

**GILLIAN LESTER**

UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW  
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**ACADEMIC APPOINTMENTS**

PROFESSOR OF LAW, U.C. BERKELEY SCHOOL OF LAW, 2006-  
Subjects: Contracts, Employment Law, Employment and Economic Security Policy

SIDLEY AUSTIN VISITING PROFESSOR OF LAW, HARVARD LAW SCHOOL, 2008-09

PROFESSOR OF LAW, UCLA SCHOOL OF LAW, 1999-2006; ACTING PROFESSOR, 1994-1999

VISITING PROFESSOR OF LAW AND SLOAN FELLOW  
GEORGETOWN UNIVERSITY LAW CENTER, FALL 2000

TEACHING FELLOW, STANFORD LAW SCHOOL, 1992-93.  
Subject: Legal Research, Writing and Advocacy.

**EDUCATION**

J.S.D. STANFORD LAW SCHOOL, 1998.  
Dissertation: Economic and Sociological Theories of Contingent  
Employment: Critique and Implications for Law Reform.

LL.B. UNIVERSITY OF TORONTO FACULTY OF LAW, 1990.  
Dean's List, 1990  
Editor-in-Chief, U. T. FACULTY OF LAW REVIEW

B.Sc. UNIVERSITY OF BRITISH COLUMBIA, 1986.  
Major: Biopsychology  
Faculty of Science Dean's List, First in class.

**PUBLICATIONS**

**BOOKS**

EMPLOYMENT LAW (Foundation Press, 2008) (with Samuel Estreicher).

EMPLOYMENT LAW CASES AND MATERIALS, FOURTH ED. (LexisNexis, 2007) (with Steven L. Willborn, Stewart J. Schwab & John F. Burton, Jr.).

EMPLOYMENT LAW STORIES (Foundation Press, 2006) (with Samuel Estreicher).

JUMPING THE QUEUE: AN INQUIRY INTO THE LEGAL TREATMENT OF STUDENTS WITH LEARNING DISABILITIES (Harvard University Press, 1997) (with Mark Kelman).

- Excerpted as a chapter in LEFT LEGALISM / LEFT CRITIQUE (W.B. Brown & J. Halley, eds., Duke University Press, 2002).

LEGAL ARTICLES, MONOGRAPHS, AND CHAPTERS

*Restrictive Covenants and Choice of Laws*, 30 COMPARATIVE LABOR LAW & POLICY JOURNAL (forthcoming, 2009).

*The Aging Workforce and Paid Time Off*, in AGING AND DISABILITY: PERSPECTIVES IN LAW AND PSYCHOLOGY (Richard Weiner & Steven Willborn, eds., forthcoming, 2009).

*La Baja Retribuida en Los Estados Unidos y el Modelo Califoniado (Paid Family Leave in the United States and the California Model)*, in MEDIDA DE CONCILIACION DE LA VIDA PERSONAL, LABORAL Y FAMILIAR: HACIA UN RESPETO IGUALITARIO DE LAS REFORMAS PARENTALES 87-114 (M. Cardona Rubert, ed., 2009).

*A Defense of Paid Family Leave*, 28 HARVARD JOURNAL OF LAW & GENDER 1-83 (2005).

- Reprinted in CAROL LEFCOURT, WOMEN AND THE LAW (West Group, 2005).
- Excerpted in CYNTHIA G. BOWMAN, FEMINIST JURISPRUDENCE: TAKING WOMEN SERIOUSLY: CASES AND MATERIALS, 3D ED. (West, 2006).

*Unemployment Insurance and Wealth Redistribution*, 49 UCLA LAW REVIEW 335-393 (2001).

- Excerpted in STEVEN L. WILLBORN, STEWART J. SCHWAB, JOHN F. BURTON, JR., EMPLOYMENT LAW: CASES AND MATERIALS, THIRD ED. (Matthew Bender & Co., 2002), and WILLBORN ET AL., FOURTH ED. (2007).
- Published in early draft form as, *Unemployment Insurance and Contingent Workers* in NYU WORKING PAPERS ON LABOR AND EMPLOYMENT LAW: 1998-1999 347-80 (M. Yelnosky, ed., Kluwer Legal Publishers, 2001).

*Restrictive Covenants, Employee Training, and the Limits of Transaction-Cost Analysis*, 76 INDIANA LAW JOURNAL 49-76 (2001).

