

**ELIZABETH CHIKA TIPPETT**

Associate Professor  
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**ACADEMIC & PROFESSIONAL EXPERIENCE**

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**University of Oregon School of Law, Eugene, OR**

*Associate Professor* (2017 – present)

*Assistant Professor* (2012 – 2017)

*Faculty Co-Director, Conflict & Dispute Resolution Master's Program* (2015 – 2020)

*Affiliated Faculty, Center for Cyber Security and Privacy*

*Affiliated Faculty, Center for the Study of Women in Society*

Courses: Negotiation, Employment Law, Legal Secrets (Undergraduate), ADR

**Center for Labor and Employment Law, New York University, New York, NY**

*Research Fellow* (2016)

**Wilson Sonsini Goodrich & Rosati, Palo Alto, CA & New York, NY**

*Associate Attorney* (2006 – 2012)

**Harvard Law School, Cambridge, MA**

*Teaching Assistant, Deal Design and Implementation* (2006)

*Teaching Assistant, Negotiation Workshop* (2002 & 2003)

**Program on Negotiation at Harvard Law School, Cambridge, MA**

*Teaching Team, Program of Instruction for Lawyers* (2002 & 2005)

*Teaching Assistant, PON Seminars* (2001 – 2002)

**Harvard Negotiation Project, Cambridge, MA**

*Research Assistant, Professor Emeritus Roger Fisher* (1999 – 2006)

**International Bridges to Justice, Geneva, Switzerland**

*Legal Intern, Summer* 2004

**Triad Consulting, Cambridge, MA**

*Associate* (2002 – 2003)

**EDUCATION**

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**Harvard Law School, Cambridge, MA**

J.D., 2006

Journal: *Harvard Negotiation Law Review*, Article Editor

Honors: Hewlett Law and Negotiation Research Fellow

**Harvard College, Cambridge, MA**

B.A. Social Studies, *magna cum laude*, 2002

Honors: Phi Beta Kappa

## BOOKS

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EMPLOYMENT DISCRIMINATION AND EMPLOYMENT LAW (5th Ed. 2016) (with Samuel Estreicher & Michael Harper).

REAL COLLEGE: THE ESSENTIAL GUIDE TO STUDENT LIFE, Penguin, 2004 (with Douglas Stone).

## EDITED VOLUMES

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ARBITRATION AND MEDIATION OF EMPLOYMENT AND CONSUMER DISPUTES: PROCEEDINGS OF N.Y.U. 53<sup>RD</sup> ANNUAL CONFERENCE ON LABOR, Carolina Academic Press (2018) (with Samuel Estreicher).

## BOOK CHAPTERS

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*Commentary on Bargaining in the Shadow of the Law*, DISCUSSIONS IN DISPUTE RESOLUTION: THE FORMATIVE ARTICLES (Hinshaw, Schneider and Cole, eds. forthcoming 2021).

*Paid Leave under the Families First Coronavirus Response Act*, WORK LAW UNDER COVID-19 (Pandya and Hirsch Eds. 2020).

*Key Elements in Adverse Drug Reactions Safety Signals: Application of Legal Strategies*, CANCER POLICY: PHARMACEUTICAL SAFETY 47 (June McKoy, Dennis West eds. 2019) (with Brian Chen & John Restaino).

*Employee Classification*, CAMBRIDGE HANDBOOK ON REGULATING THE SHARING ECONOMY (Ed. Nestor Davidson, Michele Finck, & John Infranca eds. 2018) [[SSRN](#)].

*Compliance and Whistleblowers*, ABA COMPLIANCE OFFICER'S DESKBOOK (Eds. Andrew Boutros, Markus Funk, & James O'Reilly eds., 2017).

## ARTICLES

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*Enslaved Agents: Business Transactions Negotiated by Slaves in the Antebellum South*, ARIZONA LAW REVIEW (forthcoming 2021) [[SSRN](#)]

*Does Lawyering Matter? Predicting Judicial Decisions from Legal Briefs, and What that Means for Access to Justice* (with Charlotte Alexander, Karl Branting, Paul Morawski, Carlos Balhana, Craig Pfeifer, and Sam Bayer), 100 TEX. L. REV. \_\_ (2021) (forthcoming) [[SSRN](#)]

*Does Attorney Advertising Stimulate Adverse Event Reporting?* (with Brian Chen) 74:4 FOOD & DRUG LAW J. 501 (2020) (peer reviewed) [[Open access](#)].

