

CATHERINE LAURA FISK

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ACADEMIC EMPLOYMENT

Barbara Nachtrieb Armstrong Professor (since 2017) and *Distinguished Professor* (since 2021), University of California, Berkeley Law. Faculty Director, Center for Law and Work.

Chancellor's Professor of Law, University of California, Irvine. 2008-2017.

Douglas Blount Maggs Professor of Law, Duke University. 2004-2008.

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

Professor of Law & William M. Rains Fellow (1997-2003), Associate Professor (1992-1997), Loyola Law School of Los Angeles.

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

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

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

Current and Recent Courses: California Employment Law; Civil Procedure; Employment Discrimination Law; Labor Law; Legal Profession; Work law seminars.

Past Courses: First Amendment; Labor and the First Amendment; #MeToo: Women and Work; Labor Law Practicum; Good Jobs, Bad Jobs, and the Law (seminar); Interdisciplinary Perspectives on Discrimination (seminar); Legislative Drafting Practicum; Seminar on Academic Writing; Labor in Contemporary Southern California; Appellate Litigation Clinic; Employment and Intellectual Property Seminar; Readings on Ethics; Employee Benefits Seminar; Workers' Rights Under International Law; Legislation Seminar; Legal Writing.

EDUCATION

University of Wisconsin, Madison, LL.M. 1995

Thesis: *Preemption and the Development of Federal Common Law under the Employee Retirement Income Security Act*

University of California, Berkeley, J.D. 1986

Order of the Coif; Executive Editor and Student Articles Editor, *Berkeley Women's Law Journal*

Princeton University, A.B. *summa cum laude* 1983

Phi Beta Kappa; Buchanan Prize (best academic record in Politics Department); New York Herald Prize (best senior thesis on American government); National Merit Scholar

BOOKS

No Neutrals: Lawyers for the 20th Century Labor Movement (under contract with Cambridge University Press).

Speech @ Work (under contract with Yale University Press).

California Employment Law: Cases and Materials (2025).

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

The Legal Profession: Ethics in Contemporary Practice (West Academic 3d ed. 2024, 2d ed. 2019, 1st ed. 2014) (with Ann Southworth).

Labor Law in the Contemporary Workplace (West Academic, 3d ed. 2019, 2d ed., 2014, 1st ed, 2009) (with Christopher Cameron, Roberto Corrada, Kenneth Dau-Schmidt, and Martin Malin).

What Lawyers Do: Understanding the Many American Legal Practices (West Academic 2020).

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 and the John Philip Reid Prize of the American Society for Legal History.

Reviews: Commentary, Paul Daguid, *Controlling Knowledge: On Catherine Fisk's Working Knowledge*, 9 *Le Libello Aegis* 5-11 (2013); Forum 28 *History and Technology* 69 (2012) (with essays by Collins, Graham, Scranton & Alexander); 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, ESSAYS, AND BOOK CHAPTERS

Sectoral Bargaining in App-Based Ride Hailing, in *SECTORAL COLLECTIVE BARGAINING* (Block & Sachs, eds., Oxford University Press, forthcoming 2026).

[*Democracy and a Nonpartisan Civil Service*](#), 67 *ARIZONA LAW REVIEW* 629 (2025).

[*Jewish Lawyers and the Labor Movement*](#), 93 *FORDHAM LAW REVIEW* 1159 (2025) (Symposium on Lawyers and their Institutions).

[*Disputed and Disfavored: Pain, Mental Illness, and Invisible Conditions in Disability Discrimination Cases*](#), *SOCIAL SCIENCE AND MEDICINE* (2025), <https://doi.org/10.1016/j.socscimed.2025.117885> (with Rachel K. Best, Yan Fang, Linda Hamilton Krieger, Diana Reddy, and the late Lauren Edelman).

[*Independent Contractors and the ABCs of Contract Law*](#), 66 *ARIZONA LAW REVIEW* 607 (2024) (with Hanoch Dagan).

[*The Fire Last Time*](#), 57 *U.C. DAVIS LAW REVIEW* 2997 (2024) (symposium on labor law).

[*Free Speech at Work*](#), *OXFORD HANDBOOK ON THE LAW OF WORK* (Davidov, et al., eds. 2024).

[*When an Aspiring Tax Lawyer Considered Labor Unions Important to the Future of Capitalism*](#), 86 *LAW & CONTEMPORARY PROBLEMS* 1 (2023) (symposium on Stanley Surrey).

