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Employment History

1991- present University of Virginia School of Law

- T. Munford Boyd Professor of Law, Earle K. Shawe Professor of Employment Law, and Director, Program for Employment and Labor Law Studies
- *Classes taught include:* Contracts; Employment Law: Contracts, Torts & Statutes; Employment Law: Wage & Hour Regulation; Employment Law: Health & Safety; Conservation Planning & Law; Behavioral Economic Analysis of Law; Employment Discrimination Law; Workplace Norms and the Law; Employment Law: Principles & Practice; Employment Law Clinic; Employment & Labor Law: A Global Perspective.
- *Awards include:* Hybrid Challenge Grant Recipient (2012), inaugural member of the University Academy of Teaching, All-University Teaching Award (2006-2007), competitive research grants from the Academic Enhancement Program, the Fund for Labor Relations Studies, the Bankard Fund for Political Economy, and the Scholarly Activities Fund.
- *Law School service includes:* Entry-Level Appointments Committee (Chair 2000-01, 2006-07), Junior Faculty Development Committee (Chair 2001-02, 2008-09, 2019-20), Sponsor to Junior Faculty Colleagues, Academic Technology Committee (Chair 2002-03), Admissions Committee, Career Services Committee (Chair 2007-08), Empirical Studies Committee (Chair 2015-16), Faculty Enrichment Committee (Chair 2016-17) Curriculum Committee, Student Recruitment Committee, Disability Accommodation Committee (Chair 2003-06, 2008-12), Faculty Retreat Committee (Chair 1994-96), Public Service Committee (Chair 2003-04). Empirical Studies Committee (Chair 2015-16), Search Committee for Clinical Directors (Chair 2017-2018), Graduation Awards Committee (Chair 2019-20), Academic Placement Committee (Chair 2021-22), Workshops and Retreat Committee, Student Scholarly Lunches Organizer, Honor Scholar Selection Committee, Building Committee, Ad Hoc Promotion Review (Chair 2022-23), Ad Hoc Classroom Renovation, Ad Hoc Building Review, Ad Hoc Committee to Study the Banking System, Ad Hoc Self-Study, Library Web Task Force, Faculty Liaison to Law School Alumni Council, and Faculty Advisor to Foundation Budget and Finance Subcommittee.
- *University service includes:* University Committee on Information Technology (chair 2013-2019), Search Committee – Vice President for Information Technology (2014), President’s Information Technology Advisory Group (2013), Provost’s Faculty Salary Study Task Force (2013-14), University Academy of Teaching Faculty Partnership (2011-12), Faculty Senate Executive Council

(2002-03), Faculty Senate (2000-03), Technology Working Group for University Strategic Planning Process (2012-13), inaugural member of the University Academy of Teaching, Faculty Senate Online Learning Task Force, CASTL-HE Advisory Council, Academic Computing Advisory Council, Bankard Fund for Political Economy Grant Selection Committee, Salary Equity Committee for Health Sciences Center.

June 2006 Visiting Professor, University of Muenster, Law Faculty

March 2006 & April 2008 Visiting Professor, University of Melbourne, Law Faculty

- Taught intensive course *New Directions in Law and Economics*.

Fall 1997 Visiting Professor, University of Texas School of Law

1990-91 Law Clerk, U.S. Circuit Judge Ralph K. Winter

1990 Teaching Assistant, Yale Law School

- Co-taught employment discrimination class with Drew Days and James Heckman

1989 Consultant, Yale University, Department of Economics

- Collaborated with James Heckman as an economic consultant on employment discrimination litigation.

1987 Research Associate, Civil Liability Program, Yale Law School

1986 John M. Olin Summer Research Fellow, Yale Law School

1984 Economist, Office of the Secretary, U.S. Department of the Interior

Education

Yale University, New Haven, Connecticut

- J.D. 1990. M.Phil. in Economics, 1988.
- Bradley Foundation Fellow, 1989-90; John M. Olin Fellow in Law, Economics, and Public Policy, 1985-89; Nathan E. Mag Scholar, 1987-89; Falk Foundation Fellow, 1986-87; University Fellow, 1984-85.
- Articles Editor and Articles Administrator, Yale Law Journal, 1988-89.
- Distinction on Economic Theory Comprehensive Exam.

