

Orly Lobel

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APPOINTMENTS AND WORK EXPERIENCE

CHAired PROFESSOR OF LAW, UNIVERSITY OF SAN DIEGO

- Warren Distinguished Professor (permanent endowed chair) 2019-current
- Faculty Director, Employment and Labor Law Program
- Don Weckstein Professor of Employment and Labor Law 2012-2019
- Class of 1975 Professorship Award, granted to one faculty for meritorious leadership, teaching, and scholarship 2018-2019
- University Professor (endowed chair) 2012-2013
- Herzog Professor (endowed chair) 2010-11
- Associate Professor 2007-2009
- Assistant Professor 2005-2007
- Founding Faculty, Center for Intellectual Property Law & Markets
- 2009-10 Visiting Professor, UCSD Rady School of Management
- 2009-10 Searle-Kauffman Fellow on Law, Innovation, and Growth

TEL AVIV UNIVERSITY LAW FACULTY, Visiting Professor 2011-2012

YALE LAW SCHOOL, Visiting Lecturer, 2004-2005

HARVARD LAW SCHOOL, Clark Byse Teaching Fellow, 2003-2004.

Taught Workshop: *Restructuring Work: New Approaches to Law and Governance in a Flex-Regulatory Era* (Spring 2004)

HARVARD UNIVERSITY,

Center for Ethics and the Professions, Edmond D. Saphra Fellow, 2001-02.

Kennedy School of Government, Hauser Center Fellow for Non-Profit Research, 2002-2004.

Weatherhead Fellow for International Affairs, 2004-2005.

SUPREME COURT OF ISRAEL, Law Clerk for Justice Professor Itzhak Zamir, 1998-99.

ISRAEL DEFENSE FORCES, Intelligence Commander, Talpiot Project of Intelligence

NORTHWESTERN UNIVERSITY SCHOOL OF LAW, Chicago, IL. Chosen to represent Tel-Aviv University as a semester exchange student with scholarship, 1996-97. **GPA: A+** (4.4).

SORBONNE UNIVERSITY, Diploma of French Humanities, Paris, France, 1993-94.
Honors: Special excellence citation; Ranked number one in class.

PUBLICATIONS

Books

EMPLOYMENT LAW, 6TH EDITION (WITH MARK ROTHSTEIN ET AL) THOMPSON REUTERS 2020

EMPLOYMENT LAW, HORNBOOK SERIES 6TH EDITION (CO-EDITOR WITH MARK ROTHSTEIN ET AL) WEST ACADEMIC 2019

YOU DON'T OWN ME: HOW MATTEL V. MGA ENTERTAINMENT EXPOSED BARBIE'S DARK SIDE (WW NORTON 2017)

- Gold Medalist, Best Business Book - Winner of the Independent Publisher's 2018 Book Award
- Gold Medalist, The Nonfiction Authors Association
- Winner of the 2018 Thornes Book Award for Outstanding Legal Scholarship
- Eric Hoffer Award Gold Medalist, Business Books
- Montaigne Medal Finalist
- Reviews by Booklist (starred review), Publisher's Weekly, Kirkus, Legal Theory Bookworm (Top 10 Books of 2017), JOTWELL, Wall Street Journal, the New Yorker, Financial Times, Times Literary Supplement, Slate, La Repubblica, La Presse, the Australian, The Globes, Times Higher Education, Above the Law, Modern Law, Yahoo!LifeStyle (Must-read books), NPR, ABA Modern Law, TechDirt, Vulture, San Diego Tribune, San Francisco Chronicle, Fire of Genius, National Law Journal, Harvard Magazine, and more.
- Released by Norton UK Jan 3, 2018
- Released in Canada by Penguin Random House
- Paperback Release April 2019

TALENT WANTS TO BE FREE: THE UPSIDE OF LEAKS, RAIDS & FREE-RIDING (Yale University Press 2013)

- Gold Medalist Next Generation Book Awards Best Business Book 2015
- Gold Medalist of Axiom's 2014 Best Business Books
- Gold Medalist in the Independent Publishers Award 2014

- Winner of the 2014 International Book Awards Best Book in both the law and the business categories
- Winner of the 2014 Thornes Prize of Excellence in Legal Scholarship
- Finalist, 2014 San Diego Book Awards
- Reviewed/featured in the Economist, Fortune, Sunday Times, Forbes, NYT, Harvard Law Review.
- Book Symposium in Concurring Opinions
- Invited in August 2016 to speak about the book at the White House
- Foreign Translations

ENCYCLOPEDIA OF EMPLOYMENT LAW AND ECONOMICS (Elgar Publishing, with Dau-Schmidt and Harris 2009).

EMPLOYMENT & LABOR LAW (Ethics Press, 1998) [in Hebrew].