[*Collective Bargaining and the Transformation of Police*](#), 69 *WAYNE LAW REVIEW* 1 (2023) (symposium on police accountability).

[*The Different American Legal Structures for Unionization of Writers for Stage and Screen*](#), *PALGRAVE HANDBOOK OF SCREENWRITING STUDIES* (Davies, Russo & Tieber, eds. 2023).

[*Compelled Disclosure and the Workplace Rights It Enables*](#), 97 *INDIANA LAW JOURNAL* 1025 (2022).

[*Movement Lawyers: The Tension Between Solidarity and Independence*](#), 97 INDIANA LAW JOURNAL 755 (2022) (Stewart Lecture).

[*The Fragility of Labor Relations in American Theatre*](#), 83 OHIO STATE LAW JOURNAL 217 (2022) (with Brent Salter).

[*A Pandemic of Division: Finding Justice at Work in Challenging Times*](#), 57 U.S.F. L. REV. 1 (2022) (Pemberton Lecture).

[*"People Crushed by Law Have No Hopes But from Power": Free Speech and Protest in the 1940s*](#), 39 LAW & HISTORY REVIEW 173 (2021).

[*Precarious Work and Precarious Welfare: How the Pandemic Reveals the Fundamental Flaws of the U.S. Social Safety Net*](#), 42 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 257 (2021) (with Catherine Albiston).

[*The Once and Future Countervailing Power of Labor*](#), 130 YALE LAW JOURNAL FORUM 685 (2021).

[*Protection by Law, Repression by Law: Bringing Labor Back into Law and Social Movement Studies*](#), 70 EMORY LAW JOURNAL 63 (2020) (with Diana S. Reddy).

[*Nondisclosure Agreements and Sexual Harassment: #MeToo and the Change in American Law of Hush Contracts*](#), in GLOBALIZATION OF THE METOO MOVEMENT (Noel & Oppenheimer, eds., Full Court Press 2020).

[*Sustainable Alt-Labor*](#), 95 CHICAGO-KENT LAW REVIEW 7 (2020) (Symposium on Alt-Labor Law: The State of the Law of the New Labor Movement).

[*After Janus*](#), 107 CALIFORNIA LAW REVIEW 1821 (2019) (with Martin H. Malin).

[*Democratic Norms and Governance Experimentalism in Worker Centers*](#), 82 LAW & CONTEMPORARY PROBLEMS 141 (2019) (with Sameer Ashar).

Union Security for the Twenty-First Century, in THE CAMBRIDGE HANDBOOK OF U.S. LABOR LAW FOR THE TWENTY-FIRST CENTURY 336 (Richard Bales & Charlotte Garden, eds., Cambridge University Press, 2019).

[*Exaggerating the Effects of Janus: A Reply to Professors Baude and Volokh*](#), 132 HARVARD LAW REVIEW FORUM 42 (2018) (with Erwin Chemerinsky).

[*A Progressive Labor Vision of the First Amendment: Past as Prologue*](#), 118 COLUMBIA LAW REVIEW 2057 (2018).

[*&: Law _ Society in Historical Legal Research*](#), in OXFORD HANDBOOK OF LEGAL HISTORICAL RESEARCH (Markus Dubber & Christopher Tomlins, eds., Oxford University Press, 2018).

[*Hollywood Writers and the Gig Economy*](#), UNIVERSITY OF CHICAGO LEGAL FORUM 177 (2017) (invited contribution to symposium on Law and the Disruptive Workplace).

[*California Co-Enforcement Initiatives That Facilitate Worker Organizing*](#), HARVARD LAW & POLICY REVIEW ONLINE (2017) (with Seema Patel).

[*The Writers' Share*](#), 50 SUFFOLK UNIVERSITY LAW REVIEW 621 (2017) (Donahue Lecture).

[*Police Unions*](#), 85 GEORGE WASHINGTON LAW REVIEW 712 (2017) (with L. Song Richardson).

[*Story Work: Non-Proprietary Autonomy and Contemporary Television Writing*](#), 18 TELEVISION AND NEW MEDIA 605 (2016) (with Michael Szalay).

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](#), 11 LAW, CULTURE AND THE HUMANITIES 17 (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 Oswald) (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) (Piper Lecture).

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/cslls/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).

