

## **DAVID BENJAMIN OPPENHEIMER**

Clinical Professor of Law  
University of California, Berkeley  
School of Law (Boalt Hall)  
498 Simon Hall, Berkeley, CA 94720-7200  
(510) 643-3225 -- [doppenheimer@law.berkeley.edu](mailto:doppenheimer@law.berkeley.edu)

### **CAPSULE SUMMARY:**

- Clinical Professor at Berkeley Law
- Lead author of first U.S. casebook on comparative equality and anti-discrimination law
- Founder/director of Berkeley Center on Comparative Equality & Anti-Discrimination Law
- Author of numerous scholarly articles, book chapters and books on anti-discrimination law, affirmative action, and civil rights history
- Faculty co-director of pro bono program
- Founding director of Berkeley Law Employment Discrimination Clinic
- Early adopter of new classroom teaching technologies
- Created multi-university Zoom course with 12 universities from four continents on COVID-19 and Global Inequalities
- Visiting Professor at Sciences Po Ecole de Droit, University of Paris I (Pantheon-Sorbonne), LUMSA Rome, and University of Paris X (Nanterre/Defense)
- Designer/co-host of 16-hour web course on comparative equality produced by Stanford Law School
- Faculty chair of equity & inclusion committee (2017-19)
- Member, UC Berkeley Committee for the Protection of Human Subjects (2020-present)

### **EDUCATION**

Harvard Law School; J.D., 1978  
Columbia University, School of International Affairs (1973-74, without degree)  
University Without Walls, Berkeley; B.A., Political Science, 1972

### **EMPLOYMENT**

University of California, Berkeley School of Law: Clinical Professor of Law (2009-present), Director of Professional Skills (2009 – 2015), Visiting Professor (fall 2008, spring 2000, fall 1998), Lecturer in Law (1982-1987), Director, Employment Discrimination Clinic (1982-1986)

Golden Gate University School of Law: Associate Dean for Faculty Development (2005-2009), Associate Dean for Academic Affairs (2000-2005), Professor of Law (1998-2009), Associate Professor of Law (1993-1998), Visiting Associate Professor of Law (1991-1993)

JFK University: Associate Professor of Law (1990-1991)  
University of San Francisco School of Law: Assistant Clinical Professor of Law (1987-1990)  
California Department of Fair Employment and Housing: Staff Attorney (1979-1986)  
California Supreme Court: Law clerk to Chief Justice Rose Elizabeth Bird (1978-1979)  
Professor Laurence Tribe (Harvard Law School): Research assistant (1976-1977)  
Bay High School, Berkeley, CA: High School Teacher (1971-72)

## **PUBLICATIONS**

### **Books**

The Global #MeToo Movement, (co-edited with Ann Noel) (Full Court Press 2020).

COMPARATIVE EQUALITY & ANTI-DISCRIMINATION LAW: CASES, CODES, CONSTITUTIONS & COMMENTARY, (with Sheila R. Foster & Sora Han) (Foundation Press 2012) (with teaching manual 2013) (Second Edition and on-line course materials for Stanford Law School with Richard Ford, Comparative Equality Press 2017) (Third Edition 2020 Edward Elgar Publishing UK).

ROWE V PACIFIC QUAD - PROBLEMS, TEACHING NOTES AND CASEFILE (National Institute for Trial Advocacy, Sixth Edition with Fred Moss 2020; Fifth Edition with Fred Moss 2013, Deposition Edition with Fred Moss 2013, Fourth Edition 2008, Third Edition 1993, Second Edition 1987, First Edition 1986) (each edition with teaching manual).

The Ubiquity of Positive Measures for Addressing Systemic Discrimination and Inequality: A Comparative Global Perspective (Brill Publishing, Amsterdam, 2019).

PATT V. DONNER: A SIMULATED TRIAL FILE FOR TEACHING CIVIL PROCEDURE, (with Molly Leiwant, Rebecca Schonberg & Sam Wheeler) (Foundation Press, 2014; second edition 2019) (with teaching manual and website).

Comparative Perspectives on the Enforcement and Effectiveness of Antidiscrimination Law: Challenges and Innovative Tools (Springer 2018) (co-edited with Marie Mercat-Bruns and Cady Sartorius) (<https://www.springer.com/us/book/9783319900674>).

The Great Dissents of the Lone Dissenter: The Dissenting Opinions of Justice Jesse W. Carter (ed., with Alan Brotsky) (Carolina Academic Press 2010).

WHITEWASHING RACE: THE MYTH OF A COLOR-BLIND SOCIETY (with M. Brown, M. Carnoy, E. Currie, T. Duster, M. Shultz & D. Wellman) (University of California Press 2003, paperback 2005) (winner of the 2004 Benjamin L. Hooks outstanding book award, finalist for the 2004 C. Wright Mills award, Honorable Mention in the 2004 Myers Outstanding book Awards).

### **Book chapters**

A U.S. Perspective on the Relationship of Immigration Restrictions and Racism, (with Swati Prakash and Rachel Burns), (book chapter in *Governing Diversity: Migrant Integration and Multiculturalism in North America and Europe*) (Université de Libre Bruxelles 2018) (<http://www.editions-universite-bruxelles.be/fiche/view/2791>)

*Pourquoi la France se doit de recueillir des données sur l'identité raciale...à sa manière*, in *Diversité et discrimination raciale, l'essor d'une question sociale* (book chapter in *DIVERSITE ET DISCRIMINATION RACIALES*, Dalloz 2009).

*The Story of Green v. McDonnell Douglas*, chapter 1 in J. Friedman, Ed., *EMPLOYMENT DISCRIMINATION STORIES* (Foundation Press 2006).

*Employer Liability for Sexual Harassment by Supervisors*, chapter 17 in MacKinnon & Siegel, eds., DIRECTIONS IN SEXUAL HARASSMENT LAW (Yale University Press 2003).

#### General Editor

“The Bill of Rights,” a series of books on the First Amendment published between 2007 and 2010 by Prometheus Books.

Advisory Committee: Erwin Chemerinsky, Jesse Choper, Sheila Rose Foster, Cheryl Harris, Marjorie Heins, Kevin R. Johnson, Carrie J. Menkel-Meadow, Robert C. Post, John Powell, Deborah L. Rhode, Stephanie M. Wildman, and Eric Ken Yamamoto.

Volume 1, *The First Amendment: The Establishment of Religion Clause; Its Constitutional History and the Contemporary Debate*, Professor Alan Brownstein, author. (2007).

Volume 2, *The First Amendment: The Free Exercise of Religion Clause; Its Constitutional History and the Contemporary Debate*, Professor Thomas Berg. (2008).

