

## STEPHANIE BORNSTEIN

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### EDUCATION

UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW – J.D., 2000  
Member, *California Law Review*  
Managing Editor, *Berkeley Women's Law Journal*  
Recipient of two-year post-graduate public interest New Voices Fellowship

HARVARD UNIVERSITY – A.B., 1994  
*Magna cum laude* in English and American Literature and Language

### ACADEMIC EMPLOYMENT

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW 2014-PRESENT  
*Associate Professor of Law (Aug. 2017-Present)*  
*Assistant Professor of Law (Aug. 2014-July 2017)*

Courses: Civil Procedure; Employment Law; Employment Discrimination

- Affiliated Faculty: Center on Children & Families; Center for the Study of Race & Race Relations; UF Center for Gender, Sexualities & Women's Studies Research
- Law School Service: Strategic Planning (2017-18); Faculty Appointments (2016-17); Curriculum (2014-16, 2017-18); Diversity & Community Relations (2015-16)
- University Service: Title IX Committee for Intercollegiate Athletics (2016-Present)
- Founding Faculty Advisor: Employment & Labor Law Society (2015-Present)

UNIVERSITY OF CALIFORNIA, HASTINGS COLLEGE OF THE LAW 2006-2014  
*Visiting Assistant Professor of Law (Aug. 2011-July 2014)*

Courses: Employment Law; Employment Discrimination

*Center for WorkLife Law - Deputy Director (2010-2011); Associate Director (2008-2010); Faculty Fellow (2006-2011)*

Course: Work & the Family (co-taught with Professor Joan C. Williams)

### OTHER LEGAL EMPLOYMENT

NOLO PRESS – BERKELEY, CA 2004-2006  
*Employment Law Editor*

EQUAL RIGHTS ADVOCATES – SAN FRANCISCO, CA 2000-2004  
*Staff Attorney (2002-2004); Project Attorney/New Voices Fellow (2000-2002)*

RUDY, EXELROD, ZIEFF & TRUE, LLP – SAN FRANCISCO, CA SUMMER 1999  
*Summer Associate*

HON. THELTON E. HENDERSON, U.S. DISTRICT COURT, N.D. CAL. – SAN FRANCISCO, CA SUMMER 1998  
*Judicial Extern*

## PUBLICATIONS

### Works in Progress

*Super-Hybrid Public-Private Enforcement*

*Disclosing Discrimination*

### Law Review & Academic Articles

*Antidiscriminatory Algorithms*, 70 ALABAMA LAW REVIEW \_\_ (forthcoming 2018)

*The Statutory Public Interest in Closing the Pay Gap*, 10 ALABAMA CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW \_\_ (forthcoming 2018) (invited symposium essay)

*Equal Work*, 77 MARYLAND LAW REVIEW 581 (2018).

- For review essay, see Joseph Seiner, *A Modern Approach to Pay Disparities in the Workplace*, JOTWELL (Jan. 18, 2018), <https://worklaw.jotwell.com/modern-approach-pay-disparities-workplace>.

*Reckless Discrimination*, 105 CALIFORNIA LAW REVIEW 1055 (2017).

- Winner, 2017 Southeastern Association of Law Schools (SEALS) Call for Papers Competition.
- Selected as one of ten junior scholar papers for presentation at the American Constitution Society's Junior Scholars Public Law Workshop (Jan. 2017).
- *Reprinted in* WOMEN AND THE LAW \_\_ (Tracy A. Thomas, ed., forthcoming 2018).

*Unifying Antidiscrimination Law through Stereotype Theory*, 20 LEWIS & CLARK LAW REVIEW 919 (2016).

- *Reprinted in* WOMEN AND THE LAW 567 (Tracy A. Thomas, ed., 2017).

*Rights in Recession: Toward Administrative Antidiscrimination Law*, 33 YALE LAW & POLICY REVIEW 119 (2014).

- Selected as one of three junior scholar papers for presentation at Seton Hall's 8th Annual Employment & Labor Law Scholars' Forum (Oct. 2013).

*The Legal and Policy Implications of the "Flexibility Stigma,"* 69 JOURNAL OF SOCIAL ISSUES 389 (2013) (peer-reviewed).

*The Law of Gender Stereotyping and the Work-Family Conflicts of Men*, 63 HASTINGS LAW JOURNAL 1297 (2012).

*Work, Family, and Discrimination at the Bottom of the Ladder*, 19 GEORGETOWN JOURNAL ON POVERTY LAW & POLICY 1 (2012).