- Excerpted in ROBERT N. LEAVELL ET AL., *EQUITABLE REMEDIES, RESTITUTION AND DAMAGES*, 7TH ED. (West Group, 2005).
- Excerpted in RICHARD CARLSON, *EMPLOYMENT LAW* 847-50 (Aspen, 2005).

*Careers and Contingency*, 51 *STANFORD LAW REVIEW* 73-145 (1998).

- Reprinted in *GLOBAL COMPETITION AND THE AMERICAN EMPLOYMENT LANDSCAPE—AS WE ENTER THE 21<sup>ST</sup> CENTURY: PROCEEDINGS OF NEW YORK UNIVERSITY 52D ANNUAL CONFERENCE ON LABOR* 105-83 (S. Estreicher, ed., Kluwer Legal Publishers, 2000).

Chapter on Equality in Employment. *In* *LABOUR AND EMPLOYMENT LAW: CASES, MATERIALS AND COMMENTARY, SIXTH EDITION* (Industrial Relations Centre Press, Queen's University, 1998) (with David Beatty).

*State Disparities in the Diagnosis and Placement of Pupils with Learning Disabilities*, 30, *JOURNAL OF LEARNING DISABILITIES* 599-607 (1997) (with Mark Kelman).

*The International Code of Marketing of Breast-Milk Substitutes: Survey of Legislation and Other Measures Adopted (1981 - 1991)*, World Health Organization Document WHO/HLE/NUT/92.1 (English, French, Spanish) (1992).

*Toward the Feminization of Collective Bargaining Law*, 36 *MCGILL LAW JOURNAL* 1181-1221 (1991).

*The Regulation of Foreign Banks in Canada: Milelli Marks a Decade of Ambiguity*, 17 *CANADIAN BUSINESS LAW JOURNAL* 430-454 (1991).

#### IN PROGRESS

*Incentives, Investment, and Legal Protection of Trade Secrets* (with Eric L. Talley) (revised & resubmitted upon request to *JOURNAL OF LEGAL STUDIES*).

*Means-Testing, Universalism, and the Formation of Social Preferences* (draft manuscript available at <http://ssrn.com/abstract=1461098>).

#### OTHER PUBLICATIONS

*Which Students Are 'Special'? Federal Law Relies More on Politics than Civil Rights or Science*, *LEGAL TIMES* (Editorial, April 20, 1998) (with Mark Kelman).

*Beta-Endorphin Inhibits and Facilitates Lordosis Behaviour in Rats Depending on Ventricular Site of Administration*, 31 NEUROPEPTIDES 517 (1997) (with B.B. Gorzalka, G.M. Heddema, and L.A. Hanson).

*Effect of Novel and Familiar Mating Partners on the Duration of Sexual Receptivity in the Female Hamster*, 49 BEHAVIOURAL & NEURAL BIOLOGY 398 (1988) (with Boris Gorzalka).

*Oxytocin-Induced Facilitation of Lordosis Behaviour in Rats is Progesterone-Dependent*, 10 NEUROPEPTIDES 55 (1987) (with Boris Gorzalka).

### **PRESENTATIONS**

*Universal Work-Family Policies*, Keynote Speaker and Panel Chair, International Society for Labour and Social Security Law, XIX World Congress, Sydney, Australia, September 3, 2009.

Commentator, Conference on the Free Market Mindset, Harvard Law School, March 7, 2009.

*The Aging Workforce and the Formation of Social Preferences*, University of Nebraska-Lincoln Conference on Aging and Disability: Perspectives in Law and Psychology, Nov. 10-12, 2008.

*Means-Testing, Universalism, and the Formation of Social Preferences*, University of Minnesota School of Law Public Law Workshop, February 5, 2009; University of Connecticut Law School Faculty Workshop; Radcliffe Institute for Advanced Study Conference on Gender and the Law, March 12-13, 2009; Yale Law School Workplace Theory and Policy Seminar, March 23, 2009; Harvard Law School Faculty Workshop, April 6, 2009.

*Welfare State Universalism and Social Solidarity*, U.S.C. Gould School of Law Faculty Workshop, April 18, 2008.

*Paid Family Leave in California*, presentations at University of Valencia Faculty of Law, Conference on "Effectiveness in Family and Work Conciliation: Towards Egalitarian Respect of Parental Reforms," Valencia, Spain, November 15-16, 2007; and University of Pompeu Fabra Workshop on Public Policies and Gender, Barcelona Spain, April 25, 2008.