Articles

1. *Biopolitical Opportunities: Datafication & Governance*, Essay on Julie Cohen's Between Truth and Power, Notre Dame Law Review Online (2020).
2. *Non-Competes, Human Capital Policy & Regional Competition*, forthcoming JOURNAL OF CORPORATION LAW, Symposium in honor of Ronald Gilson (2020).
3. *Exit, Voice & Innovation*, HOUSTON LAW REVIEW, Annual Frankel Lecture (invited responses by Lisa Oullette and Todd Rakoff) (2020).
4. *Knowledge Pays: Reversing Information Flows and the Future of Pay Equity*, COLUMBIA LAW REVIEW (2020).
5. *Gentlemen Prefer Bonds: How Employers Fix the Talent Market*, New Directions in Antitrust Law Symposium, SANTA CLARA LAW REVIEW (2020).
 - [Jotwell review](#) by Charles Sullivan
6. *The Spinoff Advantage: Human Capital Law and Entrepreneurship*, forthcoming in ENTREPRENEURSHIP AND THE LAW (Brian Broughman & Gordon Smith Eds., Cambridge University Press 2020)
7. *Poor Consumer(s) Law*, forthcoming in LEGAL APPLICATIONS OF MARKETING THEORY (Jacob Gerson & Joel Steckel eds. 2019) with Yuval Feldman & Samuel I. Becher
8. *The Goldilocks Path of Legal Scholarship in a Digital Networked World*, symposium article, THE FUTURE OF LEGAL SCHOLARSHIP, LOYOLA LAW REVIEW 2019

9. [*Regulating the Sharing Economy: Self-Governance, Efficiency & Values*](#), Symposium Article for the China-Yale Law 2018 Conference on the Sharing Economy at the China Academy of Social Sciences, Beijing, GLOBAL LAW JOURNAL 2019.
10. [*Coase & the Platform Economy*](#), in CAMBRIDGE UNIVERSITY PRESS SHARING ECONOMY HANDBOOK 2018 (Nestor et al eds).
11. [*Secrets and Innovation: The Defend Trade Secret Act as Part of the New Secrecy Ecology*](#), (Keynote Lecture at University of Missouri Annual Conference), BUSINESS, ENTREPRENEURSHIP AND TAX LAW JOURNAL 2018
12. [*Platform Market Power*](#), BERKELEY LAW AND TECH JOURNAL, 2018 (with Kenneth Bamberger)
13. [*The NFL as a Workplace: Applying Occupational Health and Safety Laws to Protect Players*](#) (with Adam Finkel, Chris Deubert, Glenn Cohen & Holly Lynch) ARIZONA LAW REVIEW 2018
14. [*The Law of the Platform*](#) MINNESOTA LAW REVIEW 2016
 - [Jotwell review](#) by Margot Kaminski
 - [Jotwell review](#) by Marty Mailin
15. [*The Gig Economy and the Future of Employment and Labor Law*](#), USF LAW REVIEW 2016 (article based on Lobel's 12th Annual Pemberton Lecture at the 9th Circuit Court of Appeals Courthouse in San Francisco 2016).
16. [*Enforceability TBD: From Status to Contract in Intellectual Property Law, IP notice symposium*](#), BOSTON UNIVERSITY LAW REVIEW 2016.
17. [*Economic Espionage as Reality or Rhetoric: Prosperity as a Component of National Security*](#) (co-authored with Rochelle Dreyfuss), Trade Secrets and Business Law Symposium, LEWIS AND CLARK LAW REVIEW 2016.
18. [*Behavioral Approaches to the Study of Law*](#), in Rethinking Legal Scholarship: A Transatlantic interchange (Hans-Wolfgang Micklitz, Ed Rubin, and Rob van Gestel *EUI/Tilburg eds. Oxford Press 2016*).
19. [*The New Cognitive Property: Human Capital Law and the Reach of Intellectual Property*](#), TEXAS LAW REVIEW 2015.
 - Responses to the article published in*
 - *Texas Law Review Online* by Brett Frischman & Mark McKenna
 - [Jotwell](#) Review by Matt Bodie
20. [*Risk Management for the Future: Age, Risk and Choice Architecture*](#), in 43 Advances in Consumer Research 90 (Diel and Yoon ed.) (with On Amir).
21. [*Behavioral Tradeoff: Beyond the Land of Nudges Spans the World of Law and Psychology*](#), in NUDGING IN EUROPE: WHAT CAN EU LAW LEARN FROM BEHAVIORAL SCIENCES? 2014 (with Yuval Feldman).
22. [*How Noncompetes Stifle Innovation*](#), HARVARD BUSINESS REVIEW, January–February 2014 (with On Amir).

