

GILLIAN LESTER

COLUMBIA LAW SCHOOL
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EMPLOYMENT

Columbia Law School

Dean, since Jan. 1, 2015
Lucy G. Moses Professor of Law

Berkeley Law School

Interim Dean, 2012-2014
Alexander F. & May T. Morrison Professor
Werner and Mimi Wolfen Research Professor
Associate Dean for J.D. Program and Curricular Planning, 2010-2013
Director, Berkeley Center for Health, Economic and Family Security, 2010-2012
Professor of Law, 2006-2014
Visiting Professor of Law, 2005-2006

Harvard Law School

Sidley Austin Visiting Professor of Law, 2008-2009

UCLA School of Law

Professor of Law, 1999-2006
Acting Professor of Law, 1994-1999

Georgetown University Law Center

Visiting Professor of Law and Sloan Fellow, Fall 2000

Stanford Law School,

Teaching Fellow, 1992-1993

Supreme Court of Ontario, Court of Appeal

Clerk to Chief Justice Charles Dubin and Justices Marvin Catzman and Louise Arbour,
1990-1991

University of British Columbia

Laboratory Technician, Dept. Psychology, 1986-1987

Short-term Academic Appointments:

University of Toronto Faculty of Law
Visiting Professor, January 7-10, 2020

Interdisciplinary Center, Herzliya, Israel
Visiting Professor, May-June 2013

University of Chicago Law School
Visiting Professor, June-July, 2011

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

COURSES TAUGHT

CONTRACTS; EMPLOYMENT LAW; SEMINARS: EMPLOYMENT POLICY, RETHINKING THE AMERICAN SOCIAL SAFETY NET, THE CRISIS OF THE MODERN WELFARE STATE IN COMPARATIVE PERSPECTIVE

EDUCATION

STANFORD LAW SCHOOL, J.S.D. 1998

Dissertation: Economic and Sociological Theories of Contingent Employment: Critique and Implications for Law Reform.

Laidlaw Foundation Fellowship

Social Sciences & Humanities Research Council of Canada Doctoral Fellowship

Queen Elizabeth II British Columbia Centennial Scholarship, for “highest all-round contribution to academic life in British Columbia” (full funding to Oxford University; declined to attend Stanford)

UNIVERSITY OF TORONTO FACULTY OF LAW, LL.B. 1990

Dean's List, 1990

Editor-in-Chief, U. T. FACULTY OF LAW REVIEW

Judy LaMarsh Prize

Osler, Hoskin & Harcourt Prize

J.S.D. Tory Foundation Award

Samuel and Clara Shime Prize in Law and Medicine

UNIVERSITY OF BRITISH COLUMBIA, B.Sc. PSYCHOLOGY 1986

Faculty of Science Dean's List, First in class
Morris Belkin Prize
British Columbia Post-Secondary Scholarship

PUBLICATIONS

Books

PHILOSOPHICAL FOUNDATIONS OF LABOUR LAW, (Oxford U. Press, 2018) (with Hugh Collins & Virginia Mantouvalou)

EMPLOYMENT LAW CASES AND MATERIALS, SIXTH ED. (LexisNexis, 2017) (with Steven L. Willborn, Stewart J. Schwab & John F. Burton, Jr.), plus teacher's manual and statutory supplement

_____, FIFTH ED (2012)

_____, FOURTH EDITION (2007)

FAMILY SECURITY INSURANCE: A NEW FOUNDATION FOR ECONOMIC SECURITY. Policy Platform (171 pp.). Workplace Flexibility 2010 and Berkeley Center for Health, Economic and Family Security (December 2010)

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

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

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

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

Articles and Chapters

Age Discrimination and Labour Law in the United States, in Mia Ronnmar & Ann Numhauser-Henning (eds.), AGE DISCRIMINATION AND LABOUR LAW: COMPARATIVE AND CONCEPTUAL PERSPECTIVES IN THE EU AND BEYOND (Kluwer Law International, 2015)