Volume 3, *The First Amendment: Freedom of the Press; Its Constitutional History and the Contemporary Debate*, Professor Garrett Epps. (2008).

Volume 4, *The First Amendment: Freedom of Speech and Assembly; Its Constitutional History and the Contemporary Debate*, Professor Vikram Amar. (2009).

Volume 5, *The First Amendment: The Right to Petition; Its Constitutional History and the Contemporary Debate*, Professor Margaret Russell. (2010).

#### Law review articles

*What is “Systemic Racism?” How is it Different From Racist Acts Caused by Bigotry, Prejudice or Bias?* (under submission 2020)

*The Impact of the COVID-19 pandemic on equality in the United States*, 2020/2 *European Equality Law Review* 11 (forthcoming 2020)

*Dr. King’s Dream of Affirmative Action*, 21 *Harvard Latinx Law Review* 56 (2018)

*Archibald Cox and the Diversity Justification for Affirmative Action*, 25:2 *Virginia Journal of Social Policy & The Law* 157 (2018)

*Be Careful What You Wish For: Ronald Reagan, Donald Trump, The Assault on Civil Rights, and the Surprising Story of How Title VII Got Its Private Right of Action*, (with co-authors Henry Cornillie, Henry Bluestone Smith, Thao Thai and Richard Treadwell) 39:1 *Berkeley Journal of Labor & Employment Law* 101 (2018)

*Reflections on choosing an avenue of redress for discrimination at work in the United States*, 30:3 *Australian Journal of Labour Law* 275, (with co-author Amin Ebrahimi Afrouzi) (2018)

*Playing the Trump Card*, 26 *Berkeley La Raza Law Journal* 1 (2016) (with Swati Prakash and Rachel Burns) <http://papers.ssrn.com/abstract=2770841>

*Using a Simulated Case File to Teach Civil Procedure: The 90% Solution*, 65 *Journal of Legal Education* 817 (2016) <http://papers.ssrn.com/abstract=2816343> (2016)

*The Disappearance of Voluntary Affirmative Action From the U.S. Workplace*, 24:1 *Journal of Poverty*

and Social Justice 37 (2016) (special symposium issue on equality and human rights)  
<http://papers.ssrn.com/abstract=2737679>

*Religiosity and Same-Sex Marriage in the United States and Europe* (with Alvaro Oliveira and Aaron Blumenthal), 32 Berkeley Journal of International Law 195 (2014)  
<http://papers.ssrn.com/abstract=2287286>

*Measuring Merit: The Shultz-Zedeck Research on Law School Admissions* (with Kristen Holmquist, Marjorie Shultz and Sheldon Zedeck), 63 Journal of Legal Education 565 (2014)  
<http://papers.ssrn.com/abstract=2221667>

*Berkeley Law's Student Initiated Legal Services Projects*, (with Susan Schechter, Shalini Swaroop and Trish Keady), 62 Journal of Legal Education 621 (2013) <http://papers.ssrn.com/abstract=2262028>

*Color-Blindness, Racism-Blindness, and Racism-Awareness: Revisiting Judge Henderson's Proposition 209 Decision*, 13:2 Berkeley Journal of African American Law & Policy 101 (2011)  
<http://papers.ssrn.com/abstract=1898750>

*Congress and the Supreme Court's Conflict over Antidiscrimination Law*, 37:4 Human Rights (Fall 2010)

*U.S. Anti-Discrimination Law: A View From 10,000 Meters*, 10 European Anti-Discrimination Law Review 19 (July, 2010) <http://papers.ssrn.com/abstract=1672832>

*California Housing Discrimination, Proposition 14 and the Protection of Minority Rights*, 40 Golden Gate Law Review 117 (2010) <http://papers.ssrn.com/abstract=1598862>

*Whistleblowing under U.S. Law*, No. 2009:3 Revue de Droit Travail (Daloz) (March 2009).

*The Legality of Promoting Inclusiveness: May the University of California use race or ethnicity as factors in applicant outreach?* 27 UCLA Chicano-Latino Law Review 11 (2008)  
<http://papers.ssrn.com/abstract=1239242>

*Why France Must Collect Data on Racial Identity. . . in A French Way*, 31:2 Hastings International and Comparative Law Review 735 (2008) <http://papers.ssrn.com/abstract=1236362>

*Termination of employment contracts under U.S. law*, No. 2008:9 Revue de Droit Travail (Daloz) (September 2008).

*On the unexpected importance of probationary periods within a system of "employment at will"*, No. 2008:4 Revue de Droit Travail (Daloz) (April 2008).

*Dr. King's Legal Legacy: A Critical Assessment*, Deutsch-Amerikanische Juristen-Vereinigung (German-American Lawyers' Association) Newsletter (2008).

*Does the US Have a Culture of Litigation?* No. 2007:5 Revue de Droit Travail (Daloz) (February 2007).

*Constructive Discharge under U.S. Law*, No. 2006:3, Revue de Droit du Travail (Daloz) (September

2006).

*At Will Employment under U.S. Law*, No. 2006:1, *Revue de Droit du Travail* (Dalloz) (June 2006).

*Evaluating the U.S. Policy of Using Private Lawsuits to Remedy Employment Discrimination*, 49 *2005/1 Droit et Cultures* 109 (2005) (symposium issue on Egalite et Discrimination: Etats-Unis, Europe, France).

*Verdicts Matter: An Empirical Study of California Employment Discrimination and Wrongful Discharge Jury Verdicts Reveals Low Success Rates for Women and Minorities*, 37 *U.C. Davis Law Review* 511 (2003) <http://papers.ssrn.com/abstract=1264102>

*McDonnell Douglas v. Green Revisited: Why Non-Violent Civil Disobedience Should Be Protected From Employer Retaliation By Title VII*, 34 *Columbia Human Rights Law Review* 635 (2003) (symposium issue on combating subtle discrimination in the workplace).

*Afterward: The UN Convention On The Rights Of The Child And U.S. Law*, 30 *Capital University Law Review* 706 (2002) (symposium issue on the UN Convention on the Rights of the Child).

*Gender and Race Bias in Medical Treatment*, 2:4 *Journal of Gender-Specific Medicine* 27 (1999) (with Marjorie M. Shultz).

*Carcieri's Self-Described "Progressive" Critique of the ACLU on Proposition 209: A "Conservative" Response*, 39 *Santa Clara Law Review* 1153 (1999).

*Transcribed Comments, Rethinking Equality in the Global Society*, 75 *Washington University Law Quarterly* 1561, 1635-56 (1998) (symposium issue on comparative affirmative action law).

