

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

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

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

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

Affiliated Faculty, Civil Rights Litigation Clearinghouse, 2006-2009

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: 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

“Auditing Algorithms for Discrimination,” 166 *University of Pennsylvania Law Review Online* 189 (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* (forthcoming 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 PENNumbra*, 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.

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

SELECTED RECENT AWARDS, ACTIVITIES & PROFESSIONAL SERVICE

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

International Association of Privacy Professionals Best Paper Award, Privacy Law Scholars’ Conference, 2016 (awarded for *Data-Driven Discrimination at Work*)

David M. Becker Professor of the Year, 2016

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

Dean Search Advisory Committee, 2013-14

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

Washington University School of Law Self-Study Committee, 2011-12

Appointments Committee, 1999-2000, 2001-02, 2004-05, 2008-09, 2009-10, 2016-17, 2017-18

Office of the Provost's Diversity Advisory Committee, 2012-13
Washington University Gender Pay Equity Committee, 2009-10, 2012, 2016
Dissertation Committee, Morgan Hazelton, Political Science, 2014
Dissertation Committee, Christina Boyd, Political Science, 2009

Society for Empirical Legal Studies, Co-President 2014-15; Co-Vice-President 2013-14
Co-organizer, Fifth Annual Labor and Employment Law Colloquium, September 2010
Adviser, ALI Restatement of Employment Law, 2002-15

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