*Opportunity Discrimination: A Hidden Liability that Employers Can Readily Fix*, 23 EMPL.RTS. & EMPL.POL'Y J. 165 (2019).

- Drug Injury Advertising* (with Jesse King), 18 YALE J. OF HEALTH POL'Y, L. & ETHICS 114 (2019) (peer reviewed) [[SSRN](#)].
- Harassment Trainings: A Content Analysis*, 39 BERKELEY J. LAB & EMP. L. 481 (2018) [[SSRN](#)].
- The Legal Implications of the MeToo Movement* 103 MINN. L. REV. 228 (2018) [[SSRN](#)].
- Cited by the Missouri Supreme Court in [State Ex. Rel. Halsey v. Phillips](#), 576 S.W.3d 177 (Mo. 2019).
- The American System for Regulating the Workplace* (with Benjamin Pincus), 5 SHINSHU ECON. AND LAW REV. 141 (2018) (conference volume).
- How Employers Profit from Digital Wage Theft under the FLSA*, 55(2) AM. BUS. L. J. 315 (2018) (peer reviewed) [[ABLJ](#)].
- How Concepcion and Italian Colors Affected Terms of Service Contracts in the Gig Economy* (with Bridget Schaaff), 70 RUTGERS L. REV. 101 (2018) (Symposium) [[SSRN](#)]
- Does Attorney Advertising Influence Patient Perceptions of Pelvic Mesh?* (with Jesse King, Vincent Lucente, Sonia Ephraim, Miles Murphy and Eileen Taff), 111 UROLOGY 65 (2018) (peer reviewed) [[Urology](#)].
- Author Reply* (with Jesse King, Vincent Lucente, Sonia Ephraim, Miles Murphy and Eileen Taff), 111 UROLOGY 70 (2018) [[Urology](#)].
- The Hacking of Employment Law* (with Charlotte Alexander), 82 MISSOURI L. REV. 973 (2017) [[SSRN](#)].
- When Timekeeping Software Undermines Compliance* (with Charlotte Alexander & Zev Eigen), 19 YALE J.L. & TECH 1 (2017). [[SSRN](#)]
- Quoted in by the California Supreme Court (concurring opinion), in [Troester v. Starbucks Corp.](#) (2018)
  - Quoted by the Washington Court of Appeals, in [Cox v. the Kroger Co. & Fred Meyer Stores Inc.](#) (2018).
- Using Contract Terms to Detect Underlying Litigation Risk: An Initial Proof of Concept*, 20 LEWIS & CLARK L. REV. 533 (2016) (Symposium). [[SSRN](#)]
- Association of Attorney Advertising and FDA Action with Prescription Claims: A Time Series Segmented Regression Analysis*, 38 DRUG SAFETY 1169 (2015) (with Brian K. Chen) (peer reviewed) DOI:10.1007/s40264-015-0340-6
- Medical Advice from Lawyers: An Empirical Analysis of Mass Tort Advertising*, 41 AM. J. L. & MED. 7 (2015). [[SSRN](#)]
- Child Abuse as an Employment Dispute*, 17 QUINNIPIAC HEALTH L. J. 139 (2014) [[SSRN](#)]
- UTSA Preemption and the Public Domain: How Courts Have Overlooked Patent Preemption of State Law Claims Alleging Employee Wrongdoing*, 65 RUTGERS L. REV. 1 (2013) (with Charles Tait Graves). [[SSRN](#)]
- Cited by the Delaware Superior Court, in [Atlantic Medical Spec. LLC v. Gastroenterology Assoc. PA](#) (2017).