*From Little Acorns Great Oaks Grow -- Neil Gotanda's Contribution to the Law Permitting General & Punitive Damages in Employment Discrimination Cases*, 4 *Asian Law Journal* 63 (1997) (symposium issue on the work of Neil Gotanda).

*Trina Grillo -- A Personal Remembrance*, 31 *USF Law Review* 965 (1997) (symposium issue memorializing the life and work of Trina Grillo).

*Inclusiveness, Interrelatedness, and The Affirmative Action Debate in California -- Introduction to The GGU School of Law Symposium on Race Relations in America*, 27:3 *GGU Law Review* 287 (1997) (symposium issue on affirmative action law).

*Employer Liability for Sexual Harassment by Supervisors: A Comparison of Federal (Title VII) and California (FEHA) Law* (with Mark Vickness), 10:2 *California Labor and Employment L. Q.* 3 (1997).

*Understanding Affirmative Action*, 23:4 *Hastings Constitutional Law Quarterly* 921 (1996) (reprinted in Davis, Johnson & Martinez, *A Reader on Race, Civil Rights And American Law: A Multiracial Approach* (Carolina Academic Press 2001)).

*Workplace Harassment and The First Amendment: A Response to Professor Volokh*, 17 *Berkeley Journal of Employment & Labor Law* 321 (1996) (reprinted as a book chapter in Paul I. Weizer, *Sexual*

Harassment: Cases, Case Studies & Commentary (2002 Peter Lang Publishing) and in Laura Stein, Sexual Harassment in America: A Documentary History (1999 Greenwood Press)).

*Exacerbating the Exasperating: Title VII Liability of Employers for Sexual Harassment Committed By Their Supervisors*, 81:1 Cornell Law Rev. 66 (1995).

*Kennedy, King, Shuttlesworth and Walker: The Events Leading to the Introduction of the Civil Rights Act of 1964*, 29 USF Law Review 645 (1995) (symposium issue on 1964 Civil Rights Act) <http://papers.ssrn.com/abstract=1500045>

*Martin Luther King, Walker v. City of Birmingham, and the Letter From Birmingham Jail*, 26 U.C. Davis Law Review 791 (1993).

*Negligent Discrimination*, 141 University of Pennsylvania Law Review 899 (1993) <http://papers.ssrn.com/abstract=2737701>

*Distinguishing Five Models of Affirmative Action*, 4 Berkeley Women's Law Journal 42 (1989) (reprinted as a book chapter in Healey & O'Brien, Race, Ethnicity, and Gender: Selected Readings (Pine Forge Press 2004)).

*Employment Discrimination And Wrongful Discharge: Does The California Fair Employment And Housing Act Displace Common Law Remedies?*, (with M. Baumgartner) 23 USF Law Review 145 (1989).

*Boalt Hall's Employment Discrimination Clinic: A Model for Law School/Government Cooperation in Integrating Substance and Practice*, 7 Industrial Relations Law Journal 245 (1985).

*Employment Discrimination: Rightful Place Seniority under Title VII and Section 1981, "The Teamsters Roadblock May be Only a Detour"* 1 Hamline Law Review 15 (1979).

#### **OP-ED ARTICLES**

3/29/13 The Los Angeles Times, 50<sup>th</sup> Anniversary of Dr. King's *Letter From Birmingham Jail*.

11/30/07 The San Francisco Recorder. French Color Blindness.

6/11/07 The National Law Journal. Racial Inequality in the European Union: Facts are Essential.

1/-/06 The San Francisco Recorder. Terminating the Partisanship in Judicial Nominations.

11/18/05 The San Francisco Chronicle. Color-blind Equality? A U.S. Solution to what ails France – Affirmative Action.

2/11/04 The Daily Journal (SF & LA). Deck is Stacked Against Minorities, Women in Job-Bias Cases.

8/24/97 The San Francisco Examiner. Article on the likely consequences of Proposition 209.

6/5/97 The Daily Journal (SF & LA). Article on affirmative action and minority enrollments at UC

Berkeley's law school.

5/2/97 The Daily Journal (SF & LA). Article on judicial review and the Ninth Circuit Proposition 209 decision.

8/9/96 The Jewish Bulletin (San Francisco). Article discussing why Jewish voters should reject Proposition 209.

7/14/96 The San Jose Mercury News. Article describing the potential impact of Proposition 209 on women.

7/1/94 The San Francisco Recorder. Article describing the historical events leading to the introduction of the 1964 Civil Rights Act, and commemorating its thirtieth anniversary.

5/94 The San Francisco Examiner. Article calling for condemnation of a proposed boycott of the United Negro College Fund.

12/10/93 The San Francisco Recorder. Article discussing the disenfranchisement of African American voters and the historical switch from Democratic Party to Republican Party use of voter suppression efforts aimed at racial minorities.

11/29/93 The San Francisco Examiner. Article discussing the disenfranchisement of African American voters in the New Jersey gubernatorial election. (condensed version of article described above).

9/15/93 The San Francisco Examiner. Article commemorating the thirtieth anniversary of the bombing of the Sixteenth Street Baptist Church in Birmingham.

8/5/93 The San Francisco Examiner. Article discussing possible future Supreme Court selections.

8/20/92 The San Francisco Examiner. Article on George H. W. Bush's support of segregation in 1963-64.

6/09/92 The San Francisco Recorder. Article on the need for whites to respond with empathy, not sympathy, to Rodney King's beating.

11/19/92 The San Francisco Recorder. Article on Supreme Court appointments over the past 50 years, pointing out that the "liberal" Court of the Sixties was the result of Eisenhower's appointments, and contrasting Bush's appointments with FDR's.

10/30/91 The San Francisco Examiner. Article on Supreme Court appointments (condensed version of 11/19 article described above). Reprinted in GGU alumni magazine.

9/27/91 The San Francisco Examiner. Article disputing claims that AB 101, banning employment discrimination based on sexual orientation, would cause a flood of litigation.

4/28/88 The Los Angeles Times. Article discussing the common practice of referring to Rev. Jesse Jackson as "Jesse" and generally referring to women and minorities by their first names.

Other articles, essays and reports

\*Contextualizing Civil Procedure: Teaching Through A Semester-Long Simulation, With a Twist, 2015 Newsletter of the AALS Section on Teaching Methods (2015)

The Iraqi Refugee Assistance Project (IRAP) at Berkeley Law (Boalt Hall) (with Mohammad Tajsar), <http://www.abanet.org/dch/committee.cfm?com=IC756500>, ABA International Section, Pro Bono Committee Newsletter (January 2011)

Introduction to Reaching For The Dream: Profiles in Affirmative Action (Coalition for Civil Rights 1998).