Loyola College, Baltimore, Maryland

- B.A. 1983, magna cum laude, double major in English and economics.
- Elected to Omicron Delta Epsilon Honor Society in Economics.

Publications

Deconstructing Employment Contract Law, 95 Fla. L. Rev. 897 (2023) [co-author Rachel Arnow-Richman]

Gender Differences in Law School Classroom Participation: The Key Role of Social Context, 108 VA. L. REV. ONLINE 30-54 (2022) [co-authors Molly Shadel & Sophie Trawalter]

Has China's Labor Contract Law Curtailed Economic Growth?, 99 Denver U. L. Rev. (2022). [co-author Wenwen Ding]

Public Report on the Ability of Public Universities and Political Subdivisions in Virginia To Require Contractors To Pay Employees a Living Wage (February 20, 2020) [co-authors Nooreen Reza & Eliza Schultz]

Mapping Employment Dismissal Law: A Leximetric Investigation of EPL Stringency and Regulatory Style, International Labour Organization Working Paper (2017).

Economic Analysis of Employment Discharge Regulation, 82 COMPARATIVE STUDIES 116 (2016).

Employment Regulation and Youth Employment: A Critical Perspective, 38 HARV. J.L. & PUB. POL'Y 803 (2015).

Legal Ignorance and Information-Forcing Rules, 56 WM. & MARY L. REV. 899 (2015).

What We Know (and Don't Know) About Employment Protection Law in ENTERPRISE LAW: CONTRACTS, MARKETS, AND LAWS IN THE US AND JAPAN (Zenichi Shishido ed. 2014).

COLLABORATIVE TEACHING MATERIALS FOR CONTRACTS (CALI eLangdell Press 2012) (available under a Creative Commons BY-NC-SA 3.0 License).

Discharge in LABOR AND EMPLOYMENT LAW AND ECONOMICS (Kenneth G. Dau-Schmidt, Seth Harris & Orly Lobel, eds. 2009).

The Story of Woolley v. Hoffmann-La Roche: Finding a Way to Enforce Employee Handbook Promises, in EMPLOYMENT LAW STORIES (Samuel Estreicher & Gillian Lester, eds. 2007).

Is the ADA Efficient? 50 U.C.L.A. L. Rev. 903 (2003).

Disaggregating Antidiscrimination and Accommodation, 44 WM. & MARY L. REV. 1385 (2003).

Towards an Economic Theory of Disability Discrimination Law, New York University Working Papers on Labor and Employment Law: 1998-1999 (Michael Yelnosky, ed. 2001).

The Triumph of Formalism in the Supreme Court's Recent Employer Liability Decisions, in SEXUAL HARASSMENT IN THE WORKPLACE: PROCEEDINGS OF NEW YORK UNIVERSITY 51ST ANNUAL CONFERENCE ON LABOR (Samuel Estreicher, ed. 1999).

Un Approccio di Law and Economics alla Questione della Libertá di Licenziamento Negli Stati Uniti, 17 REVISTA ITALIANA DI DIRITTO DEL LAVORO 293-315 (1998) (Italian translation of "Employment Contract Law" essay).

Employment Contract Law, in THE NEW PALGRAVE DICTIONARY OF ECONOMICS AND THE LAW (1998).

Legal Regulation of Employment Reference Practices, 65 CHI. L. REV. 115 (1998).

An Empirical Perspective on Indefinite Term Employment Contracts: Resolving the Just Cause Debate, 1995 WISC. L. REV. 837.

Notice Liability in Employment Discrimination Law, 81 VA. L. REV. 201 (1995).

Free to Search, 105 HARV. L. REV. 2080 (1992) (reviewing Richard A. Epstein, FORBIDDEN GROUNDS: THE CASE AGAINST EMPLOYMENT DISCRIMINATION LAWS).

Racial Disparity and Employment Discrimination Law: An Economic Perspective, 8 YALE L. & POL'Y REV. 276 (1990) [co-author James Heckman].

