

PAULINE T. KIM

Washington University School of Law
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ACADEMIC APPOINTMENTS

Washington University School of Law, St. Louis, MO

Daniel Noyes Kirby Professor of Law, 2016-present

Professor of Sociology (by courtesy), 2019-present

Co-Director, Center for Empirical Research in the Law, 2014-present

Charles Nagel Chair of Constitutional Law and Political Science, 2010-16

Associate Dean for Research and Faculty Development, 2008-2010

John S. Lehmann Research Professor, 2007-2008

Professor, 1999-2010

Associate Professor, August 1994-1999

Current Courses: Employment Law; Employment Discrimination; Civil Procedure; Seminar on Courts and Judicial Decision-Making

Fellow, Cordell Institute for Policy in Medicine & Law, 2018-present

Core Faculty, Center for Empirical Research in the Law, 2006-2014

Affiliated Faculty, Civil Rights Litigation Clearinghouse, 2006-2009

Faculty, “Comparative Employment Law and Policy,” Summer Institute for Global Justice, Utrecht, Netherlands, 2008

Vanderbilt Law School, Nashville, TN

Visiting Professor of Law, Fall 2004

EDUCATION

Harvard Law School, Cambridge, MA

J.D., *magna cum laude*, June 1988

Teaching Fellow, Harvard College, “Justice,” Fall 1987

Seminar Instructor, Harvard College, “Introduction to Social Theory,” 1986-1987

New College, Oxford University, Oxford, England

Henry Fellow, 1984-1985 (Studies in jurisprudence, political and moral philosophy)

Harvard and Radcliffe Colleges, Cambridge, MA

A.B., *summa cum laude* in Social Studies, June 1984

Honors thesis: “Immigrants and Institutions: A Study of Insane Asylums in 19th Century Massachusetts”

LEGAL EXPERIENCE

Employment Law Center, Legal Aid Society of San Francisco, San Francisco, CA

Staff Attorney, October 1990-June 1994

Félix Velarde-Muñoz Intern, October 1989-September 1990

U.S. Court of Appeals, Ninth Circuit, San Francisco, CA

Clerk of the Honorable Cecil F. Poole, September 1988-August 1989

PUBLICATIONS

Books and Book Chapters

Work Law Supplement, with Marion Crain, Brishen Rogers & Michael Selmi, Carolina Academic Press (2018)

Work Law: Cases and Materials (3d ed.), with Marion Crain & Michael Selmi, Matthew Bender & Co./LexisNexis Group (2015)

Work Law: Cases and Materials, Teacher's Manual, (3d ed.) with Marion Crain & Michael Selmi, Matthew Bender & Co./LexisNexis Group (2015)

Work Law Supplement, with Marion Crain & Michael Selmi, Matthew Bender & Co./ LexisNexis Group (2014)

Work Law Supplement, with Marion Crain & Michael Selmi, Matthew Bender & Co./ LexisNexis Group (2012)

Work Law: Cases and Materials (2d ed.), with Marion Crain & Michael Selmi, Matthew Bender & Co./LexisNexis Group (2010)

Work Law: Cases and Materials, Teacher's Manual, (2d ed.) with Marion Crain & Michael Selmi, Matthew Bender & Co./LexisNexis Group (2010)

“Collective and Individual Approaches to Protecting Employee Privacy: The Experience with Workplace Drug Testing,” in Workplace Privacy, eds. Samuel Estreicher & Jonathan Nash (2010) (reprinted from *Louisiana Law Review*, Vol. 66, No. 4, pp. 1009-34 (2006))

Work Law Supplement, with Marion Crain & Michael Selmi, Matthew Bender & Co./LexisNexis Group (2009)

Work Law Supplement, with Marion Crain & Michael Selmi, Matthew Bender & Co./LexisNexis Group (2007)

“The Story of *Luck v. Southern Pacific Transportation Co.*: The Struggle to Protect Employee Privacy,” in *Employment Law Stories*, eds. Gillian Lester & Samuel Estreicher, Foundation Press (2006)

Work Law: Cases and Materials, with Marion Crain & Michael Selmi, Matthew Bender & Co./LexisNexis Group (2005)