Testimony submitted to the United States Congress on the subject of affirmative action, introduced by Hon. Maxine Waters on September 27, 1996.

*CCRI -- An Assault on Affirmative Action & Women's Rights*, 9:7 *Contra Costa Lawyer* 15 (1996).

Plune v. Downtown Airport Hotel, [mediation exercise]. Innovations in Teaching, Program Materials for AALS Annual Meeting Labor and Employment Law Section Meeting at E14 (1996).

*Affirmative Action -- Fiction and Facts*, 1:2 *Common Ground: A Forum for Civil Liberties Issues* 30 (1995).

*Martin's March*, June 1994 *ABA Journal* 54 (1994).

Report to the CA Department of Insurance, Anti-Discrimination Task Force, Committee on Employment Discrimination (1994).

ABA National Law Student Negotiation Competition Problem for 1990-91 competition, American Bar Association (1991).

**TEACHING**

Courses Taught: Civil Procedure, Comparative Equality and Anti-Discrimination Law, COVID-19 and Global Inequalities, Evidence, Leadership for Student Leaders, Oral Advocacy, Employment Discrimination Law, Torts, Sex Discrimination Law, Trial Advocacy.

**VISITING PROFESSORSHIPS**

University of Paris I (Sorbonne-Pantheon), Visiting Professor of Law, 2014, 2015, 2018

LUMSA Rome, Visiting Professor of Law, 2014

Sciences-Po Ecole de Droit, Affiliated Faculty, Visiting Professor of Law, 2012, 2013

University of Paris X (Nanterre/Defense), Visiting Professor & Co-Director, Comparative Law Summer Program (2005-2009)

University of California, Berkeley, Institute for the Study of Social Change: Affiliated Scholar (2004 – 2009), Visiting Scholar (1997-1999)



## **PROFESSIONAL ACTIVITIES**

Member, American Law Institute (since 2004).

Vice-Chair, Pro Bono Committee of International Law Section of American Bar association (2011-16)

Board of Directors, American Civil Liberties Union - Northern California affiliate (1989-2000, 2007-2008, 2013-2014); member, Legal Committee (1990-2000, 2007-2015); member, Executive Committee (1997-2000); chair, Board Nominating Committee (1993-95) solicitor, Major Gifts Campaign, Campaign for the Future (capital campaign) and Lawyers' Council Campaign (1993-2015).

Member, Thelton Henderson Center for Social Justice, Equal Opportunity Best Practices Advisory Committee (2009-2012), Faculty Executive Committee (since 2014), Faculty Co-Director (2016-18).

Co-Director, GGU/UPX Paris Summer Program in Comparative Law (2005-2009).

Board of Directors, Lawyers' Committee for Civil Rights of the SF Bay Area (1997-2006), co-chair, Individual Giving (1997-2006).

Committee Member, Diversity Committee, Section of Legal Education and Admission to the Bar, American Bar Association (2001-2004).

Board of Directors, Equal Rights Advocates (1998-2001); member, Executive Committee, chair, Litigation Committee (1998-2000), solicitor, Major Gifts Campaign (1998-2004).

Board of Directors, Society of American Law Teachers (1997-2001)

Member, Civil Justice Reform Act Advisory Group, United States District Court for the Northern District of California (1998-1999).

National Advisory Board, Berkeley Journal of Employment & Labor Law (formerly Industrial Relations Law Journal) (since 1984).

Board of Directors, American Jewish Congress, Northwest Region (1996-1999)

Member, Advisory Committee UC-Davis Public Policy Conference on Affirmative Action (1995-96)

Member, editorial board, "Human Rights" (magazine of the Section of Individual Rights and Responsibilities of the American Bar Association) (1994-95)

Member, CA Department of Insurance Anti-Discrimination Task Force; Co-chair, employment discrimination committee (1992-1995)

Judge Pro Tem, Oakland, Piedmont, Emeryville Municipal Court (1990-92)

Faculty Member, National Institute for Trial Advocacy

Regional trial advocacy sessions (1984-89)

National teacher training sessions (1988-89)

Consultant, California State Bar, Committee of Bar Examiners, editorial team for performance exam (1991).

Member, City of Piedmont Commission on the celebration of the bicentennial of the United States Constitution (1990-91).

Consultant, California Senate Office of Research, Conference on Civil Rights Enforcement (1986).

Member, California State Bar Human Rights Committee (1982-86).

Member of California Bar since 1978 and the United States Supreme Court Bar since 1998.

### **SELECTED LECTURES & PRESENTATIONS** (1995-2018)

2018

December 1-2, 2018. Paris, France. Convener and organizer. Meeting of twenty chapter authors to critique first drafts for book titled "*The Globalization of the #MeToo Movement.*"

November 29, 2018. Brussels, Belgium. Meeting of the European Commission Network of Experts in Gender Discrimination and in Anti-Discrimination Law. Key-Note Address: "*The Globalization of the #MeToo Movement.*"

June 14, 2018. University of New South Wales, School of Law (Sydney, Australia). "*Berkeley Law's Pro Bono Program.*"

June 12, 2018. University of Melbourne, School of Law. Annual Conference of the Berkeley Comparative Equality and Anti-Discrimination Law Study Group. "*Employer Responsibility for Sexual Harassment.*"

June 7, 2018. Australian Human Rights Commission. "*Enforcement of Anti-Discrimination Law in the United States, Europe and Australia.*"

May 14-15, 2018. Berkeley Law Conference on "*The Globalization of the #MeToo Movement.*" Conference organizer and co-chair. Introductory remarks. Presentation on agency liability for sexual harassment.

May 10, 2018. Berkeley Law Public Interest/Social Justice Graduation. Closing Remarks.

March 9, 2018. Universite de Paris I (Pantheon-Sorbonne). "*The #MeToo Movement in the United States and France.*"

March 7, 2018. Universite de Paris I (Pantheon-Sorbonne). “*Donald Trump and the Enforcement of anti-discrimination law.*”

February 13, 2018. Oxford Human Rights Center. “*The Enforcement of Anti-Discrimination Law in the United States and Europe.*”

February 9, 2018. The Civil Rights Division of the European Commission Department of Justice (Brussels). “*The Enforcement of Anti-Discrimination Law in the United States and Europe.*”

February 8, 2018. Universite de Bruxelles Libra. “*Racism in the United States and Europe – James Baldwin’s ‘I Am Not Your Negro’.*”

January 5, 2018. AALS Annual Meeting in San Diego. “*Teaching Civil Procedure Through Simulation.*”

## 2017

September 22, 2017. Berkeley Law 1L Orientation Program. “*Confronting gender, ethnic and racial bias in the classroom.*”

June 19, 2017. University of Ljubljana (Slovenia), School of Law. “*The Enforcement of Anti-Discrimination Law in the United States and Europe.*”

June 15, 2017. Trinity University, Dublin, School of Law. Annual Conference of the Berkeley Comparative Equality and Anti-Discrimination Law Study Group. “*Donald Trump, Ronald Reagan, and the Enforcement of Civil Rights.*”

May 11, 2017. Berkeley Law Public Interest/Social Justice Graduation. Closing Remarks.

