Supreme Court's Incomplete Approach to Defining the Scope of the Third-Party Retaliation Doctrine*, 63 HASTINGS L.J. 521 (2011).

*A Crumbling Pyramid: How the Evolving Jurisprudence Defining "Employee" Under the ADEA Threatens the Basic Structure of the Modern Large Law Firm*, 6 HASTINGS BUS. L. J. 35 (2010).

*Unintended Consequences: How Antidiscrimination Litigation Increases Group Bias in Employer-Defendants*, 38 NEW MEX. L. REV. 333 (2008).

### **OTHER MEDIA CITATIONS**

*Backdating #MeToo*, interview for POD CURIUM podcast, Cardozo School of Law (January 2024)

*The Abandonment of Working Women Before, During, and After COVID*, THE DAILY JOURNAL, (June 8, 2022)

*Netflix's 'Queen's Gambit' Lawsuit and Gender Sidelining at Work*, Kim Elsesser, Forbes (Sept. 20, 2021), <https://www.forbes.com/sites/kimelsesser/2021/09/20/netflixs-queens-gambit-lawsuit-and-gender-sidelining-at-work/>

*A Big Month for SCOTUS: CWSL Professors Comment* (June 15, 2021), <https://www.cwsl.edu/news/newsroom/faculty-news/2021/06/15/a-big-month-for-scotus-cwsl-professors-comment>

*Dismantling the Glass Ceiling*, Sandra Guy, SWE STATE OF WOMEN IN ENGINEERING (2020), [https://research.swe.org/wp-content/uploads/sites/2/2020/03/FINAL\\_SWESOW2020-links-1.pdf](https://research.swe.org/wp-content/uploads/sites/2/2020/03/FINAL_SWESOW2020-links-1.pdf).

*'Gender Sidelining' Claims Raise 4 Key Issues*, Laurie Baddon, LAW360 (January 7, 2020), <https://www.law360.com/articles/1225859>

*The Rise and Fall of Telltale Games*, GAME INFORMER MAGAZINE (March 2019), <https://www.gameinformer.com/feature/2019/04/09/the-rise-and-fall-of-telltale-games>

*#YourBusinessToo? How to Create an Effective Sexual Harassment Policy for Your Business*, U.S. Chamber of Commerce (March 7, 2019), <https://www.uschamber.com/co/run/human-resources/creating-sexual-harassment-policy>

*What to Do When a Key Employee Quits*, PEOPLE HR. (Jan. 16, 2009), <https://www.peoplehr.com/blog/index.php/2019/01/16/key-employee-quits/>

*"Hustle Culture" May Be Toxic For Women, But Here's Why We Still Can't Get Enough*, BUSTLE, (January 8, 2019), <https://www.bustle.com/p/hustle-culture-may-be-toxic-for-women-but-heres-why-we-still-cant-get-enough-15517749>

*How Effective is Mandatory Harassment Training*, CHIEF LEARNING OFFICER, (April 27, 2018), <http://www.clomedia.com/2018/04/27/effective-mandatory-harassment-training/>

*Is 'Unemployed Need Not Apply' discrimination?* SAN DIEGO UNION TRIBUNE, (October 16, 2009); <http://www.utsandiego.com/news/2012/apr/13/ca-bill-would-make-it-illegal-require-employment-j/>

## **PRESENTATIONS**

Moderator, *Social Movements and Workplace Inclusion* panel, CWSL Spring Symposium: How Labor and Employment Laws *Work* in Today's Global Economy, California Western School of Law, San Diego, CA, March 2025

Panelist, *Supreme Court Term Preview*, California Western School of Law, San Diego, CA, October 2024

*The Benefits and Pitfalls of Backdating #MeToo*, Colloquium of Scholars in Employment and Labor Law, USD Law, San Diego, CA, September 2024

*Backdating #MeToo*, National Legal Services Conference, San Diego, CA, July 2024

*Gender Sidelining and Implicit Bias Against Women in the Workplace*, CWSL Alumni Association MCLE Committee, San Diego, CA, January 2024

Panelist, *Supreme Court Term Preview*, California Western School of Law, San Diego, CA, October 2023