Work Law: Cases and Materials, Teacher’s Manual, with Marion Crain & Michael Selmi, Matthew Bender & Co./LexisNexis Group (2005)

Articles

“Data Mining and the Challenges of Protecting Employee Privacy under U.S. Law,” *Comparative Labor Law & Policy Journal*, Vol. 40, pp. 405-19 (2019)

“Big Data and Artificial Intelligence: New Challenges for Workplace Equality,” *University of Louisville Law Review*, Vol. 57, pp. 313-28 (2019) (Carl A. Warns, Jr. Keynote Speech)

“Discrimination in Online Employment Recruiting,” *St. Louis University Law Journal*, Vol. 63, pp. 93-118 (2018) (with Sharion Scott), Symposium on Law, Technology and the Organization of Work

“Auditing Algorithms for Discrimination,” *University of Pennsylvania Law Review Online*, Vol. 166, pp. 189-203 (2017).

“Data-Driven Discrimination at Work,” *William & Mary Law Review*, Vol. 58, pp. 857-937 (2017)

“People Analytics and the Regulation of Information under the Fair Credit Reporting Act,” *St. Louis University Law Journal*, Vol. 61, pp. 17-33 (2016) (with Erika Hanson), Symposium on the Law and Business of People Analytics

“Market Norms and Constitutional Values in the Government Workplace,” *North Carolina Law Review*, Vol. 94, pp.601-647 (2016)

“Addressing Systemic Discrimination: Public Enforcement and the Role of the EEOC,” *Boston University Law Review*, Vol. 95, pp. 1133-54 (2015), Symposium on The Civil Rights Act of 1964 at 50: Past, Present, and Future

“The Equal Employment Opportunity Commission and Structural Reform of the American Workplace,” *Washington University Law Review*, Vol. 91, Issue 6, pp. 1519-90 (2014) (with Margo Schlanger)

“A Holistic Approach to Teaching Work Law,” *St. Louis University Law Journal*, Vol. 58, pp. 7-27 (2013) (with Marion Crain), Symposium on Teaching Employment and Labor Law

“A Dynamic Model of Doctrinal Choice,” *Journal of Legal Analysis*, Vol. 4, Issue 2, pp. 301-327 (2012) (with Scott Baker)

“Electronic Privacy and Employee Speech,” *Chicago-Kent Law Review*, Vol. 87, No. 3, pp. 901-32 (2012) (The Kenneth M. Piper Lecture)

“Beyond Principal-Agent Theories: Law and the Judicial Hierarchy,” *Northwestern University Law Review*, Vol. 105, pp. 535-75 (2011)

“Regulating the Use of Genetic Information: Perspectives from the U.S. Experience,” *Comparative Labor Law & Policy Journal*, Vol. 31, pp. 693-703 (2010)

“Reply: Exploring Panel Effects,” *University of Pennsylvania Law Review PENumbra*, Vol. 158, pp. 269-281 (2010)

“Deliberation and Strategy on the United States Court of Appeals,” *University of Pennsylvania Law Review*, Vol. 157, No. 4, pp. 1319-1381 (2009)

“How Should We Study District Judge Decision-Making,” *Washington University Journal of Law and Policy*, Vol. 29, pp. 83-112 (2009) (with Margo Schlanger, Christina Boyd and Andrew D. Martin) (part of Symposium on Empirical Research on Decision-Making in the Federal Courts)

Labor Law Group—U. C. Hastings Symposium on the Proposed Restatement of Employment Law: Section II of the Commentary on Chapter 4 of the Proposed Restatement of Employment Law: The Tort of Wrongful Discharge in Violation of Public Policy, *Employee Rights and Employment Policy Journal*, Vol. 13, No. 1, pp. 161-83 (2009) (co-author Catherine Fisk)

“Lower Court Discretion,” *NYU Law Review*, Vol. 82, No. 2, pp. 383-442 (2007)

“Collective and Individual Approaches to Protecting Employee Privacy: The Experience with Workplace Drug Testing,” *Louisiana Law Review*, Vol. 66, No. 4, pp. 1009-34 (2006) (part of Symposium on Examining Privacy in the Workplace)

“The Supreme Court Forecasting Project: Legal and Political Science Approaches to Predicting Supreme Court Decision-Making,” *Columbia Law Review*, Vol. 104, No. 4, pp. 1150-1209 (2004) (with Theodore W. Ruger, Andrew D. Martin and Kevin M. Quinn)