March 10, 2017. Berkeley Law. Berkeley Journal of Labor and Employment Law Symposium. “*Donald Trump, Ronald Reagan, and the Enforcement of Civil Rights.*”

February 18, 2017. Berkeley Law. “*The Ten Commandments of Oral Advocacy.*”

January 4, 2017. AALS Annual Meeting in San Francisco. “*Teaching Comparative Equality Through a Flipped Classroom Web Course.*”

## 2016

November 21, 2016. University of Buenos Aires, School of Law. “*Comparative Enforcement of Anti-Discrimination Law.*”

November 17, 2016. Montevideo, Uruguay. Annual Meeting of the International Academy of Comparative Law. “*The Enforcement & Effectiveness of Anti-Discrimination Law.*”

November 7, 2016. Berkeley Law. Program for Visiting Brazilian Labor Law Judges. “*Solving Labor and Employment Law Disputes Under U.S. Law.*”

November 1, 2016. NYU Law School. Meeting of the ALI Member Consultant Group on the Project on Sexual Misconduct on Campus. Discussant.

October 27, 2016. Berkeley Law. “*A Social History of the Rumford Civil Rights Act.*”

October 24, 2016. Berkeley Law. Program for Visiting Korean Labor Law Judges. “*Solving Labor and Employment Law Disputes Under U.S. Law.*”

September 30, 2016. Berkeley Law 1L Orientation Program. “*Confronting gender, ethnic and racial bias in the classroom.*”

Sept 1, 2016. Berkeley Law. Henderson Center for Social Justice. “*Dr. King’s Dream of Affirmative Action.*”

July 15, 2016. University of Technology Sydney, School of Law. “*Teaching Comparative Equality Through a Flipped Classroom Web Course.*”

July 13, 2016. Deakin University Melbourne, School of Law. “*The Diversity Justification for Affirmative Action.*”

July 11, 2016. University of Melbourne, School of Law. “*Comparative Procedures and Remedies for Employment Discrimination: The U.S. and Australia.*”

June 3, 2016. Washington D.C. Meeting of the ALI Member Consultant Group on the Project on Sexual Misconduct on Campus. Discussant.

May 13, 2016. Berkeley Law Graduation. Faculty Speaker. “*At Berkeley Law, We Don’t Have A Pro Bono Requirement; We Have A Pro Bono Culture.*”

May 12, 2016. Berkeley Law Public Interest/Social Justice Graduation. Closing Remarks.

May 9, 2016. \_\_\_ University, Shanghai, School of Law. Annual Conference of the Berkeley Comparative Equality and Anti-Discrimination Law Study Group. “*Teaching Comparative Equality Through a Flipped Classroom Web Course.*”

May 5, 2016. Hong Kong University School of Law. “*Teaching Comparative Equality Through a Flipped Classroom Web Course.*”

May 4, 2016. Chinese University of Hong Kong, School of Law. “*Teaching Comparative Equality Through a Flipped Classroom Web Course.*”

May 2, 2016. Ewing (CHECK) University School of Law (Seoul Korea). “*Teaching Comparative Equality Through a Flipped Classroom Web Course.*”

May 2, 2016. Korean Court of Appeals, Seoul, Korea. Program for Korean Labor Law Judges. “*Solving Labor and Employment Law Disputes Under U.S. Law.*”

April 15, 2016. Goldman School of Public Policy. Symposium on Segregation. “*Dr. King’s Dream of Affirmative Action.*”

March 25, 2016. Universite de Paris I School of Law (Pantheon-Sorbonne). “*European Affirmative Action.*”

March 18, 2016. Universite de Paris I School of Law (Pantheon-Sorbonne). “*Comparing French and U.S. Sexual Harassment Law.*”

January 25, 2016. Institute for European Studies, Berkeley. “*Polarizing Europe – The Law of the Headscarf.*”

January 8, 2016. AALS Annual Meeting in New York. “*Teaching Civil Procedure Using a Simulated Case File.*”

#### 2015

November 20, 2015. NYU Law School. Meeting of the ALI Member Consultant Group on the Project on Sexual Misconduct on Campus. Discussant.

July 27, 2015. Bilgi University School of Law, Istanbul. “*Pro Bono and Clinical Legal Education in the U.S.*”

July 22, 2015. Global Alliance for Justice Education conference in \_\_\_\_\_, Turkey. “*Pro Bono for First Year Law Students.*”

May 26, 2015. Berkeley Law Faculty Workshop. “*The Diversity Justification for Affirmative Action.*”

May 1, 2015. Washington D.C. Annual Meeting of the ABA Section on International Law. “*Law School/Law Firm Cooperation in International Pro Bono Projects.*”

#### 2014

University of Paris I (Sorbonne-Pantheon): Short course on Comparative Equality & Anti-Discrimination Law.

Catholic University of Lille School of Law: Conference on comparative equality law, “*Global Affirmative Action.*”

Equality Forum, Kings College London: “*The Transformation of Affirmative Action: From Equality to Diversity.*”

Frankfurt University: “*Clinical Legal Education in the U. S. A. – Challenges and Prospects.*”

University of Torino: Keynote talk at conference on clinical legal education, “*Clinical Legal Education – Advantages and Challenges.*”

LUMSA University Rome: Short course on Comparative Equality and Non-Discrimination Law.

University of Rome 3: “*Clinical Legal Education and Social Change.*”

European Commission, Fundamental rights legal staff: “*The European Roots of Diversity as a Justification for Affirmative Action.*”

ULB Brussels: Keynote talk at conference on comparative equality and anti-discrimination law, “*Global Challenges and New Perspectives on Equality Law.*”

European University Institute, Florence: Keynote talk at Genderfest, “*The Contribution of Feminism to the Clinical Legal Education Movement.*”

European University Institute, Florence: Conference on Law & Religion in the Public Sphere (“Judging Faith”), “*An Outsider Examination of SAS v. France and City of Greece v. Galloway.*”

Berkeley, Jurisprudence Café: “*The Future of Legal Education.*”

2013

Club of the Twenty-First Century, Paris: “Racial Inequality in the United States.”