*Robbing a Barren Vault: The Implications of Dukes v. Wal-Mart for Cases Challenging Subjective Employment Practices*, 29 HOFSTRA LAB. & EMP. L.J. 2 (2012) [SSRN]

- Quoted by the United States Court of Appeals, Fourth Circuit, in [Scott v. Family Dollar Stores, Inc.](#), 733 F.3d 105 (4th Cir. 2013).
- Cited by the United States Court of Appeals, Fourth Circuit, in [Brown v. Nucor Corp.](#), 785 F.3d 895 (4th Cir. 2015).
- Cited by the Iowa Supreme Court in [Pippen v. State of Iowa](#), 854 N.W.2d 1 (2014)

*The Promise of Compelled Whistleblowing: What the Corporate Governance Provisions of Sarbanes Oxley Mean for Employment Law*, 11 EMPL.RTS. & EMPL.POLY.J. 1 (2007) (peer reviewed). [SSRN]

*Dealing with Conflict in a Psychiatric Setting*, 10 HARV. REV. OF PSYCHIATRY 1 (2002) (with Daniel L. Shapiro) (peer reviewed) [Taylor & Francis].

*The Effect of Information Asymmetries on Bidder Behavior: An Empirical Analysis of Heavy Equipment Auctions* (2006). [SSRN]

## TESTIMONY

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Invited witness, [A Reconvening of the Select Task Force on the Study of Harassment in the Workplace](#), Equal Employment Opportunity Commission, June 11, 2018.

Invited witness, [Examining Ethical Responsibilities Regarding Attorney Advertising](#), House of Representatives Judiciary Committee, Subcommittee on the Constitution and Civil Justice, June 23, 2017.

## WORKS IN PROGRESS

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UNDER CONTROL: THE MASTER SERVANT DOCTRINE IN AMERICAN EMPLOYMENT LAW (monograph under contract with University of California Press).

*Measuring the Efficacy of Harassment Training Programs: The Collective Accountability in the Workplace Change Scale* (with Jamillah Williams).

*Measuring The Gap Between Public and Judicial Evaluations of Harassment* (with Jamillah Williams).

*A Taxonomy of Deceptive Drug Injury Advertising* (with Jesse King).

## GRANTS & AWARDS

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Fund for Faculty Excellence Award, University of Oregon, 2019-2020.

Michael J. Zimmer Memorial Award for a Rising Scholar, 13<sup>th</sup> Annual Colloquium on Scholarship in Employment & Labor Law, 2018.

Going the Extra Mile Service Award, University of Oregon School of Law, Spring 2016.

Faculty Research Award, University of Oregon Office of Research, Innovation and Graduate Education, Spring 2014.

Donald Walker-Norman Wiener Research Award, Summer 2014.

## **PUBLIC ENGAGEMENT AND MEDIA INTERVIEWS**

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[Articles for \*The Conversation\*](#) republished in the Washington Post, The New Republic, The LA Times, the Chicago Tribune, Salon, Quartz, Fast Company, Newsweek, Time, The Daily Mail, The Huffington Post, PBS, The Daily Beast, SFGate, Business Insider, Houston Chronicle, and others.

Quoted in the New York Times, Wall Street Journal, Vox, Mother Jones, Time Magazine, PBS Newshour (online), CNN Money, Wired, Consumer Report, among other media outlets.

Radio Interviews: BBC, NPR (Marketplace, On Point, Planet Money's The Indicator, 1A), Canadian Broadcasting Corporation, Australian Public Broadcasting, Sirius Satellite Radio (National Post Radio, Nomiki Konst Show, Matt Townsend Show, Top of Mind with Julie Rose), Oregon Public Radio.

Video appearances: Univision (English language), CTV News (Canada), Wall Street Journal video, NBC Left Field.

*10 Ways to Mitigate Bias in Your Company's Decision Making*, [Harvard Business Review](#) (2019).

*Adapting to the New Risk Landscape*, [Harvard Business Review](#) (2018).

*Why Matt Lauer's Mega-Contract Couldn't Save Him*, [Fortune](#), Nov. 30, 2017.

[Amicus Curiae Brief of Scholars and Practitioners of Arbitration in Support of Petition for Writ of Certiorari to the United States Supreme Court](#), *Bakoss v. Lloyd's of London* (2013) (No. 12-1429) (lead author, filed July 11, 2013).

[Spending Scarce Litigation Prevention Dollars; Should You Bother with an Adverse Impact Analysis?](#) ACC DOCKET (April 2013) (with Lisa Gray).