23. [*Driving Performance: A Growth Theory of Non-Compete Law*](#) (with On Amir), STANFORD TECHNOLOGY LAW REVIEW (2013).
24. [*Liberalism and Lifestyle: Informing Regulatory Governance with Behavioral Research*](#), EUROPEAN JOURNAL OF RISK REGULATION, 2012 (with On Amir).
25. *Non-Union Employment Representation Systems: The United States from a Comparative Perspective*, in EMPLOYMENT REPRESENTATION SYSTEMS AROUND THE WORLD, Kluwer 2012 (with Anne Lofaso).
26. *Talent wants to be Free: Human Capital & Knowledge Flows UNIDO REPORT NETWORKS OF PROSPERITY 2012* (special UN invitation).
27. [*Linking Prevention, Detection, and Whistleblowing: Principles for Designing Effective Reporting Systems*](#), Symposium on Whistleblowing and the Regulation of Workplace Reporting, SOUTH TEXAS LAW JOURNAL, 2013.
28. *Employment and Labor Law and Economics* (with Yuval Feldman and Lilach Luria), in LAW AND ECONOMICS (Uriel Procaccia ed.) (in Hebrew) 2012.
29. [*New Governance as Regulatory Governance*](#), OXFORD HANDBOOK OF GOVERNANCE (David Levi-Four ed. 2012).
30. *Whistleblowers and Social Enforcement* (with Yuval Feldman) in EXPLAINING REGULATORY COMPLIANCE (Nielsen & Parker Eds., Elgar 2011)
31. *Is Law Dangerous?* in IS LAW IMPORTANT (Menny Mautner ed., Hebrew 2011).
32. [*The Incentives Matrix: A Study of the Comparative Effectiveness of Monetary Rewards as Compliance Systems*](#) (with Yuval Feldman) TEXAS LAW REVIEW (2010).
 - Winner of the ABA Litigation Section Research Fund Grant
 - Selected for Yale-Stanford Junior Faculty Forum
33. [*Lawyering Loyalties*](#), FORDHAM LAW REVIEW (2009).
34. [*Citizenship, Organizational Citizenship, and the Laws of Overlapping Obligations*](#), CALIFORNIA LAW REVIEW 2009
 - Selected for the Seton Hall Junior Scholar Forum in Employment and Labor Law, 2007
35. *The Overlaying of Fair Trade Systems on Other Regulatory Approaches*, FAIR TRADE, CORPORATE ACCOUNTABILITY AND BEYOND (Ashgate 2009).
36. [*National Regulation in a Global Economy: New Governance Approaches to Twenty-First Century Work Law*](#), in ELGAR ENCYCLOPEDIA OF EMPLOYMENT LAW AND ECONOMICS (Dau-Schmidt, Harris & Lobel eds. 2009).
37. [*Intellectual Property and Restrictive Covenants*](#) in ELGAR ENCYCLOPEDIA OF EMPLOYMENT LAW AND ECONOMICS (Dau-Schmidt, Harris & Lobel eds. 2009).
38. [*Behavioral Versus Institutional Antecedents of Decentralized Enforcement: An Experimental Approach*](#) (with Yuval Feldman), REGULATION & GOVERNANCE 2008.

39. [*Stumble, Predict, Nudge: How Behavioral Economics Informs Law and Policy*](#) 108 COLUMBIA LAW REVIEW 2098 (2008). (with On Amir)

40. [*The Paradox of “Extra-Legal” Activism: Critical Legal Consciousness and Transformative Politics*](#), 120 HARVARD LAW REVIEW 937 (2007)
 - winner of the Thorsnes Prize for Faculty Scholarship
 - Reactions by Professors Scott Cummings and Robert Fellmeth published in the Harvard Law Review Forum.
 - Excerpted Reprint in the Journal of Law and Social Change [Hebrew]

41. *Form and Substance in Labour Market Policies*, in *The Intersection of Rights and Regulation: New Directions in Sociolegal Scholarship* (Brownen Morgan, Ed., Ashgate Press 2007).

42. [*Big Boxes’ Benefits: The Targeting of Giants in a National Campaign to Raise Work Conditions*](#), Wal-Mart Matters Symposium, UNIVERSITY OF CONNECTICUT LAW REVIEW (2007).

43. [*Rethinking Traditional Alignments: Privatization and Participatory Citizenship in Clare Dalton*](#) ed., PROGRESSIVE LAWYERING, GLOBALIZATION AND MARKETS: RETHINKING IDEOLOGY AND STRATEGY 2007.

44. [*Reflections on Gender Equality and the Regulation of Sexuality in the Workplace: A Response to Kim Yuracko*](#), Symposium on the Rights and Wrongs of Discrimination, SAN DIEGO LAW REVIEW (2006).

45. [*Walmartization and the Fair Share Act*](#), Symposium on Employer-based Health Care, 19 ST. THOMAS LAW REVIEW 105 (2006) (with Julia Contreras).

46. [*The Four Pillars of Work Law*](#), 104 MICHIGAN LAW REVIEW 1539 (2006) (review essay).
 - Reprinted in ICFAI Journal of Employment Law (2006).

47. [*Sustainable Capitalism or Ethical Transnationalism: Off-Shore Production and Economic Development*](#), 17 Fordham University symposium on trade and human rights, Journal of Asian Economics 56 (2006).

48. *Governing Occupational Safety in the United States* in NEW GOVERNANCE AND CONSTITUTIONALISM IN EUROPE AND THE UNITED STATES (Grainne De Burca & Joanne Scott eds., Hart Publishing: Oxford, UK 2006).

49. *Making Consumption Decisions By Following Personal Rules*, in *Inside Consumption: Frontiers of Research on Consumer Motives, Goals, and Desires* (Ratti Ratneshwar & David Mick eds. Routledge Press 2006) (with On Amir & Dan Ariely).

50. [*Interlocking Regulatory and Industrial Relations: The Governance of Worker Safety*](#), 57 Administrative Law Review 1071 (2005) (winner of the 2005 Irving Oberman Memorial Award for best paper on a current legal issue in law and governance).
 - Excerpt reprinted in Mark Tushnet & Lisa Heinzerling, THE REGULATORY AND ADMINISTRATIVE STATE (Oxford University Press 2006).
 - Excerpt reprinted in Timothy P. Glynn et al., EMPLOYMENT LAW (Aspen 2007).