Berkeley Law: “The Transformation of Global Affirmative Action.”

Bochum University (Germany): “Implementing the CRPD among service providers: A view from the United States.”

Berlin DAJV: “Comparative Affirmative Action.”

Bucerius Law School, Hamburg: “The Crises in U.S. Legal Education.”

Barcelona, Spain, Consolidated Research Group in Labour and Social Security Law (greDTiSS) Conference at University Pompeu Fabra: “The Transformation of Affirmative Action in the U.S. Workplace: From Remedy to Diversity.” (Panel organizer.)

San Francisco, Equal Justice Society: “Juneteenth and the 1964 Civil Rights Act: A Lesson in Unintended Consequences.”

San Francisco, American Constitution Society, “Affirmative Action after *Fisher v. Texas.*”

Stanford Law School, American Constitution Society, “Affirmative Action after *Fisher v. Texas.*”

Berkeley Law, Conference on Law & Religion in the Public Sphere (“Judging Faith”), “Religion as Race.”

Presentation and panel moderator for GAJE conference in New Delhi, “Student Initiated Clinics and Pro Bono Projects.”

Professor M. P. Jain Memorial Lecture – “The Transformation of Affirmative Action: From Reservations to Diversity Management.”

2012

University of Hull; Jan 12, University of York; Jan 13, King’s College London:  
“How U.S. Affirmative action really works.”

University of Brescia: Keynote address at conference on clinical education in Europe, “The Transformative Effect of Clinical Legal Education.”

European University Institute, Florence: The “Impact of Clinical Legal Education on the Struggle for Racial Justice in the U.S. – My Derrick Bell Dream.”

Berkeley Law, Conference on the Shultz/Zedeck Research, “Final Words – Summing Up.” (Also helped run conference and co-led a workshop.)

Science-Po Ecole de Droit, “Comparative Remedies for Employment Discrimination in the U.S. and France.”

Temple University (Philadelphia), Jean Monnet symposium on comparative anti-discrimination law: “Same-Sex Marriage and Secularism in the United States and Europe” (with Alvaro Oliveira).

Berkeley Law, Graduation Awards Ceremony for Public Service Students: “Remarks on the conferral of the first annual Eleanor Swift Award” (by video).

Free University of Brussels (ULB): “Developments in U.S. Anti-Discrimination Law.”

European Commission, Department of Justice, Equality Division, “U.S. Affirmative Action: From Remedy to Diversity.”

Linklaters, LLP: “Comparative Remedies for Employment Discrimination in the U.S. and France.”

April 26, Sciences-Po Ecole de Droit: Moot court judge for international human rights law course, sitting on panel with French Supreme Court Justice and French Justice on ECtHR.

Sciences-Po Ecole de Droit: Principal organizer of comparative anti-discrimination law conference, with participation by 40+ scholars from the United States and Europe.

Sciences-Po Ecole de Droit Paris: “Same-Sex Marriage and Secularism in the United States and Europe.”

Berkeley Law, “On the Value of Legal Writing.”

Berkeley Law, “Race, Gender and Silence in the Classroom.”

Berkeley Law, “A Brief Introduction to Professional Responsibility.”

King's College London, "Comparative Affirmative Action: From Remedy to Diversity."

Berkeley Law: Conference on the Shultz/Zedeck Research, "Final Words – Summing Up." (Also helped run conference and co-led a workshop.)

#### 2011

Association of American Law Schools, Annual Meeting, Section on Pro Bono Service, "Berkeley Law's Student Initiated Legal Services Projects."

American Bar Association, Section on International Law, Pro Bono Committee, "Roundtable on Law School Law Firm Collaboration on International Pro Bono Projects." (moderator)

Harvard Law School, Evolutions in Anti-Discrimination Law in Europe and North America, response to paper presentation by Kenji Yoshino.

Free University of Brussels, "Discrimination & Immigration." (Keynote)

Berkeley Law: Moderated panel discussion, "Accommodating Religious and Cultural Diversity in Europe" with visiting scholars from ULB Brussels.

University of Florence, "Twombly & Iqbal: Why has the Supreme Court Lost Faith in the Federal Rules of Civil Procedure?"

University of Paris X (Nanterre/La Defense), "Comparative Judicial Selection & Independence." (Moderator)

University of Valencia, Meeting of the Global Alliance for Justice Education, "Berkeley Law's Student Initiated Legal Services Projects," "Convening the Faculty to Discuss Mandatory Pro Bono," and "The ABA's outreach to International Law Clinics." (three panels)

University of Brescia, "Comparative Legal Education: The Role of the Law Clinic."

University of Paris X, Faculty of Law, "Same-Sex Marriage and Adoption in the United States and Europe."

New York Law School/Harvard Law School Future Ed 3, "A Supplement to the LSAT Can Help Us Admit Students Who Will Be Better Lawyers, While Increasing Law School Diversity."

#### 2010

Harvard Law School, "Identifying the Essential Characteristics of Highly Effective Lawyers."

Free University of Brussels, "Affirmative Action in Employment under U.S. Law."



European Commission Legal Staff training, “An Overview of U.S. Anti-Discrimination Law.”

Association of American Law Schools, Clinical Legal Education Conference: “Planning a skills course.”

University of Paris X (Nanterre), Conference on Comparative Racial Injustice. (moderator and participant)

Paris, France, Sciences-Po école de droit (school of law), “How Does a Berkeley Law Student Become a Lawyer: Experiential Education at Boalt Hall.”

Berkeley Law (Boalt Hall), Symposium on the Decisions of Judge Thelton Henderson, “Color Blindness and Racism Awareness: Judge Henderson’s Opinion in the 209 Case.”

## 2009

Brussels Belgium, European Commission, Legal Seminar on EU Law on Equal Opportunities and Anti-Discrimination, “A View of U.S. Anti-Discrimination Law From 10,000 Meters.” (Keynote)

University of Bologna, “The Process for Appointing Judges in the United States: Is it Political or Merit Based?”

University of Bologna, three day course on “The American Civil Litigation System.”

Franklin College, Lugano Switzerland, “The Law & Culture of Color-Blindness in the United States & France.”

Lyon Chamber of Commerce, “Diversity and Affirmative Action.” Co-sponsored by American Chamber of Commerce, Lyon and U.S. State Department.

University of Lyon III, School of Law, “Legal Origins of Diversity Policies.”

California State Bar, Annual Meeting of the Labor & Employment Committee, panel discussion, “Comparative Employment Discrimination: A European Perspective on Anti-Discrimination Law.”