SHORT ESSAYS AND BOOK REVIEWS

[*Creative Confluence: Lauren Edelman's Collaborations*](#), 57 LAW & SOCIETY REVIEW 397 (2023) (with Rachel Best, Linda Krieger, Diana Reddy, Yan Fang, and Todd Neece).

[*Seeking Structural Solutions to Structural Problems: Reforming Police Disciplinary Arbitration*](#), 84 OHIO STATE LAW JOURNAL ONLINE 1 (2023).

[*Collective Bargaining without the Protection of Labor Law*](#) JOTWELL (2022).

[*Protecting Franchisees and Workers in Fast Food Work*](#), Issue Brief, AMERICAN CONSTITUTION SOCIETY (December 2021) (with Amy Reavis)

California Law Enforcement Labor Reform Proposals, 35 CALIFORNIA LABOR & EMPLOYMENT LAW REVIEW no. 6 (November 2021), p. 1 (with Grodin, Henderson, True, Yank & Winograd).

Foreword, BEYOND THE ALGORITHM: QUALITATIVE INSIGHTS FOR GIG WORK REGULATION (Deepa Das Acevedo, ed., Cambridge University Press, 2021).

Taking Business Law Back from the Economists: Building Worker Power Through Antitrust Reform, <https://jotwell.com> (September 2020).

[*Reforming Law Enforcement Labor Relations*](#), CALIFORNIA LAW REVIEW ONLINE (August 2020) (with others).

[*Covid-19 Reveals Gaping Holes in the U.S. Social Safety Net*](#), CALIFORNIA LAW REVIEW ONLINE (May 2020) (with Catherine Albiston).

Janus and the Future of Unions, 2 AMERICAN CONSTITUTION SOCIETY SUPREME COURT REVIEW 77 (2018).

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, 39 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 253 (2018).

Book Review, Katherine Turk, *Equality on Trial: Gender and Rights in the North American Workplace*, 35 LAW AND HISTORY REVIEW 837 (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 Collective Rights in the Workplace*](#), 4 UC IRVINE LAW REVIEW 523 (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 Oswald).

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).

FELLOWSHIPS, GRANTS, HONORS, AND AWARDS

Paul Miller Award for outstanding academic and public contributions to the field of work law (2025).

Peder Sather Center for Advanced Study Grant for study of freedom of expression (2022-2025).

Peggy Browning Fund Award for Legal Education (2022).

Collaborative Research Grant, 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).

OTHER WRITINGS

Selected Editorials (since 2010)

“AB 288 enables California to protect labor rights when the federal government cannot,” *Daily Journal* (Sept. 25, 2025).
“Why Should Air Traffic Controllers Have to Be Pro-Trump?” *New York Times* (June 6, 2025).
“Law firm associates benefit from labor rights,” *Daily Journal* (May 2, 2025).
“Echoing McCarthyism, federal firings will inflict generations of trauma,” *Los Angeles Times* (Mar. 31, 2025).
“[What’s at Stake in the Hollywood Writers’ Strike](#),” *The American Prospect* (August 2023).
“Employers Can Now Sue Unions Over Strikes. Here’s How That Will Intimidate Workers,” *Los Angeles Times* (June 1, 2023) (with Erwin Chemerinsky).
“Reopening Uber’s Challenge to California Labor Law is Just the Beginning,” *Los Angeles Times* (Mar. 20, 2023) (with Erwin Chemerinsky).
“A Solution to Health, Safety, and Labor Problems in Fast Food,” *CalMatters* (Jan. 18, 2022).
“Farmworkers Deserve the Right to Vote by Mail in Union Elections,” *CalMatters* (Sept. 2, 2021).
“Cities Must Be Legally Accountable for Police Reform,” *San Francisco Chronicle* (June 16, 2020).
“Those Gig Drivers Aren’t Independent Contractors – They’re Employees,” *The American Prospect* (May 4, 2018).
“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).

Selected Blog Posts

[FTC’s Proposed Ban on Non-Competes](#), LPEProject.org (January 18, 2023)

[“Symposium on *Janus v. AFSCME Council 31*: A Ruling for Plaintiffs Would Revive *Lochner*.”](#) Scotusblog (December 19, 2017)

“Reforming Police Unions,” *Onlabor* (July 31, 2017).

“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).

LEGAL EMPLOYMENT

Labor Arbitrator, occasional, 2003-present.

Attorney, Appellate Staff, Civil Division, United States Department of Justice, Washington, D.C. 1990-1991.