51. *Formulating a New Paradigm: Newness and the Ripeness of the Moment* (Proceedings from the New Legal Realism Conference) 2005 WISCONSIN LAW REVIEW 479.
52. [*Setting the Agenda for New Governance Research*](#), 89 MINNESOTA LAW REVIEW 498 (2004)
53. [*The Renew Deal: The Fall of Regulation and the Rise of Governance in Contemporary Legal Thought*](#), 89 MINNESOTA LAW REVIEW 342 (2004)
 - selected for the Yale/Stanford Junior Faculty Forum
 - response by Bradley Krakeinan in the Minn. L. Rev
 - translated and reprinted in FRONTIERS IN PUBLIC LAW (Journal of Peking University School of Law, China).
 - Excerpt reprinted in Federal Administrative Law, Cases and Materials (University Casebook Series) (Kristin Hickman & Richard J. Pierce)
54. *Between Individualism and Solidarity: Collective Efforts for Social Reform in the Heterogeneous Workplace*, Vol. 14 RESEARCH IN THE SOCIOLOGY OF WORK (2004).
55. [*Gender Discriminatory Behavior During Adolescence and Young Adulthood: A Developmental Analysis*](#), JOURNAL OF YOUTH AND ADOLESCENCE 2004 (with Thalma Lobel, Nohar Nov-Krispin, Daniela Schiller & Amit Feldman).
56. [*Orchestrated Experimentalism in the Regulation of Work*](#) 101 MICHIGAN LAW REVIEW 2146 (2003) (review essay).
 - *reprinted in* EMPLOYMENT DISCRIMINATION LAW: CASES, PROBLEMS AND CRITICAL PERSPECTIVES (Janis McDonald, Frank Ravitch, & Pamela Summers eds., Prentice Hall 2005).
57. *The Law of Social Time*, 76 TEMPLE LAW REVIEW 357 (2003) (review essay).
58. [*The Slipperiness of Stability: The Private Employment Agency and Flexible Work Arrangements*](#), Symposium: The Role of Contract in the Modern Employment Relationship, 10 TEXAS WESLEYAN LAW REVIEW 109 (2003).
59. [*Family Geographies: Global Care Chains, Transnational Parenthood, and New Legal Challenges in an Era of Labor Globalization*](#), 5 CURRENT LEGAL ISSUES 383 (Oxford University Press, 2002).
60. [*Agency and Coercion in Labor and Employment Relations: Four Dimensions of Power in Shifting Patterns of Work*](#), 4 UNIVERSITY OF PENNSYLVANIA JOURNAL OF LABOR AND EMPLOYMENT LAW 121 (2001).
61. [*Class and Care: The Roles of Private Intermediaries in the In-home Care Industries in the United States and Israel*](#), 24 HARVARD WOMEN'S LAW JOURNAL 89 (2001).

Representative Popular & Shorter Writing

1. [*The Debate about How to Classify Workers is Missing the Bigger Picture*](#), Harvard Business Review July 2019.

2. [*The History Behind the NDAs Trump Wants to Weaponize*](#) **The Atlantic** *March 2019*.
3. [*NDAs Are Out of Control. Here's What Needs to Change*](#), Harvard Business Review Feb 2018.
4. [*The Uber-Waymo Law Suit: It Should Be Easy to Poach Talent, But Not IP*](#), Harvard Business Review June 2017.
5. [*Companies Compete But Won't Let Their Workers Do the Same*](#) New York Times, May 2017.
6. [*The Prisoner's Dilemma in Airing Fox's Corporate Culture*](#), Fortune, June 2016.
7. [*Why California is Such a Talent Magnet*](#), Harvard Business Review January 2016.
8. *High Tech Hubs & Post-Employment Restrictions: Hawaii Joins California in its Ban of Non-Competes*, CaseText, August 2015.
9. *Trade Secrets Behind a Paywall? Angie's Lists Sues Amazon Local*, CaseText, June 2015.
10. [*Don't Let the Law Undermine Employee Incentives*](#) (with Jim Bessen) Harvard Business Review Oct 2014.
11. *By Suppressing Mobility, NonCompete Pacts Suppress Innovation*, New York Times, June 2014.
12. [*My Ideas, My Boss's Property*](#), New York Times April 2014.
13. *Silicon Valley's Human Capital Antitrust*, Daily Journal, April 11, 2014.
14. *Aereo Isn't Illegal Just Because It Threatens Broadcasters*, Harvard Business Review April 2014.
15. *Understanding the Copyright Wars: Google Books, Goldblox and Aereo*, Harvard Business Review Feb 2014.
16. *Compensation Should Be Guided by Merit*, Wall St. Journal, Jan. 23, 2014.
17. *Why Noncompetes May Give You the Least Desirable Employees*, Wall St. Journal, Jan. 22, 2014.
18. *Turnover Alchemy: Converting Employee Losses Into Gains*, Strategy and Business, March 2014.
19. *Forget Brain Drain*, Tablet Magazine, December 2013.
20. *To Hide or to Patent*, Harvard Business Review, November 22, 2013.
21. *Creativity, Discovery and Intellectual Property*, ACS Blog, October 15, 2013
22. *Free Your Talent and the Rest Will Follow: Why Silicon Valley Flourishes and Cognitive Controls are Dangerous*, The Freeman Magazine, October 14, 2013.
23. *Aggressive Talent Wars are Good for Cities*, Harvard Business Review Online, October 4, 2013.
24. *America's Hypocritical Approach to Economic Espionage*, Fortune / CNN Money, September 24, 2013.
25. *The Benefits of Talent Mobility*, Businessweek, September 16, 2013
26. *Choose Your Battles to Win the Talent War*, Chief Executive Magazine, July 19 2013.
27. *Talent: Raid It, Own It, Set It Free*, Change This, CEOREAD-800, 109.04, July 2013.
28. *Who is a Hero and Who is a Snitch: Cross Cultural Studies of Whistleblowing Behavior*, The Marker Magazine, April 2013 (in Hebrew).