Kings College London, Faculty of Law, “Dr. King’s Legal Legacy.”

California State Bar Fair Housing and Public Accommodations Symposium. "The Struggle for Civil Rights in California: A Brief History of the Unruh and Rumford Acts, Proposition 14, and the Reitman v. Mulkey Decision." (Keynote)

Berkeley Law (Boalt Hall), “Race, Ethnicity, Gender & Silence in the Law School Classroom.”

Berkeley Law (Boalt Hall), “Dr. King’s Legacy and the Obama Election: Has ‘the Dream’ Been Fulfilled?”

2008

Trier Germany, European Union conference of law professors regarding European anti-discrimination law, “Burden of Proof under U.S. Employment Discrimination Law” and “Indirect Discrimination under U.S. Law.”

Heidelberg University, Center for American Studies, “How U.S. Affirmative Action Really Works.”

Golden Gate University, “Debate on the Sander Report on Law School Affirmative Action,” with Dan Subotnik, sponsored by GGU Federalist Society and GGU ACLU.

2007

UCLA, “Outreach Under Prop 209” (invited participant in interdisciplinary conference on Proposition 209).

UC Berkeley, Boalt Hall School of Law, “The Role of Social Science in Proving Employment Discrimination”, (invited participant in interdisciplinary conference on race and the law).

Northwestern University, School of Law, Roundtable on Social Science and Employment Discrimination Law.

UC Regents, Undergraduate Diversity Subgroup, “Permissibility of Outreach to Minority Applicants Under Proposition 209.”

University of Paris X (Nanterre), Conference on Discrimination & Diversity, “France Must Collect Data on Racial Identity . . . in A French Way.”

University of Paris X (Nanterre), “Comparative Racial Inequality.”

University of Paris X (Nanterre), Doctoral Seminar Presentation, “Remedies for US Employment Discrimination: Civil, Administrative and Private.”

University of Paris X (Nanterre), “Affirmative Action and the Fourteenth Amendment.”

University of San Francisco, “Affirmative Action and Color-Blindness.”

German American Law Association, in cooperation with the United States Embassy, Berlin, “Remedies for Employment Discrimination under US and German Law” (with Dr. Jurgen Gehb, MP).

Invited participant, European Union Summit on Anti-Discrimination Law, Berlin.

Free University, Berlin, “Anti-Discrimination Law in Different Legal Cultures” (with Prof. Dr. Beate Rudolf, Prof. Dr. Matthias Mahlmann, and Prof. Dr. Susanne Baer).

Freiburg University, Tübingen University, and Heidelberg University, “Dr. King’s Legal Legacy: A Critical Assessment.”

#### 2006

University of California Berkeley, Boalt Hall School of Law, Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, “The Legality of Promoting Inclusiveness: May the University of California use race or ethnicity as factors in applicant outreach?” (Invited participant in interdisciplinary conference of law professors and social scientists titled “The Past and Future of Proposition 209”).

The National Assembly of the Republic of France, session on Comparative Racial Justice, moderator and participant (with Jean-Claude Boujour, Hon. William Fletcher, Hon. Joseph Grodin, and Charles Ogletree), co-sponsored by the Club of the 21<sup>st</sup> Century and the United States Embassy to the Republic of France.

University of Paris X (Nanterre), Conference on Comparative Racial Justice, moderator and participant (with Charles Ogletree and Sophie Latreverse)

University of Paris X (Nanterre), Conference on Comparative Religious Freedom and the “problem of the veil,” moderator and participant (with Jesse Choper, Danielle Lochak, and Winfried Brugger)

University of Paris X (Nanterre), Doctoral Seminar Presentation, “From Bakke to Grutter to Science Po: Affirmative Action in Higher Education in the U.S. and France.”

#### 2005

United States Embassy to the Republic of France, Civil Society Project, “Remedies for Discrimination Under U.S. Law.”

University of Paris X (Nanterre), Symposium on Work and Social Movements in the United States, “Affirmative Action in the U.S. Workplace: How Does it Really Work?” (La discrimination positive sur les lieux de travail aux Etats-Unis : de la théorie à la pratique).

University of Paris X (Nanterre), Symposium on Work and Social Movements in the United States, “Federalism Undressed: US & California Concurrent Jurisdiction Over Employment Discrimination Claims.” (Le Fédéralisme et ses conséquences : la double juridiction exercée par l'Etat Fédéral et l'Etat de Californie sur les poursuites relatives aux discriminations en matière d'emploi.)

Golden Gate University School of Law, “Dr. King’s Legal Legacy.”

#### 2004

University of Georgia School of Law, Faculty Talk, “Is litigation an effective remedy for racial inequality in employment?”

Penn State/Dickinson School of Law, Faculty Talk, “Is litigation an effective remedy for racial inequality in employment?”

Association of American Law Schools, Mid-Year Conference, Workshop on Racial Justice, Plenary Panel Speaker, “Is litigation an effective remedy for racial inequality in employment?”

University of Paris X (Nanterre), Symposium on Comparative Equality Law, “Evaluating The U.S. Policy of Using Private Lawsuits To Remedy Employment Discrimination” (Evaluation de la politique américaine à l’égard des « procès privés » comme remède aux pratiques discriminatoires qui touchent le monde du travail).

California Employment Lawyers Association, Annual Meeting, “Results of a California Jury Verdict Study of Employment Law Cases.”

Columbia University, Columbia College, “Dr. King’s Legal Legacy.”

San Francisco Barristers Club, “California Employment Law Jury Verdicts.”

#### 2003

Stanford Law School (co-sponsored by American Bar Foundation), “A Study of California Jury Verdicts in Employment Law Cases” (Invited participant in interdisciplinary conference of law professors and social scientists titled “Rights and Realities: Legal and Social Scientific Approaches to Employment Discrimination”).

#### 2002

Columbia University School of Law, “McDonnell Douglas v. Green Revisited: Why Non-Violent Civil Disobedience Should Be Protected From Employer Retaliation By Title VII” (Invited participant in symposium on subtle discrimination).

University of California, Davis, “Dr. King’s Legal Legacy.”

California State University, Chico, “Dr. King’s Legal Legacy.”

#### 2001

National Employment Lawyers’ Association, “California Jury Verdicts in Sexual Harassment Cases.”

Oxford University, Lincoln College “Negligent Employment Discrimination” (invited participant in Oxford Roundtable symposium on comparative employment law).

#### 2000

Judicial Arbitration & Mediation Service, “California Jury Verdicts in Employment Discrimination Cases.”

University of California, Berkeley (Boalt Hall), “Dr. King’s Legal Legacy.”