Panelist, *Supreme Court Term Preview*, California Western School of Law, San Diego, CA, October 2022

Panelist, *The Consequences of Dobbs*, California Western School of Law, San Diego, CA, July 2022

Panelist, *Diversity on the Bench*, California Western School of Law, San Diego, CA, March 2022

*Disgorging Harvey Weinstein's Salary*, Osher Lifelong Learning Institute, University of California San Diego School, San Diego, February 2022

Panelist, *COVID-19 Impact on Gender and Discrimination in the Workplace*, California Western School of Law, San Diego, CA, October 2021

*Author Meets Reader: Shortlisted, Women in the Shadows of the Supreme Court*, Law & Society Annual Meeting (online), May 2021

*Supreme Court Midterm Review*, California Western School of Law, San Diego, CA, March 2021

*COVID in the Workplace: Predominant Issues for Employers to Consider*, California Western School of Law, San Diego, CA, November 2020

Moderator, *#MeToo, the Blasey-Ford/Kavanaugh Hearings & the National Impact of Sexual Harassment, 2017-present*, California Western School of Law, San Diego, CA, October 2020

*COVID-19 Impact on Gender and Discrimination in the Workplace*, California Western School of Law, San Diego, CA, October 2020

*First Monday Presentation: The Likely Outcome and Impact of California v. Texas*, California Western School of Law, San Diego, CA, September 2020

*COVID Talk: Employment Law in the Age of COVID*, California Western School of Law, San Diego, CA, June 2020

*The Mechanics of Impeachment*, Wallace Inn of Court, San Diego, CA, November 2019

*Supreme Court Update: Tennessee Wine and Spirits v. Blair*, California Western School of Law, San Diego, CA, March 2019

*In Defense of Snooping Employers*, Osher Lifelong Learning Institute, University of California San Diego School, San Diego, January 2019

*Gender Sidelining and the Problem of Unactionable Discrimination* (anchor panelist), Gender Sidelining Symposium, California Western School of Law, San Diego, CA, April 2018

*Gender Sidelining and the Problem of Unactionable Discrimination*, Osher Lifelong Learning Institute, University of California San Diego School, San Diego, January 2018

*An Overview of Employment Law in the United States*, University of California San Diego Extension School, San Diego, November 2017

*Madonnas and Whores in the Workplace*, Osher Lifelong Learning Institute, University of California San Diego School, San Diego, February 2017

*Introduction to Employment Law for Students of Legal English*, University of California San Diego Extension School, San Diego, February 2017

*Experiential Learning in Doctrinal Courses*, California Western School of Law, San Diego, CA, January 2017

*The U.S. Supreme Court and the Trump Administration*, California Western School of Law, San Diego, CA, January 2017

*Writing about Madonnas and Whores – What Comes Next?*, University of San Diego Law School Work, Welfare and Justice Seminar, San Diego, San Diego, February 2016

*Introduction to Employment Law in the U.S.*, University of California San Diego Extension School, San Diego, April 2015

*Madonnas and Whores in the Workplace*, California Western School of Law, San Diego, CA, December 2014

*Selected Cases Before U.S. Supreme Court* (part of “First Monday” presentation), California Western School of Law, San Diego, CA, October 2014

*Understanding Employment Law in the United States*, University of California San Diego Extension School, San Diego, July 2014

*Finding an Empirical Basis for Litigation Induced Group Bias*, University of San Diego Law School Work, Welfare and Justice Seminar, San Diego, San Diego, March 2014

*The Scope and Content of U.S. Employment Laws*, University of California San Diego Extension School, San Diego, February 2014

*In Defense of Snooping Employers*, Eighth Annual Colloquium on Current Scholarship in Labor and Employment Law, Las Vegas, NV, September 27, 2013

*McDonnell Douglas at 40: Whither the McDonnell Douglas Employment Discrimination/Retaliation Framework at 40* (Member of Panel Discussion), Southeastern Law Schools Association Conference, West Palm Beach, FL, August 2013

*Why Smart Employers Snoop*, University of San Diego Law School Work, Welfare and Justice Seminar, San Diego, March 2013