29. *The Cognitive-Citation App*, Micro-Symposium on Orin Kerr's 'A Theory of Law' (2012). *Green Bag 2d*, Vol. 16, No. 2, 2013, pp. 213-226; *Journal of Law: A Periodical Laboratory of Legal Scholarship*, Vol. 2, No. 3, 2012, pp. 487-502.
30. *Book Review: Roger Waldinger & Michael I. Lichter, How the Other Half Works: Immigration and the Social Organization of Labor*, *REV. OF POLITICAL ECON.* (2009).
31. *Book Review: Labour Law and Labour Market Regulation*, *COMPARATIVE LABOR LAW AND POLICY JOURNAL* 2008.
32. *Developments in Law and Economics of Employment Law*, Proceedings of the 2008 AALS Annual Meeting, Section on Law and Economics, Volume 12, Issue 2, of the *Employee Rights and Employment Policy Journal*.
33. *New Ways of Governing the Workplace*, Proceedings of the 2007 AALS Annual Meeting, Section on Labor and Employment law, *EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL* 2007.
34. *The New Labor Market and Regulatory Innovation from an American Perspective*, 23 *REVISTA DO TRIBUNAL DO TRABALHO DA 15ª REGIÃO-BRAZIL* (2004).
35. *Tanner Lecture Review: Dean Kathleen Sullivan on Emergency Constitutionalism, Ethics@Harvard* (President of Harvard University Commissioned Report 2002) (with Martin Sandbu).
36. "Between Coercion and Freewill" *Haaretz*, Sept. 1997 (in Hebrew).
37. "Who Owns This Profile?" *Haaretz*, Nov. 1997 (in Hebrew).

WORKS IN PROGRESS & GRANTS

1. *The Contract Thicket: Addition and Supra Addition in Private Law Theory* (law review project, draft available upon request).
2. Gouging and Scarcity
3. *Transparency and Pay: An Empirical Study* (with Rachel Arnow-Richman & Zev Eigen)
4. *BOT GIRL AND ME: AI AND THE PATH TO GENDER EQUALITY*. Book project under submission.
5. *Goldilocks Innovation*, invited book chapter, Gruter Institute/Kauffman Foundation book project.
6. Reporter, *Understanding Safety Regulation*, *Harvard University-NFL Grant*
7. *Risk Management for the Future: Judgment, Decision Making and Choice Architecture*, **Netspar Research Grant, Tilburg University** 2011-2012
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2102541
8. *Healthy Choices* (with On Amir) **Robert Wood Johnson Foundation Grant 2010-2011**
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1876734

9. *Creativity and Ethicality: Inversed?* (with Yuval Feldman and Kathleen Vohs)
10. *Peer-Review Regulation* (with Michal Gal)
11. *What Consumers Care About* (surveying individuals on issue-based consumer social responsibility; meta-data analysis on green/social responsibility indexes)
12. *Regulating Coexistence in the New Economy: Nonprofit Human Service Providers in a Workforce Development Approach* (KSG Working Paper
http://www.ksg.harvard.edu/hauser/publications/working_papers/workingpaperlist.htm awarded the *Hauser New Research Fund Grant*; SSRN: <http://ssrn.com/abstract=463642>).
13. *Exercises in Futility: Regulating Organ Supply in a Commodified Globalizing World* (with Hagai Boas)

EXPERT WORK

- Expert witness on a case involving noncompetes and nonsolicitation agreements in California 2020
- Expert witness in *Insight Global v. Beacon Hill* – submitted Expert Report 2018; Was Deposed in November 2018; Case settled in 2019.
- Expert witness in *John Barker v. Insight Global* – submitted Expert Report & Declaration in Support of Class Certification 2019
- Expert witness in a FINRA case – Testified before the arbitration panel 2018
- Expert Consultant for major studio in a federal case involving employment agreements and competition
- Expert witness in employment arbitration case involving production studios, submitted expert report
- Expert witness in *Juniper v. Palo Alto Networks*, submitted expert report

REPRESENTATIVE CONFERENCES AND INVITED TALKS

1. Faculty Workshop, Hebrew University, June 2020
2. Law and Economics Series Speaker, Tel Aviv University 2020
3. Keynote Speaker, Annual Distinguished Lecture in Tech Law, Case Western, April 2020.
4. Speaker, Loyola University Chicago Faculty Workshop April 2020.