*Trade Secrets, Restrictive Covenants, and Choice of Laws*, Berkeley Center for Law & Technology Conference on “Current Issues in Trade Secret Law,” Berkeley, October 13, 2006; International Assn. of Boalt Alumni Annual Meeting, Brussels, Belgium, June 9, 2007; Bar Association of San Francisco Labor & Employment Law Section, CLE Program, Nov. 24, 2007; Research Institute of Economy, Trade and Industry, Tokyo, Japan, July 15, 2008.

*Bringing Theory into an Employment Policy Seminar*, Labor Law Group Meeting, Saratoga Springs, June 26, 2006.

*Paid Leave and Gender Equality*, Bar Association of San Francisco Labor & Employment Law Section Annual Meeting, Yosemite, February 27, 2006.

Keynote Speaker, Annual Supreme Court Round-Up, Bar Association of San Francisco Labor & Employment Law Section, July 26, 2005.

Keynote Speaker, Berkeley Journal of Employment and Labor Law Annual Luncheon, April 16, 2005.

Commentator, *The Autonomy Myth: A Theory of Dependency* (by Martha Fineman), presented at UCLA School of Law as joint event of the UCLA Globalization and Labor Standards Project, and UCLA Center for the Study of Women, February 28, 2005.

Rapporteur (conference summary presentation), *Prekarious Work, Women and the New Economy: The Challenge to Legal Norms*, Conference at the International Institute on the Sociology of Law, Oñati, Spain, June 30-July 3, 2004.

*A Defense of Paid Family Leave*, Faculty Workshops at Washington U. School of Law, April 7, 2003; Duke Law School, April 22, 2003; Minnesota Law School, May 1, 2003; UCLA School of Law, September 29, 2004; U. Texas Law School, October 10, 2004; Cornell Law School, November 12, 2004, U. Virginia Law School, December 10, 2004; Boalt Hall Law School, February 8, 2005.

Panel Chair and Commentator, *The Unemployed, the Widowed, and the Crippled: Law and the Making of Twentieth-Century American Social Provision Policy* (papers by John Witt, Ariela Dubler and Deborah Malamud), American Society for Legal History, San Diego, November 7-8, 2002.

*Restrictions on Competition*, Practising Law Institute Program on Corporate Raiding, San Francisco, April 25, 2001.

*Controversies in Implementing the Individuals with Disabilities Education Act*, U. Michigan Law School, Symposium on Disability Rights and Education, November 3-4, 2000.

Commentator, *Reasonable Accommodation of Workplace Disabilities* (by Stewart Schwab and Steven Willborn), U. Virginia Law School Conference on the Americans with Disabilities Act, April 7, 2000.

*Contractual Regulation of Workplace Opportunism: The Future of Restrictive Covenants*, Indiana U. School of Law, Symposium on Regulating the Employment Relationship in the Twenty-first Century, Sept. 23, 1999.

*Unemployment Insurance and Wealth Redistribution*, Presentations at UCLA School of Law, April 9, 2001; Cornell Law School, January 26, 2001; Georgetown U. Law Center, November 28, 2000; the Canadian Law & Economics Assn. Meeting, September 22-23, 2000; NYU School of Law, Oct. 5, 1999; Loyola (Los Angeles) Law School, Sept. 17, 1999; Quinnipiac Law School, April 19, 1999; USC Law School Olin Workshop, April 10, 1999.

*Underemployment and Path-Dependency*, Association of American Law Schools Annual Meeting Workshop on Work, Workers and the Law in the 21st Century, Jan. 7, 1999.

Commentator, *The Macrosociology of (Paid) Domestic Labor* (Ruth Milkman, Ellen Reese & Benita Roth), Center for the Study of Women Feminist Research Seminar, UCLA, April 6, 1996.

*Antidiscrimination Rights and Pedagogical Policy: An Empirical and Ethical Inquiry into the Legal Treatment of Students with Learning Disabilities*, Workshops at UCLA School of Law, Dec. 2, 1994; UCLA Institute of Industrial Relations Seminar, June 5, 1995.

*Women and Union Organizing*. Plenary commentary, Conference on Labor and Employment Law and Social Welfare Policy in International Perspective (organized jointly by Harvard and Northeastern Law Schools), Andover, Massachusetts, Oct. 14-17, 1994.

*Collective Bargaining Law: A More Relational Approach*, Learned Societies Conference, Canadian Law and Society Association Section, Victoria, May 29 - June 1, 1990.

*The Oxytocin Fragment Prolyl-Leucyl-Glycinamide Facilitates Sexual Behaviour in the Female Rat*, 18th Annual Meeting of the North American Society of

Neuroscience, Toronto, Nov. 14-18, 1988 (with Boris Gorzalka and Kim Luck).