"Keep Government Out of My Medicare": The Search for Popular Support of Taxes and Social Spending, in Michael Sherraden and Marion Crain (eds.), WORKING AND LIVING IN THE SHADOW OF ECONOMIC FRAGILITY (Oxford U. Press, 2013)

Beyond Collective Bargaining: Modern Unions and Social Solidarity, in Brian Langille and Guy Davidov (eds.), *THE IDEA OF LABOR LAW*, pp. 329-343 (Cambridge University Press, 2011)

Can Joe the Plumber Support Redistribution? Law, Social Preferences, and Sustainable Policy Design, 64, *TAX LAW REVIEW*, pp. 313-375 (2011)

Choice of Law and Employee Restrictive Covenants: An American Perspective, 30, *COMPARATIVE LABOR LAW & POLICY JOURNAL*, pp. 389-423 (2010)

The Aging Workforce and Paid Time Off, in *DISABILITY AND AGING DISCRIMINATION: PERSPECTIVES IN LAW AND PSYCHOLOGY* pp. 71-91 (Richard L. Wiener & Steven L. Willborn, eds., 2010)

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

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

- Reprinted in *LEFCOURT, WOMEN AND THE LAW* (West Group, 2005)
- Excerpted in *BOWMAN, ET AL, FEMINIST JURISPRUDENCE: CASES AND MATERIALS*, 3D ED. (West, 2006), and 4TH ED. (2011)

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

- Excerpted in *WILLBORN, ET AL., EMPLOYMENT LAW: CASES AND MATERIALS*, THIRD ED. (Matthew Bender & Co., 2002), and *WILLBORN ET AL., FOURTH ED.* (2007)

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

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

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

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

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

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

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

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

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

Other Publications

Incentives, Investment, and Legal Protection of Trade Secrets (with Eric L. Talley) (2000) USC Law School, Olin Research Paper No. 00-15; Georgetown Law and Economics Research Paper No. 246406. Working paper available at <http://ssrn.com/abstract=246406>

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

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

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

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

PRESENTATIONS

Panelist, *Equal in Law and Life: Tribute to Justice Ruth Bader Ginsburg*, UN Women, New York, Dec 10, 2020

Keynote Speaker, *The Evolving Role of the University in Civil Society*, Goodman Lecture, University of Toronto Faculty of Law, Toronto, January 9, 2020

Keynote Speaker, *National Security and Civil Liberties*, West Point United States Military Academy, New York, November 12, 2019

Keynote Speaker, *Ushering in the Next Generation: What Can Law Student Culture Today Tell Us About the Legal Workforce of the Future?*, Epstein Becker Green General Counsel March Roundtable Event, New York, March 29, 2019

Panelist, #MeToo—The Courts, The Academy and Law Firms, AALS Annual Meeting, New Orleans, Jan 5, 2019

Keynote Speaker, Miami-Dade County Bar Association Annual Meeting, Feb. 10, 2017

Plenary Speaker, *An Industry Perspective on the Class of 2017*, National Association for Law Placement Annual Professional Development Conference, Washington D.C., Dec. 3, 2014

Age Discrimination Law in the United States, Age Discrimination and Labour Law Workshop, Faculty of Law, Lund University, Lund, Sweden, April 24-25, 2014

Paradoxical Preferences on Social Spending and Taxes: Implications for Regulatory Design, Chapman Dialog, Chapman School of Law, April 3, 2014

Supreme Court Round-Up, Practicing Law Institute Employment Law Update, San Francisco, Sept. 10, 2013

Work, Taxes, and the Social Safety Net, Work & Liveable Lives Interdisciplinary Conference, Washington University, February 26-27, 2012; University of Padua, Italy, March 8, 2013; Labor Law Research Network Conference, Barcelona, Spain, June 14-16, 2013

Commentator, Panel on The Economics of the Family (commented on *Mobility Measures*, by Naomi Schoenbaum), Law & Society Conference, June 3, 2011