5. Speaker, Class Action Forum, USD March 2020
6. Speaker, Chief District Judge Conference of the 9th Circuit, Feb 2020.
7. Speaker, Notre Dame University Conference Between Truth and Power Book Event, Jan 2020.
8. Speaker, University of Texas Conference on IP & Gender, Feb 2020.
9. Keynote Speaker, Federal Trade Commission Workshop on Noncompetes, DC Jan 2020
10. Keynote Speaker, Annual Frankel Lecture, Houston Law Review, Oct 2019.
11. Speaker, Univ of British Columbia Faculty Workshop, Oct 2019.
12. Speaker, Villanova Law School Faculty Workshop, Sept 2019.
13. Speaker, Corporate Law Conference in Honor of Ronald Gilson, Wharton, Sept 2019.
14. Speaker, University of Virginia Law School Faculty Workshop, Sept 2019.
15. Speaker, UC Hastings Faculty Workshop, August 2019.
16. Speaker, Center for Private Law Speakers Series, Yale Law School April 2019
17. Keynote Speaker, IP Conference, Montana University Law School, April 2019
18. Keynote Speaker, Federal Bar Association, US District Courthouse, Seattle WA, April 2019
19. Keynote Speaker, University of Colorado Annual IP Workshop, March 2019
20. Speaker, Santa Clara Law Review Symposium on Antitrust Law, Feb 2019
21. Speaker, Mastering Class Action Mastery Forum, San Diego Jan 2019
22. Speaker, ACS Event on Gender Equity in Big Law, San Diego Jan 2019
23. Speaker, ACS National Meeting on Regulation, Washington DC, Dec 2018
24. Speaker, California Bar Association IP Institute, Nov 2018
25. Elected participant, TED Women, November 2018
26. Washington DC Author Event, Orrick DC, Oct 2018
27. Georgetown University, Book Talk, Oct 2018
28. Faculty Workshop, UCI Law Faculty, Oct 2018
29. Speaker, Conference on Behavioral Law and Leadership, George Washington University, Oct 2018
30. Speaker, Notre Dame Roundtable on Governance, Sept 2018
31. Speaker, Conference on AI & Law, Berkeley, Sept 2018
32. Book Talk, Humanities Center, USD, Sept 2018
33. Bar Ilan University, Faculty Workshop, July 2018
34. Keynote Speaker, Law and Governance in Globalization, Yale-China Center Conference, Beijing May 2018 ; additional lectures at Renmin University and Peking University.
35. Keynote Speaker, Lawyers Club San Diego, Pay Equity Day Luncheon, April 2018

36. Speaker Trade Secrets Summit, AIPLA March 2018
37. Speaker, Gender Sidelining Conference, April 2018
38. Spring 2018 Book talks: Harvard Law School, Northeastern University, Suffolk, Chicago-Kent, Berkeley, USD, UC Irvine, UCSD.
39. Speaker, Conference on The Future of Legal Scholarship, invited speaker (other speakers include Judge Posner and Mark Lemley), April 2018.
40. AALS Panels, Jan 2018, Section on Employment and Labor Law; Section on Economic Development.
41. Evil Twin Debate, IP Forum, Jan 2018, debating DTSA and trade secrecy.
42. Plenary Speaker, State of Our State, ASU October 2017.
43. Speaker, Platform Law Conference, UC-Berkeley Law School April 2017.
44. Speaker, Berkeley-USD Business Law Meet-Up Las Vegas March 2017.
45. Keynote speaker University of Missouri School of Law's Implementing and Evaluating the Defend Trade Secrets Act, March 10 2017.
46. 17th Annual Women and the Law Conference TJ School of Law, Panel Chair and Moderator, February 2017.
47. Speaker, Inauguration Conference of Center on Disability Law, Loyola Law School, Jan 2017.
48. Public lecture in the Grande Bibliotheque du Quebec in Montreal on the Sharing Economy, January, 2017.
49. Speaker, Workshop on Regulating the Sharing Economy at the University of Sherbrooke, Longueuil, Jan 2017.
50. Labor Law Group, Annual Meeting, UCLA Faculty Center Dec 2016.
51. Speaker, Fischman Anniversary Conference, Waldorf Astoria Hotel, Jerusalem, Nov 2016.
52. Faculty Workshop, The Law of the Platform, Fordham University School of Law Sept 2016.
53. The White House – presidential policy team meeting about non-competes, invited to present research and book *Talent Wants to Be Free*. Subsequently, member of White House working group, culminating in a Call for Action to the States, August 2016.
54. Speaker, Talent Wants to Be Free, San Diego Regional EDC's Economic Development Committee, May 2016.
55. Speaker, Gruter Institute Annual Conference, Squaw Valley, May 2016.
56. Employment Law and Technology, Hofstra Univ., presentation on BYOD to work implications for human capital law, May 2016.

57. Old Regulatory Models, New Technologies, speaker at event sponsored by Engine and the Berkeley Center for Law & Technology.
58. Faculty Workshop, Georgetown, April 2016
59. 12th Annual Pemberton Lecture, 9th Circuit Court of Appeal Courthouse, Feb 2016.
60. Faculty Workshop, UC Davis, Feb 2016
61. Faculty Workshop, SMU, Feb 2016.
62. Faculty Workshop, BYU, Feb 2016
63. Faculty Workshop, UCI, Jan 2016
64. Faculty Workshop, Michigan Law School, Oct 2015
65. Faculty Workshop, Iowa Law School, Sept 2015
66. Business Law Forum, Lewis & Clark Sept 2015
67. IP Notice, Boston Law Review Symposium, Sept 2015
68. Talent Summit, Monterey Oct 2015
69. Understanding the Effect of Regulation on Innovation, George Washington University, March 2015
70. Innovation Beyond IP, Yale University, March 2015
71. Faculty Workshop, Haas UC Berkeley Feb 2015
72. Faculty Workshop, BYU, Nov 2014
73. Knowledge Summit, Harvard Club, NY, Nov 2014
74. Trade Secret Summit, Intel, Nov 2014.
75. Human Capital Law, three lectures in Seoul National University and Samsung, Korea, Nov 2014.
76. Faculty Workshop, USC, Oct 2014
77. Faculty Workshop, Cardozo, October 2014
78. Start-ups and IP, University of Tokyo, September 2014
79. Book Talk, University of British Columbia, September 2014
80. Law and Society Association Annual Meeting, June 2014
81. Faculty Workshop, Notre Dame Law School, April 2014