Compensating Victims of Preferential Employment Discrimination Remedies, 98 YALE L.J. 1481 (1989).

Open Questions in Defense Economics and Economic Warfare, 33 J. CONFLICT RESOLUTION 480 (1989) [co-author Martin Shubik].

Works in Progress

“Probabilistic Restitution” [co-authors Dhammika Dharmapala, Nuno Garoupa]

“Domesticating Disclaimers” [co-author Rachel Arnow-Richman]

“Reconstructing Employment Contract Law” [co-author Rachel Arnow-Richman]

“Exploring Active Learning Pedagogy for Legal Education”

"Rethinking Vicarious Liability for Employee Torts"

“On the Importance of Social Context for Women’s Voices: Gender Differences in Law School Classroom Participation” [co-authors Sophie Trawalter & Molly Shadel]

“Collaborative Teaching Materials for Employment Law”

“An Online Library for Collaborative Teaching Materials”

Presentations

Keynote address in honor of Rachel Arnow-Richman’s chair appointment at University of Florida Levin College of Law, November 3, 2022.

“Rethinking Vicarious Liability for Employee Torts,” Conference on Scholarship in Employment and Labor Law, Vanderbilt Law School, October 22, 2022.

“Deconstructing Employment Contract Law,” Conference on Scholarship in Employment and Labor Law, Vanderbilt Law School, October 21, 2022.

“Gender Differences in Law School Classroom Participation: The Key Role of Social Context,” Virginia Law Review Legal Pedagogy Symposium, February 18, 2022.

“Gender Differences in Law School Classroom Participation: The Key Role of Social Context” [with Molly Shadel & Sophie Trawalter], faculty workshop at University of Virginia School of Law, November 19, 2021.

“The Bilateral Employment Contract” [with Rachel Arnow-Richman], Conference on Scholarship in Employment and Labor Law, October 15, 2021.

“Mapping Employment Dismissal Law: A Leximetric Investigation of EPL Stringency and Regulatory Style,” Conference on Empirical Legal Studies, Cornell Law School, Ithaca, New York, October 14, 2017.

“Rethinking Vicarious Liability for Employee Torts,” keynote lecture for Workplace Law Program, University of Denver School of Law, February 27, 2017.

“Adventures in Active Learning,” presentation to faculty at University of Denver School of Law, February 27, 2017.

“Rethinking Vicarious Liability for Employee Torts,” Chair Lecture, University of Virginia School of Law, October 26, 2016.

“Adventures in Active Learning,” presentation to the ABA Deans’ Conference Panel on Technology to Enhance Effective Teaching and Learning, San Francisco, CA, February 19, 2016.

“Mapping Employment Dismissal Law: A Leximetric Investigation of EPL Stringency and Regulatory Style,” University of Virginia School of Law, December 4, 2015.

“Is the ADA Efficient?” presentation at the International Conference on Challenges and Responses in Labor Law under the New Normal Economy, Renmin University of China Law School, Beijing, China, October 23, 2015.

“Economic Analysis of Employment Law,” invited lecture at The Grand Forums of the Most Honorable Jurists, Renmin University of China Law School, Beijing, China, October 21, 2015.

“Economic Analysis of Employment Law,” invited lecture at Nankai University Law School, Tianjin, China, October 19, 2015.

“Mapping Employment Dismissal Law: A Leximetric Investigation of EPL Stringency and Regulatory Style,” presentation at International Labour Organization, Geneva, Switzerland, September 25, 2015.

“Employment Regulation and Youth Employment: A Critical Perspective,” Showcase Panel on Youth, Employment, and the Law, Federalist Society National Lawyers Convention, Washington, DC, November 13, 2014.

“Is There a War on Women?” Panel Discussion jointly sponsored by the Federalist Society and Virginia Law Women, University of Virginia School of Law, October 28, 2014.

“Comments on Drahozal,” Conference on Does Disclosure Have a Future? at the University of Virginia School of Law, October 17, 2014.