*Summary of U.S. Employment Laws*, University of California San Diego Extension School, San Diego, February 2013

*Introduction to Employment Law in the United States*, University of California San Diego Extension School, San Diego, May 2012

*Introduction to Employment Law in the United States*, University of California San Diego Extension School, San Diego, November 2011

*In Defense of Snooping Employers: How the Supreme Court Has Encouraged Employers to Invade Employees' Privacy*, Sixth Annual Labor and Employment Law Colloquium, Loyola Law School, Los Angeles, CA, September 2011

*Work In Progress: In Defense of Snooping Employers: How the Supreme Court Has Encouraged Employers to Invade Employees' Privacy*, California Western School of Law, San Diego, CA, June 2011

*Uncertain Protection: The Undefined Scope of the Third-Party Retaliation Doctrine*, Law and Society Annual Meeting, San Francisco, CA, June 2011

*The Supreme Court's Incomplete Approach to Defining the Scope of the Third-Party Retaliation Doctrine*, University of San Diego Law School Work, Welfare and Justice Seminar, San Diego, February 2011

Participant on *Adjudication and Alternatives* Panel, California Western School of Law, San Diego, November 2010

*Protected by Association? Defining the Scope of the Third-Party Retaliation Doctrine*, Southeastern Law Schools Association Conference, West Palm Beach, FL, August 2010

*Protected by Association? Defining the Scope of the Third-Party Retaliation Doctrine*, University of San Diego Law School Work, Welfare and Justice Seminar, San Diego, March 2010

*Gross v. FBL Financial Services* (SCOTUSRAP talk), California Western School of Law, November 2009

*Unintended Consequences: How Antidiscrimination Litigation Increases Group Bias in Employer-Defendants*, Third Annual Colloquium on Current Scholarship in Labor & Employment Law, San Diego, October 2008

*Unintended Consequences: How Antidiscrimination Litigation Increases Group Bias in Employer-Defendants*, University of San Diego Law School Work, Welfare and Justice Seminar, San Diego, San Diego, February 2008

*Employment Law in America*, University of California San Diego Extension School, San Diego, October 2007

## **PRIOR WORKING EXPERIENCE**

### **SIDLEY AUSTIN LLP, Chicago, IL**

*Summer Associate*

*Associate, Labor and Employment Practice Group*

Summer 2000

September 2001 – May 2006

Assumed substantial responsibility for all phases of litigation in various employment-related matters, with significant experience defending against discrimination and wage and hour claims. Served as second-chair in a federal jury trial of race discrimination claim and played a primary role in drafting the brief on appeal, and served as first-chair in the arbitration of labor dispute related to an employee termination, with responsibilities including presentation of case before neutral arbitrator and drafting post-arbitration brief.

### **JENNER & BLOCK LLP, Chicago, IL**

*Summer Associate (received permanent job offer)*

Summer 1999

Conducted research and drafted memoranda regarding issues related to pending litigation. Explored the Title IX issues related to the creation of an all-female charter school and presented findings to a committee of fellow attorneys and client representatives.

### **PUBLIC DEFENDER SERVICE, Washington D.C.**

*Investigator – Misdemeanor/ Felony II Division*

*Investigator – Juvenile Division*

Summer 1997

Summer 1996

Conducted self-directed investigations of pending cases by taking written witness statements, viewing evidence and crime scenes, and interviewing clients. Explored job placement, substance abuse programs, and various social work programs for clients.

### **PROFESSOR DONALD KINDER, DEPARTMENT OF POLITICAL SCIENCE, UNIVERSITY OF MICHIGAN, Ann Arbor, MI**

*Research Assistant*

Winter-Spring 1997

Drafted an analytical paper evaluating the role of race in news coverage related to 1964 presidential election, for use in a future publication by Professor Kinder that would address the influence of racism in contemporary American politics.

**BAR ADMISSIONS:** State Bar of California; State Bar of Illinois; U.S. District Court for the Northern District of Illinois; U.S. District Court for the Central District of Illinois; United States Court of Appeals for the Seventh Circuit