Associate, Rogovin, Huge & Schiller, Washington, D.C. 1988-1990.

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.

Intern, Legal Aid Society of Alameda County, Oakland, California. Summer 1985.

Summer Associate, Law Offices of Gerald W. Markham, Kodiak, Alaska. Summer 1984.

PROFESSIONAL AND PUBLIC SERVICE

American Society for Legal History: Board of Trustees (2018-2022), Standing Committee on the Annual Meeting (2016-present), Committee on Publications Co-Chair (2022-present); Cromwell Book Prize Committee (2020-2022); John Philip Reid Prize Committee (2014-2016), Committee on Membership (1997-1999).

Fellow of the College of Labor and Employment Lawyers (2024-present).

Legal Aid at Work Board of Directors (2017-present).

The Impact Fund Board of Directors (2018-2024).

Order of the Coif Book Prize Committee, Association of American Law Schools (2023-2025).

Working Group Co-Chair, Rebalancing Political and Economic Power -- A Clean Slate for the Future of Labor Law, Harvard Labor and Worklife Program, Harvard Law School (2018-2020).

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

Labor Law Group: Executive Committee (2005-2012); Editorial Policy Committee (2009-24; co-chair 2014-24); Program Committee Chair (2009-10); member (since 2000).

The Wage Justice Center: Board of Directors (2009-2017); Board of Advisors (2017-2020).

Law & Society Association: Board of Trustees (2006-2009); Complaints Committee (2019-present); Ad Hoc Committee to Develop Anti-Harassment and Non-Discrimination Policy (2018); Graduate Student Workshop Committee (2009-2010); Nominating Committee (2004-2005); Willard Hurst Book Prize Committee (chair 2013-2014, chair 2003-2004, member 2008-2009).

Senior Contributor, *Onlabor.org*

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

Advisory Board, Perkins Project on Worker Rights and Wages, Economic Policy Institute (2017-2018).
Labor Law Research Network Steering Committee (2013-2015).
Labor Research and Action Network Advisory Committee (2013 – present).
American Law Institute (elected 2007, resigned 2018).
American Association of University Professors Litigation Committee (2015-2018).
University of California, Irvine Community Labor Project Advisory Board (2014-2017).
Orange County Labor and Employment Relations Association Board of Directors (2011–2014).
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.

SELECTED PRO BONO LEGAL SERVICE

Amicus curiae brief of labor law professors, *Castellanos v. State of California*, 89 Cal.App.5th 131 (California Court of Appeal 2022) (unconstitutionality of Proposition 22 denial of employee status to app-based drivers) (author).
Amicus curiae brief of labor law professors, *Int’l Organization of Masters, Mates & Pilots, AFL-CIO v. NLRB*, 61 F.4th 169 (D.C. Cir. 2023) (right of licensed officers of ocean-going container ships to bargain collectively) (author).
Amicus curiae brief of labor law professors, *Service Employees Int’l Union Local 87 v. NLRB*, 995 F.3d 1032 (9th Cir. 2021) (statutory and First Amendment challenge to application of secondary boycott law to a protest of workplace sexual harassment) (author).
Amicus curiae brief of labor law professors, *Branch v. Commonwealth Labor Relations Board*, 481 Mass. 810 (Supreme Judicial Court of Massachusetts 2019) (public sector collective bargaining does not violate First Amendment) (signatory).

Amicus curiae brief of labor law professors, *Chamber of Commerce v. City of Seattle*, 890 F.3d 769 (9th Cir. 2018) (ordinance providing for collective bargaining by independent contractor for-hire car drivers) (author).

Amicus curiae brief of labor law professors, *Epic Systems Corp. v. Lewis*, 138 S. Ct. 1612 (2018) (compulsory arbitration agreements containing class action waivers violate the Norris-LaGuardia Act and the National Labor Relations Act) (signatory).

Co-counsel, *Ella T. v. State of California*, No. BC 685730 (Calif. Superior Court, filed 12/5/17) (California constitutional right to literacy in public education) (settled)

Amicus curiae brief of labor economists and social scientists, *Villareal v. RJ Reynolds Tobacco Co.*, 839 F.3d 958 (11th Cir. 2016), *cert. denied*, 137 S. Ct. 2292 (2017) (availability of disparate impact theory to challenge age discrimination in hiring) (author).

Amicus curiae brief of law professors, *International Union of Operating Engineers Local 370 v. Wasden*, no. 16-35963 (9th Cir.) (federal preemption of Wisconsin right-to-work law) (author and signatory) (case settled and appeal dismissed).