## AWARDS, FELLOWSHIPS AND GRANTS

### UC BERKELEY

Distinguished Visiting Professor, U.S.C. Gould School of Law, April 14-18, 2008

### UCLA

Sloan Research Fellow, Georgetown Law Center, Fall 2000.

Office of the Chancellor Faculty Career Development Award: Sabbatical, Spring 1996.

Fund for Labor Relations Studies Research Grant, 1994.

### STANFORD UNIVERSITY

John M. Olin Program in Law and Economics, research support, summer 1992.

Laidlaw Foundation Fellowship, 1991-92.

Social Sciences & Humanities Research Council of Canada Doctoral Fellowship, 1991-94.

International Federation of University Women CFUW A. Vibert Douglas Fellowship, 1992-93 (declined).

American Assn. of University Women International Fellowship, 1992-93 (declined).

Queen Elizabeth II British Columbia Centennial Scholarship, for "highest all-round contribution to academic life in British Columbia." Full funding to Oxford University, 1991-93 (declined to attend Stanford).

### UNIVERSITY OF TORONTO

Judy LaMarsh Prize (feminist analysis of law), 1990.

Osler, Hoskin & Harcourt Prize (best upper year written work), 1990.

J.S.D. Tory Foundation Award (best law review essay), 1990.

Samuel and Clara Shime Prize in Law and Medicine, 1989.

Fellowship, Ontario Centre for International Business & Trade Law, 1988.

### UNIVERSITY OF BRITISH COLUMBIA

Morris Belkin Prize (best written work in Psychology Department), 1986.

British Columbia Post-Secondary Scholarship (merit-based university tuition waiver).

## SERVICE

### U.C. BERKELEY

#### *Law School:*

Appointments: Lateral and Entry-Level, 2007-08 (Chair), 2009-10.  
Quantitative Methods Search, 2005-06, 2006-07.

### UCLA

#### *Law School:*

Ad Hoc Promotion Review 1999-00 (Chair), 2000-01, 2001-02, 2002-03, 2003-04  
(Chair).  
Admissions 2001-02.  
Appointments 1995-96.  
Colloquium (Chair) 1999, 1999-00.  
Curriculum 1994-95, 1996-97, 1997-98.  
Dean's Advisory 1999-00 (Chair), 2001-02 (Chair), 2003-04 (Chair), 2004-05 (Chair).  
Decanal Search 1997-98.  
Endowed Chair Selection 2004-05.  
Promotions & Tenure 2004-05 (Chair).

#### *University-wide:*

Academic Senate 1998-00.  
Chancellor's Working Group on Genetics and Society 2000-01.  
Committee on Academic Personnel Ad Hoc Review Committee 2000, Tenure Appeal  
2003.  
Council of Faculty Chairs 1999-00, 2003-04, 2004-05.  
Institute for Industrial Relations Advisory & Workshop Chair 1999-00.  
Vice-Chancellor's Workgroup on Sexual Harassment Policy & Procedure (Chair) 1999-  
00.

### U.C. System-wide

Chancellorial Review 2003  
Special Tenure Review 2008

### AALS / ALI

Advisor, American Law Institute Restatement 3d Employment Law, 2002 -  
Planning Committee for 1998-99 Annual Meeting Workshop on Work, Workers and the  
Law in the 21st Century.

Other

National Advisory Board, Hofstra Labor & Employment Law Journal, 2004-2006.

Co-organizer, RAND Institute for Civil Justice / Los Angeles Law Schools Forum on Civil Justice, February 27, 2004.

Member, City of Los Angeles Special Committee on Investigative Oversight, 2003-2005

Board of Advisors, Learning Rights Project, Western Center for Disability Rights, 1999-2001.

**PREVIOUS EMPLOYMENT**

Consultant on Health Legislation, World Health Organization (1993-94).

Internship, World Health Organization Health Legislation Unit, Geneva, summer 1991.

Judicial Clerkship, Supreme Court of Ontario, Court of Appeal (Clerk to Charles Dubin, Chief Justice for Ontario), 1990-91.

Summer Associate, Goodman & Goodman, Toronto, 1989 (banking group).

Summer Associate, Campney & Murphy, Vancouver, 1988 (labour group).

Laboratory Technician, U.B.C. Dept. Psychology, 1986-87 (biopsychology).

Teaching Assistant, U.B.C. Dept. Psychology, 1984-87 (taught sophomore laboratory course in Experimental Psychology 1985-86, 1986-87).