#### 1999

Jewish Community Relations Council of San Antonio, Texas, "A Debate on Affirmative Action" (with Lino Graglia).

University of California (Boalt Hall), "Litigating Disability Rights Cases: Voices From The Field" (moderator/discussion leader).

1998

Duke University Law School, "Employer Liability for Sexual Harassment after Ellerth and Faragher" (Invited participant in symposium on sexual harassment law).

Yale University Law School, "Employer Liability for Sexual Harassment" (Invited participant in symposium on sexual harassment law).

Washington University, invited participant at conference on Comparative Affirmative Action Law (U.S., South Africa and India).

Society of American Law Teachers, Loyola University (CA), "Raising issues of race discrimination in the civil procedure curriculum."

1997

Harvard University, invited participant at Civil Rights Roundtable discussion of affirmative action.

Society of American Law Teachers, American University, "Using mediation exercises in employment discrimination classes to raise issues of diversity."

Society of American Law Teachers, City University of New York Law School, "Soundbites, Factoids & Talking Points -- Influencing Media Coverage in the Affirmative Action Debate."

1996

Presentations on Affirmative Action:

American Political Science Association, National Convention; Roundtable on "Affirmative Action in the Academy." San Francisco Foundation Conference on "Race, Class & Culture." Haas School of Business (UC-Berkeley); "Affirmative Action and Other Governmental Subsidies." University of San Francisco; "Affirmative Action and the California Civil Rights Initiative" (Proposition 209) (hereafter "CCRI"). California Conference of County Governments; "Affirmative Action and the CCRI." California Fair Employment & Housing Commission. "Affirmative Action and the CCRI." San Francisco PTA; "Affirmative Action and the CCRI." California Freedom Summer Training Programs; "Affirmative Action and the CCRI."

Debates on the California Civil Rights Initiative at the following locations with the following debate partners and opponents:

California State Bar Convention (with NAACP LDF Regional Counsel Constance Rice opposing CCRI campaign chairs Pamela Lewis and Gail Heriot); Boalt Hall School of Law (UC Berkeley) (with Ellie Smeal and Aileen Hernandez opposing CCRI co-author Tom Wood, Linda Chavez, and John Yu); Hastings College of the Law (with Eva Paterson opposing Pamela Lewis); Golden Gate University

(opposing Clint Bullock); UC Davis Public Policy Conference (opposing Eugene Volokh); KGO-TV and KABC-TV (with Michael Harris opposing Pamela Lewis and Jon Liu); KGO Radio (opposing Pamela Lewis); KPFA Radio (opposing Pamela Lewis); KQED Radio (opposing Congressman Tom Campbell); Contra Costa County Bar Association (opposing Pamela Lewis); Sacramento County Bar Association (opposing Pamela Lewis); Jewish Community Relations Council (with BASF president Mark Schickman opposing Lee Chang); Walnut Creek Chamber of Commerce (opposing Pamela Lewis); Walnut Creek League of Women Voters (opposing CCRI co-author Glenn Custred); National Association of Minority Engineering Program Administrators, Annual Convention.

American Civil Liberties Union presentations:

ACLU National Executive Directors' Conference, "Affirmative Action and the CCRI;" ACLU Leadership Conference, "Advanced Speakers' Training on Affirmative Action;" ACLU Activists Conference, "Affirmative Action and the CCRI;" ACLU-NC Benefactors Dinner, "Affirmative Action, Pete Wilson, and The ACLU;" ACLU Say-What? Conference for Northern Californian High School Activists, "Affirmative Action and Today's Civil Rights Movement."

1995

The Federalist Society of UC-Berkeley (Boalt Hall) Law School; "A Debate on the Issue of Workplace Harassment and the First Amendment" (opposing Eugene Volokh).

National Conference of State Legislators Annual Convention (Atlanta); "A Debate on the Issue of Affirmative Action" (opposing Jerry Reynolds and William Ty Mayton).

UC-Berkeley Law School Forum on Affirmative Action; "The Origins of Affirmative Action."

Meicklejohn Civil Liberties Institute; "From Croson to Adarand -- The Limits on Affirmative Action."

American Civil Liberties Union National Biennial Convention (New York); "Affirmative Action and the California Civil Rights Initiative."

USF Law Review Symposium on the Thirtieth Anniversary of the 1964 Civil Rights Act, University of San Francisco; "Kennedy, King, Shuttlesworth and Walker -- The Events Leading to the Introduction of the Civil Rights Act of 1964."

Presentations for the period 1982-1994 are available upon request.

### **SIGNIFICANT LITIGATION**

Counsel for amicus curiae National Employment Lawyers Association in the United States Supreme Court in Burlington Industries v. Ellerth, 524 U.S. 742 (1998) (employer liable for sexual harassment by supervisor, subject to limited affirmative defense).

Consultant to counsel for amicus curiae National Employment Lawyers Association in the United States Supreme Court in Faragher v. City of Boca Raton, 524 U.S. 775 (1998) (employer liable for sexual harassment by supervisor, subject to limited affirmative defense).

Trial counsel for plaintiff in the United States District Court for the Northern District of California in

Presta v. Peninsula Corridor Joint Powers Board, 16 F. Supp. 2d 1134 (N.D. Cal. 1998) (proof of discriminatory intent not required in action under Unruh Civil Rights Act) (case tried to jury verdict).

Counsel for amicus curiae American Jewish Congress in United States Court of Appeal for the Ninth Circuit in Coalition for Economic Equity v. Wilson (validity of preliminary injunction of Proposition 209).

Counsel for amicus curiae Women's Employment Rights Clinic in California Supreme Court in Farmers Ins. Group v. County of Santa Clara, 11 Cal. 4th 992 (1996) (employer not vicariously liable for sexual harassment by employee).

Counsel and oralist in the California Supreme Court on behalf of amici curiae in Commodore Home Systems v. Superior Court (1982) 32 Cal. 3d 211 (punitive damages available in civil action for employment discrimination).

Counsel for amici curiae in the California Supreme Court in American National Insurance v. FEPC (1982) 32 Cal. 3d 603 (prohibition of physical handicap discrimination given broad construction).

Trial and appellate co-counsel for defendant (Women Against Rape) in Carney v. Santa Cruz Women Against Rape (1990) 221 Cal.App.3d 1009 (action for libel of non-public figure may not proceed under common law strict liability theory; action requires proof of negligence. Punitive damages in action for libel of non-public figure requires proof of knowledge of falsehood or reckless disregard for truth or falsity) (case tried to jury verdict).

Lead counsel in 12 published decisions from hearings before the California Fair Employment & Housing Commission; citations are available upon request.