“Competing Approaches to Predicting Supreme Court Decision Making,” *Perspectives on Politics*, Vol. 2, No. 4, pp. 761-67 (Dec. 2004) (with Andrew D. Martin, Kevin M. Quinn and Theodore W. Ruger)

WERL, “On Tournaments for Appointing Great Justices to the U.S. Supreme Court,” *Southern California Law Review*, Vol. 78, No. 1, pp. 157-79 (2004)

“The Family and Medical Leave Act of 1993: Ten Years of Experience,” *Washington University Journal of Law & Policy*, Vol. 15, pp. 1-15 (2004)

“The Colorblind Lottery,” *Fordham Law Review*, Vol. 72, No. 1, pp. 9-39 (2003)

“Genetic Discrimination, Genetic Privacy: Rethinking Employee Protection for a Brave New Workplace,” *Northwestern University Law Review*, Vol. 96, No. 4, pp. 1497-1551 (2002)

“Norms, Learning and Law: Exploring the Influences on Workers’ Legal Knowledge,” *University of Illinois Law Review*, Vol. 1999, Issue 2, pp. 447-515 (1999)

“An Empirical Challenge to Employment at Will,” *New Zealand Journal of Industrial Relations*, Vol. 23, No. 2, pp. 91-103 (1998)

“Cynicism, Reconsidered,” *Washington University Law Quarterly*, Vol. 76, No. 1, pp. 193-202 (1998)

“Bargaining with Imperfect Information: A Study of Worker Perceptions of Legal Protection in an At-Will World,” *Cornell Law Review*, Vol. 83, Issue 1, pp. 105-160 (1997)

“Privacy Rights, Public Policy and the Employment Relationship,” *Ohio State Law Journal*, Vol. 57, No. 3, pp. 671-730 (1996)

“Common Law Privacy: A Limit on an Employer’s Power to Test for Drugs,” with Edward M. Chen and John M. True; *George Mason University Law Review*, Vol. 12, No. 4, pp. 651-699 (1990)

Data Resources

“EEOC Litigation Project,” <http://eeoclitigation.wustl.edu> (with Margo Schlanger and Andrew Martin). This project collects and analyzes data on federal court litigation brought between 1997 and 2006 by the Equal Employment Opportunity Commission (EEOC). The data capture various aspects of the agency’s litigation activities, including detailed information regarding the participants, motions, events, and outcomes.

Works-in-Progress

“Manipulating Opportunity”

“The Limits of Privacy Law as Anti-Discrimination Law in a World of Big Data”

“Deadline Effects: The Timing of Filing of EEOC Enforcement Suits”

“Medical Privacy, Anti-Discrimination Law and Wellness Programs”

EXTERNAL RESEARCH GRANTS

Bush Foundation. “Tribal Law Digitization Project” (joint proposal of Center for Empirical Research in the Law and Oglala Sioux Tribe)

National Science Foundation. “The Litigation Process in Government-Initiated Employment Discrimination Suits” (with Andrew Martin and Margo Schlanger), Law and Social Science Program, July 2007-June 2009, Principal Investigator (\$213,999)

Fund for Labor Relations Studies, “Employees’ Understanding of Legal Rules,” 1996-97

HONORS & AWARDS

David M. Becker Professor the Year, 2019

Honorable Mention, Privacy Papers for Policymakers Award 2016, Future of Privacy Forum (for *Data-Driven Discrimination at Work*)

International Association of Privacy Professionals award for “Best Paper” at the Privacy Law Scholars’ Conference (for *Data-Driven Discrimination at Work*), 2016

David M. Becker Professor of the Year, 2016

Honorable Mention, AALS Call for Scholarly Papers, 1998

Irving R. Kaufman Public Service Fellowship, 1990-92

Harvard College Graduate National Scholarship, 1986-87, 1987-88

Alice Freeman Palmer Fellowship, 1985-86

Korean Honor Scholarship, 1986-87

Phi Beta Kappa, junior year, 1983

John Harvard Scholarship, 1981-83

PROFESSIONAL SERVICE & ASSOCIATIONS

Washington University School of Law:

Ad Hoc Search Committee for Interdisciplinary Environmental Clinic Director, 2018-19

Recruitment Reading Group, summer 2018

Appointments Committee, 2016-17, 2017-18

Co-Organizer, Conference on Empirical Legal Studies, Oct. 30-31, 2015

Institutional Profile Committee, 2014-15, 2015-16

Ad Hoc Committee on Community Relations, 2014-15

Dean Search Advisory Committee, 2013-14

Promotions Committee, Chair, 2013-14, 2005-06; member 2006-07

Co-organizer, Outside Faculty Workshop Speaker Series, 2013-14

Chair, Curricular Innovations Workgroup, spring 2013

Ad Hoc Mission/Community Planning Group, 2012-13

Self-Study Committee, 2011-12

Appointments Committee, 1999-2000, 2001-02, 2004-05, 2008-09, 2009-10

Ad hoc Committee on Lateral Appointments, Chair, summer 2009

Ad hoc Committee on Self-Study, 2011-12

1L Orientation, “Introduction to Civil Procedure,” August 2008, 2009, 2010, 2011, 2012

LLM Orientation, "Anatomy of a Lawsuit," August 2012
Co-organizer, Outside Faculty Workshop Speaker Series, 2001-04
Member, Committee on Reappointment of the Dean of the School of Law, Fall 2003
Chair, Admissions Committee, 2000-01, 2002-03, 2003-04
Member, Advisory Board, Center for Interdisciplinary Studies, Washington University, 1999-2014
Dean Search Advisory Committee, 1997-1999
Chair, Public Interest Working Group, Student Issues Task Force, 1997-98
Curriculum Task Force, 1997-98
Summer Public Interest Stipend Committee, 1995-2006
Chair, Curriculum Committee, 1996-97
Client Counseling Competition Faculty Advisor, 1994-97
School of Law Ad Hoc Committee on Parental Leave, Fall 1995

Washington University:

Peer Review Board, Office of the Vice-Chancellor for Research Seed Grant Program, 2019
Discrimination and Harassment Hearing Committee, 2017-18
Office of the Provost's Diversity Advisory Committee, 2012-13
Gender Pay Equity Committee, 2009-10, spring semester 2012, 2016
Subcommittee on Mentoring Practices (Provost's Diversity Working Group), Fall 2009
Dissertation Committee, Morgan Hazelton, Political Science, 2014
Dissertation Committee, Christina Boyd, Political Science, 2009
Co-organizer, Workshop on Empirical Research and Law, 2001-2009
Member, Appointments Committee, American Politics search, Department of Political Science, Washington University, Fall 2007
Member, Appointments Committee, Judicial Politics search, Department of Political Science, Washington University, Fall 2003
University Senate Council Ad Hoc Committee on Parental Leave, 1997-98

St. Louis Community:

Board Member, Center of Creative Arts, 2019-present
Board Member, Health Protection and Education Services, 2018-present; Secretary 2019

Other:

Past-President, Society for Empirical Legal Studies, 2015-16
Co-President, Society for Empirical Legal Studies, 2014-15
Co-Vice-President, Society for Empirical Legal Studies, 2013-14
Member, Clayton School District Visioning Steering Committee, 2012
Co-organizer, Fifth Annual Labor and Employment Law Colloquium, September 2010
Adviser, ALI Restatement of Employment Law, 2002-2015
Member, AALS Consulting Group on Empirical Research, 1999-2001

MEMBERSHIPS AND PROFESSIONAL SOCIETIES

Missouri Bar, admitted 1994
California Bar, admitted 1988 (no longer active member)

Labor Law Group, elected 2007
American Law Institute, elected 2000
Society for Empirical Legal Studies, Board member, 2013-present; Inaugural Fellow
American Bar Foundation, Fellow
Law and Society Association
National Employment Lawyers' Association
Missouri Asian-American Bar Association
American Civil Liberties Union-Northern California, Legal Committee, 1993-94
California Rural Legal Assistance, Board Member (Alt), 1992-94
San Francisco Women Lawyers' Alliance, Board Member, 1990-92
No. California Korean American Bar Association, Board Member, 1993-94

Other:

Adelphi Strategic Collective, Center for Global Policy Solutions