“What We Know (and Don’t Know) About How Employment Protection Law Affects Employment,” Enterprise Law Conference, Hitotsubashi University, Tokyo, January 10-11, 2014.

“What’s Wrong and What’s Right with Instructional Technology?” Keynote Speech, Teaching with Technology Fair, University of Virginia, Charlottesville, Virginia, August 22, 2013.

“The Law and Economics of Discharge,” Research Institute of Economy, Trade and Industry (RIETI), Tokyo, July 15, 2008.

“Wrongful Dismissal Law: Where Have We Been and Where Are We Going?” Utrecht School of Economics, June 23, 2006.

"Legal Ignorance and Information-Forcing Rules," Centre for Employment and Labour Relations Law, Melbourne Law School, March 23, 2006.

"Legal Ignorance and Information-Forcing Rules," American Law & Economics Association Annual Meeting, Northwestern University Law School, May 7, 2004.

"Legal Ignorance and Information-Forcing Rules," Utrecht School of Economics, April 26, 2004.

"Legal Ignorance and Information-Forcing Rules," University of Virginia School of Law, July 15, 2003.

"Legal Ignorance and Information-Forcing Rules," William & Mary Law School, April 17, 2003.

"Disaggregating Antidiscrimination and Accommodation," Conference on Disability and Identity, William & Mary Law School, October 27, 2001.

Organizer, Conference on the Americans with Disabilities Act, Program for Employment and Labor Law Studies, University of Virginia School of Law, April 7-8, 2000.

Co-Organizer, Olin Conference on The Legal Construction of Norms, University of Virginia School of Law, February 25-26, 2000.

"An Economic Defense of Disability Discrimination Law," Georgetown University School of Law

"Towards an Economic Theory of Disability Discrimination Law," New York University School of Law

"An Economic Defense of Disability Discrimination Law," University of San Diego Law School

"An Economic Defense of Disability Discrimination Law," Stanford Law School

"An Economic Defense of Disability Discrimination Law," American Law and Economics Association Annual Meeting

"The Supreme Court on Sexual Harassment," Industrial and Labor Relations Research Association, Baltimore, Maryland Chapter, September 23, 1998

"An Economic Defense of Disability Discrimination Law," University of Texas, Faculty Colloquium, December 1997.

"Squeezing Lemons in the Labor Market: Market Dynamics, Asymmetric Information, and the Law," University of Virginia School of Law, February 1996.

"Squeezing Lemons in the Labor Market: Market Dynamics, Asymmetric Information, and the Law," University of Virginia Department of Economics

"Squeezing Lemons in the Labor Market: Market Dynamics, Asymmetric Information, and the Law," University of Pennsylvania School of Law, February 15, 1996.

"Squeezing Lemons in the Labor Market: Market Dynamics, Asymmetric Information, and the Law," University of Michigan School of Law, March 1996.

"Thinking Empirically About Employment Contracts," Texas Law Review Symposium on Employment Law, University of Texas, November 9-10, 1995.

"Law and Economics," Panel Discussion on Diversity, University of Virginia School of Law, April 22, 1993.

Debate with Clint Bolick on Disparate Impact and the Civil Right Act of 1991, Federalist Society, University of Virginia School of Law, September 30, 1992.

Other Professional Activities

Appointed as Diversity Monitor in *Amochaev v. Smith Barney* (pursuant to settlement agreement in class action suit alleging sex discrimination in compensation against Citigroup's Global Markets division).

Appointed Master in *Robinson-Smith v. GEICO* (overtime pay collective action brought under the FLSA).

Appointed to Steering Committee, The National Academies, Committee on National Statistics, Workshop on the Utilization of Women-Owned Small Businesses in Federal Contracting (4/1/2004 to 2/1/2005) (report published as National Research Council, *Analyzing Information on Women-Owned Small Businesses in Federal Contracting* (The National Academies Press 2005))

Appointed to arbitration panel in *Abdallah et al. v. The Coca-Cola Company* (No. 1-98-CV-3679 (RWS) N.D. Ga. 2000) (race discrimination class action settled for total of \$192.5 million).

Professional Affiliations

American Law and Economics Association