*The Sarbanes-Oxley Act: Current Issues in Whistleblower Enforcement*, ALI-ABA Course of Study – Litigating Employment Discrimination and Employment Related Claims and Defense in Federal and State Courts, March 5-7, 2009 (with Fred Alvarez, Jeanna Steele and Michael Nader).

## **WORKSHOPS, PRESENTATIONS AND SYMPOSIA**

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“Does Lawyering Matter? Predicting Judicial Decisions from Legal Briefs,” CODEX GROUP MEETING, Stanford Law School (February 4, 2021).

“Software-based Wage Theft,” Employment Law course (Alan Hyde), Rutgers University Law School (February 4, 2021)

“Harassment education programs: An empirically informed approach” (with Jamillah Williams), 2021 Sexual Harassment in Education Conference, Berkeley Law (January 29, 2021).

“Predictive Features of Persuasive Legal Texts” (with Karl Branting, Charlotte Alexander, Paul Morawski, Carlos Balhana, Craig Pfeifer, Sam Bayer), Fourth Workshop on Automated Semantic Analysis of Information in Legal Text (2020) (Conference volume).

“Reckoning with the Master Servant Doctrine in American Employment Law,” Colloquium on Labor & Employment Law, University of Louisville School of Law (October 9, 2020).

“Reckoning with the Master Servant Doctrine in American Employment Law,” Law Faculty Colloquium, University of Oregon School of Law (October 22, 2020)

“The History of the Master Servant Doctrine in American Employment Law,” Faculty Colloquium, Marquette University School of Law, Milwaukee, WI (March 3, 2020).

“The Master Servant Doctrine in American Employment Law,” History Department Works-in-Progress Colloquium, University of Oregon, Eugene, OR (January 21, 2020).

Workshop Series on Alternative Dispute Resolution in the United States, University of Sao Paulo Faculty of Law, Sao Paulo, Brazil (June 3 – 7, 2019).

“ADR and its Integration in the Court System,” National Council of Justice, Sao Paulo, Brazil (May 31, 2019).

“Mentoring and Being Mentored in the Era of #MeToo” American Psychology-Law Society Annual Conference, Portland OR (March 15, 2019).

“#MeToo and the Changing Workplace Culture,” 2018 OSB Labor & Employment Section Annual Conference, Portland OR (October 19, 2018).

“The Legal Implications of the MeToo Movement,” 13th Colloquium on Labor & Employment Law, Columbia, South Carolina (September 28, 2018).

“Supreme Court Preview,” American Constitution Society, Portland OR (September 21, 2018).

“Employment Policies in the MeToo Era,” NW EEO Workshop, Portland OR (September 21, 2018).

“No Room for Sexual Harassment,” Public Employment Relations Conference, Salem, OR (May 30, 2018).

“Toward Integrating ADR Teaching, Writing, Theory, and Practice,” ABA Conference on Dispute Resolution, Washington, DC (April 7, 2018).

“The American System for Resolving Employment Disputes,” Brazil-Japan Litigation and Society Seminar, Shinshu University, Matsumoto, Japan (January 10, 2018).

“The Problem with Harassment Trainings” Colloquium on Current Scholarship in Labor & Employment Law, Texas A&M Law School, Dallas, TX (September 15, 2017).

Panel on Negotiation Pedagogy, ABA Conference on Dispute Resolution, San Francisco, CA (April 22, 2017).

“When Timekeeping Software Facilitates Cheating: A Behavioral Compliance Approach” Colloquium on Current Scholarship in Labor & Employment Law, Seattle WA (Sept 23, 2016).

“Do Lawyers Disclose Internal Risk Assessments Through Contract Terms?” International Legal Ethics Conference, Fordham Law School, New York, NY (July 14, 2016).

“Drug Injury Advertising and Medical Decisions,” University of Oregon Law School Lectures & Awards Presentations, Eugene OR (March 31, 2016).

“Litigation Risks Revealed in Contracts: Independent Contractor Misclassification in the Sharing Economy” Oregon Law Lab, Eugene, OR (March 18, 2016).

“Negotiation Workshop for Student Leaders” Associated Students of the University of Oregon, Eugene, OR (Dec. 3, 2015).

“Employment Law Practices to Consider as Your Company Grows” Regional Accelerator & Innovation Network (RAIN) Eugene: High-Growth Employment Workshop, Eugene, OR (Nov. 9, 2015).