82. Talent Wants to Be Free, NYU, NY April 2014
83. Innovation Motivation, Hofstra, NY April 2014
84. The New Cognitive Property, Yale Law School, New Haven March 2014
85. Behavioral Economics and Policy, EUI, Florence, Italy, March 2014
86. Faculty Workshop, Thomas Jefferson School of Law, Feb 2014
87. Faculty Workshop, University of Nevada School of Law, Feb 2014
88. Human Rights and Human Mind, Tel Aviv, December 2013
89. Emerging Issues in Employment Law, Appellate Judges Education Summit, San Diego November 2013.
90. Talent Wants to Be Free, University of Georgia, October 2013
91. Human Capital and Talent Wars, Annual Employment Law Scholars, Las Vegas September 2013
92. Governance and Behavioral Law, Universite Paris Sud, Paris July 2013
93. Whistleblowing and Good Governance, Law and Society Annual Meeting, Boston June 2013
94. Non-Competes and Endogenous Growth Theory, Emory University, April 2013
95. Age and Risk Taking, University of Georgia Business School, April 2013
96. Innovation Motivation, Faculty Workshop, University of Denver, Feb 2013.
97. Human Capital Law, Law and Business Speakers Series, University of Colorado, Feb 2013.
98. Human Capital Law, WIPIP, Seton Hall, Feb 2013
99. Risk Management for the Future, Insurance and Consumer Law Section, AALS 2013.
100. Whistleblowing and Privatization, Israeli Law and Society Conference, Dec 2012.
101. Human Capital Law, Law and Economics Workshop, Tel Aviv University, Dec 2012.
102. Risk Management for the Future, CELS, Stanford University November 2012.
103. Innovation Motivation, MLEA, Washington University, October 2012.
104. IASC, Building Institutions for Sustainable Scientific, Cultural and Genetic Resources Commons, Louvain, Belgium, September 2012
105. Knowledge Networks and Knowledge Network Governance, UNIDO, Vienna, September 2012
106. Comparative Administrative Law in Asia, Sinica Institute, Taipei, Closing Plenary Speaker, August 2012

107. Antitrust and Employment Law, Annual Labour and Employment Law Conference, Eilat March 2012
108. IZA - Institute for the Study of Labor, Germany, March 2012.
109. Symposium on Whistleblowing Law, University of Houston School of Law, March 2012.
110. The Japan Institute for Labour Policy and Training, Tokyo, February 2012.
111. Business and Finance Law Conference, Athens, Greece, December 2011.
112. America Invents Act Conference, Bar Ilan University, December 2011.
113. Contracts: Economic, Behavioral, and Empirical Perspectives, Hebrew University, Dec 2011.
114. Law and Economics Conference, Italy, December 2011.
115. Faculty Workshop, Haifa University, December 2011.
116. Faculty Workshop, Interdisciplinary Center, Herzliya, November 2011.
117. University of Pennsylvania School of Law, Center for Innovation and Competition, Faculty Workshop, September 2011.
118. Peking University, Conference on Regulation and Governance, July 2011
119. Law and Society Association Annual Meeting, June 2011
120. American Law and Economics Association, Columbia, May 2011
121. University of Pittsburg Faculty Workshop, April 2011
122. Law and Economics Workshop, Boston University March 2011
123. Faculty Workshop, Pepperdine Law School Feb 2011
124. National Health Policy Conference, Arizona State Jan 2011
125. IP Scholars (Plenary Presentation) Berkeley, August 2010
126. International Health Economics Conference, Helsinki July 2010
127. Faculty Workshop, Bar-Ilan University July 2010
128. Labor Law Group, Biennial Meeting, UCLA Arrowhead Center, June 2010.
129. American Law and Economics Association, Princeton, May 2010
130. ABA Section on Employment and Labor Law Annual Meeting, Coronado, March 2010
131. Law and Economics Conference at Chapman, March 2010
132. Innovation and Law Conference, USC, March 2010
133. Faculty Workshop, Cornell Law School, February 2010.
134. Law, Innovation and Growth, Florida Jan 2010.
135. Robert Wood Johnson Foundation, Grantee Annual Meeting, Philadelphia Jan 2010
136. Israeli Law and Society Annual Meeting, December 2009.
137. Law and Technology Workshop, Tel-Aviv/IDC, December 2009.