Family Security Insurance: A New Foundation for Economic Security, Washington D.C. Press Club, U.S. Department of Labor, and The White House (Presentation of Policy Platform), December 2, 2010

Beyond Collective Bargaining: Modern Unions and Social Solidarity, Conference on The Idea of Labour Law, Cambridge, England, April 8-9, 2010

Income Redistribution Policies for Low-Wage Workers, Conference on Securing a Basic Income: Balancing Minimum Wage, Social Security and Welfare, Kobe University, Japan, January 23, 2010

Keynote Speaker, *Universal Work-Family Policies*, International Society for Labour and Social Security Law, XIX World Congress, Sydney, Australia, September 3, 2009; paper also presented at Radcliffe Institute for Advanced Study Conference on Gender and the Law, March 12-13, 2009

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

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

Can Joe the Plumber Support Redistribution?, U.S.C. Gould School of Law Faculty Workshop, April 18, 2008; University of Minnesota School of Law Public Law Workshop, February 5, 2009; University of Connecticut Law School Faculty Workshop; Yale Law School Workplace Theory and Policy Seminar, March 23, 2009; Harvard Law School Faculty Workshop, April 6, 2009; University of Tel Aviv Law School, May 20, 2010; University of Toronto Legal Theory Workshop, February 18, 2011; University of Chicago Faculty Workshop, March 8, 2011, University of Michigan Business School, November 2011, University of British Columbia School of Law, February 2012

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Unemployment Insurance and Wealth Redistribution, Presentations at UCLA School of Law, April 9, 2001; Cornell Law School, January 26, 2001; Georgetown U. Law Center, November 28, 2000; the Canadian Law & Economics Assn. Meeting, September 22-23, 2000; NYU School

of Law, Oct. 5, 1999; Loyola (Los Angeles) Law School, Sept. 17, 1999; Quinnipiac Law School, April 19, 1999; USC Law School Olin Workshop, April 10, 1999

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

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

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

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

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

The Oxytocin Fragment Prolyl-Leucyl-Glycinamide Facilitates Sexual Behaviour in the Female Rat, 18th Annual Meeting of the North American Society of Neuroscience, Toronto, Nov. 14-18, 1988 (with Boris Gorzalka and Kim Luck)

PROFESSIONAL ASSOCIATIONS & SERVICE

Columbia University

Board of Directors, Knight First Amendment Institute 2017-
Dean Search Committee, Columbia Business School 2018-19
University Judicial Board, Appeals Board 2017-

American Bar Association

Elected Member, 2014-
Planning Committee, Section on Legal Education and Admissions to the Bar, Law School Development Conference, San Diego, June 2-4, 2016

Association of American Law Schools

Executive Committee 2018-2020
Steering Committee 2018-2020
Nominating Committee AALS President-Elect and Executive Committee, 2017.
Planning Committee for Annual Meeting Workshop on Work, Workers and the Law in the 21st Century, 1999

American Law Institute

Elected Member, 2014-

Advisor, Restatement 3d Employment Law, 2002-2014

Legal Aid Society of New York

Board of Directors, 2014-

UCLA

Decanal Search Committee, 1997-98

Academic Senate, 1998-00

Council of Faculty Chairs, 1999-00, 2003-04, 2004-05

Chair, Vice-Chancellor's Workgroup on Sexual Harassment Policy & Procedure, 1999-00

Member, U.C. Chancellor Review Committee, 2003

Other Service, Memberships & Recognitions

Higher Education Power 50, City and State, 2019

Women's Forum of New York, 2017-

Mentor, 92nd Street Y Women in Power Fellowship Program for Rising Leaders, 2016-

Executive Board, International Society for Labor Law & Social Security, 2014-

External Review Committee, University of British Columbia Law School, 2014

External Review Committee, University of Colorado Law School, 2014

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

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

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

Consultant on Health Legislation, World Health Organization, 1993-94

PERSONAL

Married to Eric Talley. Two children b. 2001, 2004