“Using Data Mining to Assess Litigation Risks in the Sharing Economy” Lewis & Clark Business Law Forum, Portland, OR (Sept. 11, 2015) (invited presentation).

"How to Respond to Gender Discrimination in the Workplace" Women's Center, University of Oregon (April 15, 2015).

"Making Schools and Child Care Settings Safer Through Labor and Employment Law" presented at the American Public Health Association, New Orleans, LA (November 17, 2014) (selected via blind peer review).

"Risks for Startups Using Sharing Businesses" presented at the Regional Accelerator and Innovation Network forum on Intellectual Property Law, Eugene, OR (October 29, 2014).

"An Empirical Study of Harassment Training Practices" presented at the 9<sup>th</sup> Annual Colloquium on Current Scholarship in Labor & Employment Law, Boulder, CO (September 12-13, 2014).

"Lawyers Broadcasting Medical Advice: An Empirical Analysis of Mass Tort Advertising" presented at the International Legal Ethics Conference, London, U.K. (July 11, 2014).

"The Sharing Economy: Hidden Risks Revealed in Legalese" presented at Plugged in Portland, Portland, OR (June 20, 2014).

"An Employment Law Approach to Child Abuse in Schools and Daycares" presented at the Cardozo School of Law ADR Works in Progress Conference, New York, NY (November 7-9, 2013).

"Gatekeepers of Last Resort: The Role of Employers in Mitigating Child Abuse" presented at the 2013 Seton Hall Law Employment & Labor Law Forum, Newark, NJ (October 11, 2013) (selected via competitive process).

"Gatekeepers of Last Resort: The Role of Employers in Mitigating Child Abuse" presented at the 8<sup>th</sup> Annual Colloquium on Current Scholarship in Labor and Employment Law, Las

Vegas, NV (September 27-28, 2013).

“Robbing a Barren Vault: The Implications of *Dukes v. Wal-Mart* for Cases Challenging Subjective Employment Practices” presented at the 2012 Conference on Empirical Legal Studies, Stanford Law School, Palo Alto, CA (November 8-9, 2012) (selected via peer review from among 356 submissions; one of only three employment law articles presented at the conference).

“UTSA Preemption and the Public Domain” presented at the 2012 Intellectual Property Scholars Conference, Stanford Law School, Palo Alto, CA (August 9-10, 2012) (selected via a competitive process).

“Information Asymmetries in Heavy Equipment Auctions” presented to Deal Design and Implementation Course, Harvard Law School, Cambridge, MA, February 2006 (invited presentation).

“Information Asymmetries in Heavy Equipment Auctions” presented to Hewlett Fellows, Harvard Law School, Cambridge, MA, Spring 2005.

## **COMMITTEE SERVICE**

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AALS Section on Litigation, Executive Committee (2021)

### **UNIVERSITY OF OREGON**

Member, Faculty Research Award Committee, Fall 2020 – Spring 2021

Member, Faculty Research Award Committee, Fall 2014- Spring 2016.

Grievance Counselor, Office of the Provost, 2014.

### **UNIVERSITY OF OREGON SCHOOL OF LAW**

Chair, Consumer Protection Grant Program

Member, Personnel Committee, Fall 2020 – Spring 2021

Chair, Outcomes & Assessments Committee, Fall 2019 – Spring 2019

Chair, Community & Inclusion Committee, Fall 2017 – Spring 2018.

Member, Search Committee, CRES Program Director, Spring 2016.

Chair, CRES Advisory Committee, Fall 2015 – Spring 2016.

Member, Search Committee, Assistant Dean for Career Services, Spring 2015

Member, CRES Advisory Committee, Fall 2014 – Spring 2015.

Member, Academic Standing Committee, Fall 2014 – Spring 2015.

Member, Scholarship Committee, Fall 2012 – Spring 2014.

## **COMMUNITY SERVICE**

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Access to Justice Veterans Legal Services, volunteer

Eugene Symphony, Board Member (2018 - present)

Public Defender Services of Lane County, Board Member (2017)

## **BAR ADMISSION**

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Admitted to practice in California and New York.



Admitted to the Supreme Court of the United States.