138. Behavioral Law and Economics, Haifa, December 2009.
139. Faculty Workshop, Vanderbilt Law School, November 2009.
140. Aspiring Law Professor Conference, Arizona State October 2009.
141. Law, Innovation and Growth, Searle Center, Northwestern, October 2009.
142. Conference on Empirical Legal Studies, Berkeley, April 2009.
143. Law and Society Annual Meeting, Denver, May 2009.
144. American Association of Law School, Mid-Year Meeting, June 2009.
145. Faculty Workshop, UC Hastings School of Law, January 2008.
146. Faculty Forum, Hebrew University School of Law, December 2008.
147. International Law and Society Meeting, Hebrew University, December 2008.
148. Faculty Workshop, Loyola LA School of Law, October 2008.
149. Annual Conference of Employment and Labor Law Scholarship October 2008, San Diego (co-organizer).
150. The Lawyer's Role, Fordham Law Review Symposium, September 2008.
151. Regulation & Governance CRN, LSA May 2008, Montreal.
152. The Global Workplace: Expanding Intellectual Borders with International and Comparative Workplace Law, Thomas Jefferson School of Law, February 2008.
153. AALS Annual Meeting 2008, Law and Economics Section Panel, NYC.
Beyond Adversarial Governance, UC Hastings College Of The Law, February 2008.
154. Conference on International Trade, Ethics and Corporate Accountability, University of Melbourne, December 2007.
155. Faculty Presentation, University of Melbourne, December 2007.
156. Faculty Presentation, Tel-Aviv University Faculty of Law, November 2007.
157. Northwestern Law Faculty Workshop, November 2007.
158. Employment and Labor Law Junior Faculty Forum, Seton Hall, October 2007.
159. University of North Carolina Faculty Workshop, October 2007.
160. University of Alabama Faculty Workshop, September 2007.
161. Faculty Workshop, Southwestern University of Finance and Economics (SWUFE), China, August 2007.
162. Loyola-LA School of Law, Faculty Workshop, March 2007.
163. Thomas Jefferson School of Law, Faculty Workshop, February 2007.
164. AALS Annual Meeting 2007, Presentation on the Employment and Labor Law Section Panel, Washington DC, January 2007.
165. Wal-Mart Matters, Symposium of the Connecticut Law Review, Oct 2006.

166. Colloquium on Current Scholarship in Labor and Employment Law, Marquette University, October 2006.
167. Law and Society Association, Annual Meeting, Baltimore, July 2006.
168. Regulation and Rights Conference, Baltimore, July 2006.
169. The Labor Law Group Annual Meeting, Saratoga Springs, N.Y., June 2006.
170. The Rise of New Governance and the Transformation of Law, University of Wisconsin School of Law, April 2006.
171. The Rights and Wrongs of Discrimination, University of San Diego Institute of Law and Philosophy, April 28-29, 2006.
172. Georgetown Law Center Faculty Workshop, October 2005.
173. Thomas Jefferson School of Law, Faculty Workshop, October 2005.
174. Conference on Entrepreneurship and Human Rights, Fordham University, August 2005.
175. Summer Institute of Law and Society, Oxford, July 2005 (with full grant).
176. Law and Society Association, Annual Meeting, Las Vegas June 2005.
177. New Governance in a Globalized World: A Critical Engagement with the Emergence of Soft Law and Non-State Norms and Regulation, Harvard University, February 2005.
178. Conference on Comparative Administrative Law, UCSD political science dept.-USD law, January 2005.

TEACHING INTERESTS

Employment Law; Employment Discrimination; Labor Law
Intellectual Property; Trade Secrets; Copyright Law; IP Strategy & Corporate Innovation;
Entrepreneurship and the Law
Contracts; Torts
Administrative Law; Law and Governance; The Regulatory Process
Behavioral Law and Economics; Consumer Law

LANGUAGES

English & Hebrew – native
French - fluent
Spanish & Arabic – basic

UNIVERSITY COMMITTEES & SERVICE

University-wide IRB Committee, 2019-present.

Faculty Development Committee, 2015-2018.
Chair, Faculty Appointments Committee, USD School of Law, 2014-2016
Faculty Appointments Committee, USD School of Law, 2009-2018
Faculty Representative to USD's Compensation Audit Committee
Law Faculty Ambassador, CARE project, to increase campus awareness for reporting sexual assault
Member, University of San Diego, University Senate's Faculty Status Committee.
Member, University of San Diego, Curriculum Committee for the New
Peace and Justice School.
Member, University of San Diego, Search Committee for the LRC Director.
Judge, Member, University of San Diego, Law School Mock Trial Sessions
Coordinator, University of San Diego Law School Faculty Speakers Series, 2007-2009
Faculty Advisor, Employment and Labor Law Student Association
Faculty Advisor, Students for Reproductive Justice
Faculty Advisor, Women's Law Association
Faculty Advisor, Jewish Law Student Association

PROFESSIONAL ASSOCIATIONS & ACTIVITIES

Founding Member, Fair Pay Workplace Alliance
Area Reviewer, ALEA
Area Reviewer, ELEA
Advisory Board, CaseText
Advisory Board, Opening.co
Elected Member, American Law Institute (ALI)
Vice Chair, Collaborative Governance Section, Administrative Law & Regulatory Practice,
ABA
Advisory Board, San Diego Lawyer Chapter of the American Constitution Society, 2010-Current
Advisory Board, The Employee Rights Center, 2010-Current
International Advisory Board Member, Oxford Handbook on Governance, 2009-2011.
Jurist, Foundation for the Science and Technology of Portugal, Adjudication Panel in Political
Science and Law, 2009; 2010.
Committee Member, 2007-2010, Committee on Curricular Reform, AALS
Committee Member, 2007-2009, Student Article Prize, LSA.
Reviewer for Oxford Press, NYU Press, Cornell Press, UC Press; Aspen Press; Cambridge
University Press.

Jurist, Pace Faculty Law Scholarship Competition.

Referee for Regulation & Governance

Referee for Law & Policy

Referee for Law and Society Review

Consultant, Law360

Member, Regulation Research Network.

Member, Labor Law Group

Member, Labor Law CRN-LSA.

Member, IRRA - Industrial Relations Research Association.

Vice Chair, 2007-08 Committee on Collaborative Governance, Admin Law Sec of the ABA

Member, 2004-2006, Committee on the Conditions of Work, Law and Society Association.

Member, 2003-2005, Connections Committee, Law and Society Association