Amicus curiae brief of law professors, *International Union of Operating Engineers Local 139 v. Schimel*, 863 F.3d 674 (7th Cir. 2017) (federal preemption of Wisconsin right-to-work law) (author).

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) (settled).

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) (author).

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) (author).

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) (author).

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) (author).

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) (author).

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

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) (author).

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) (author).

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) (author).

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) (author).

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).

UNIVERSITY SERVICE (SINCE 2008)

University of California, Berkeley. *Law School Service*: Faculty Director, Center on Law and Work (since 2020); Faculty Appointments Committee (2021-2023); Faculty Advisor, Berkeley Journal of Employment and Labor Law (since 2017); Faculty Advisor, Berkeley Journal of Gender Law and Justice (2018-23); Clinics Committee (2019-2020); Curriculum Committee (2018-2021); Equity and Inclusion Committee (2017-2019); Affiliated Faculty of Center for Study of Law & Society; Faculty Director of Berkeley Center on Law & Technology (since 2017); Merit Review Advisory Committee (2018-2020); Ad Hoc Promotion and Tenure Committees (2018, 2020, 2023-25). *University Service*: Board of Directors of Women's Faculty Club (since 2022); Coordinated Community Review Team (2020-2022); Chancellor's Commission on Free Speech (2017-2018); Ad Hoc Tenure Committee (2018); Board of Advisors of Institute for Research on Labor Education (IRLE) (since 2017); Search Committee for IRLE Faculty Director (2020).

University of California, Irvine (2008-2017). *Law School Service*: Academic Affairs Committee (chair); Faculty Appointments Committee (co-chair 2016-17, 2008-09; member 2011-2012); Editor, UCI Law Working Paper Series; Law Review Faculty Advisor; Promotion and Tenure Committee; Self-Study Committee (chair); Mentoring Committee; Curriculum Committee; Faculty Affairs Committee. *University Service*: Co-Director of the Center in Law, Society & Culture; Co-convener, Socio-Legal Studies Workshops; UC Office of the President Forum on Campus Sexual Assault (2015); Committee on Scholarly Awards and Honors; affiliated faculty, Center for Creative Economies.

INVITED LECTURES AND PRESENTATIONS (PARTIAL LIST, SINCE 2010)

"Collective Bargaining and the Transformation of Police," Symposium on Police Reform, Wayne State University Law School, Detroit. March 2023.

Ethical Issues in Conducting Internal Investigations for Union Clients, AFL-CIO Union Lawyers Association Annual Meeting, Portland, OR. May 2022.

"A Pandemic of Division: Finding Justice at Work in Challenging Times," 17th Annual Jack Pemberton Lecture on Workplace Justice, University of San Francisco. March 2022.

"Ethics for NOLEA," National Education Association. December 2020.

"Movement Lawyers," William R. Stewart Visiting Professor Lecture, Indiana University Law School, Bloomington. February 2021.

Genest Global Visiting Professor, Osgoode Hall Faculty of Law, York University, Toronto. October 2020.

“A New Day in Law Enforcement: Reimagining Law Enforcement and Police Oversight,” Princeton Association of New York. July 22, 2020.

“Public Sector Labor Relations in Times of Strife: Challenges and Opportunities,” California Lawyers Association Public Sector Conference, Sacramento, April 12, 2019.

“Tools Which Define the Relation Between Authority and the Individual – Selznickian Theory About Democratic Technique,” Philip Selznick Centennial Symposium, Center for the Study of Law and Society, UC Berkeley, April 11, 2019.

“Legal and Policy Approaches to Addressing Sexual Harassment,” University of California Center in Sacramento, April 26, 2018.

“The Future of Labor,” AFSCME-SEIU National Lawyers Conference, October 2017.

“Employment Initiatives of the Trump Administration,” California Employment Lawyers Association, Oakland, October 2017.

“Co-Enforcement and Worker Organizing,” Harvard Law School, September 2017.

“Free Speech on Campus,” Constitution Day Address, Michigan Tech University, September 2017.

“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 Writers’ 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.

Colloquia given at: Princeton University (2015, 2007)), Michigan Technological University (2017), University of Minnesota Law School (2015), Northwestern University Law School (2015), University of California Santa Barbara (2015), University of Michigan Law School (2017, 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).

BAR ADMISSIONS

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