- Quoted in Brief of Law Professors & Women's Rights Organizations as Amici Curiae in Support of Petitioner, *Young v. UPS*, 135 S.Ct. 1338 (2015) (No. 12-1226), 2013 WL 2103656.

*Discrimination against Mothers: Lessons from U.S. Caregiver Discrimination Law*, 28 INTERNATIONAL JOURNAL OF COMPARATIVE LABOUR LAW & INDUSTRIAL RELATIONS 45 (2012) (with Joan C. Williams & Genevieve Painter).

*The Evolution of “FReD”: Family Responsibilities Discrimination and Developments in the Law of Stereotyping and Implicit Bias*, 59 HASTINGS LAW JOURNAL 1311 (2008) (with Joan C. Williams).

- Quoted in Brief of ACLU & National Women's Law Center as Amici Curiae in Support of Respondents, *Wal-Mart v. Dukes*, 564 U.S. 338 (2011) (No. 10-277), 2011 WL 805231.

*Law Firms as Defendants: Family Responsibilities Discrimination in Legal Workplaces*, 34 PEPPERDINE LAW REVIEW 393 (2007) (with Joan C. Williams, Betsy Williams & Diana Reddy).

*Caregivers in the Courtroom: The Growing Trend of Family Responsibilities Discrimination*, 41 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 171 (2006) (with Joan C. Williams).

Note, *The Undue Burden: Parental Notification Requirements for Publicly Funded Contraception*, 15 BERKELEY WOMEN'S LAW JOURNAL 40 (2000).

### **Book Contributions**

*Commentary on AFSCME v. State of Washington*, in FEMINIST JUDGMENTS: EMPLOYMENT DISCRIMINATION OPINIONS REWRITTEN \_\_ (Ann C. McGinley & Nicole Buonocore Porter eds., Cambridge Univ. Press, forthcoming 2019)

*Work and Home Life, Conflict Between: Legal and Public-Policy Perspectives*, in THE CHILD: AN ENCYCLOPEDIA COMPANION (Richard A. Shweder, ed., Univ. of Chicago Press, 2009) (with Joan C. Williams).

*Workplace Anti-Discrimination and Equal Pay Laws in the United States*, in WORKPLACE ANTI-DISCRIMINATION AND EQUAL PAY LAWS (Comm. for Labor Cooperation, 2007) (with Joan C. Williams).

### **Other Articles**

*Beyond Leveling the Playing Field: Can the “Obama Effect” Reshape Gender Equality?* PATHWAYS 18 (Spring 2010) (with Joan C. Williams).

*Beyond the “Chilly Climate”: Eliminating Bias Against Women and Fathers in Academe*, THOUGHT & ACTION: NEA HIGHER EDUCATION JOURNAL 79 (Fall 2006) (with Joan C. Williams & Tamina Alon).

*Law, Ethics, and Gender in Medicine; Balancing Acts: Support for Workers to Provide Family Care*, 5 JOURNAL OF GENDER-SPECIFIC MEDICINE 12 (May/June 2002) (with Marjorie M. Shultz).

### **White Papers & Reports**

*Poor, Pregnant, and Fired: Caregiver Discrimination against Low-Wage Workers* (Center for WorkLife Law, U.C. Hastings College of the Law, 2011).

- Quoted in U.S. Department of Labor, Office of Federal Contract Compliance Programs, *Notice of Proposed Rulemaking; Discrimination on the Basis of Sex*, 80 FR 5246-01 (Jan. 30, 2015).
- Cited in Amicus Curiae Brief of the ACLU & A Better Balance, et al., in Support of Petitioner, *Young v. UPS*, 135 S.Ct. 1338 (2015) (No. 12-1226), 2014 WL 453693.
- Cited in U.S. Equal Employment Opportunity Commission, *Enforcement Guidance: Pregnancy Discrimination and Related Issues*, 2014 WL 3605291 (July 14, 2014).

*Caregivers as a Protected Class?: The Growth of State and Local Laws Prohibiting Family Responsibilities Discrimination* (Center for WorkLife Law, U.C. Hastings College of the Law, 2009) (with Robert J. Rathmell).

*Addressing Family Responsibilities Discrimination*, POLICY BRIEFING SERIES: WORK-FAMILY INFORMATION FOR STATE LEGISLATORS, Issue 16 (Sloan Work & Family Research Network, 2008) (with Julie Weber).

- Cited in U.S. Equal Employment Opportunity Commission, *Employer Best Practices for Workers with Caregiving Responsibilities*, 2009 WL 6697866 (Jan. 1, 2009).

*“Opt Out” or Pushed Out?: How the Press Covers Work/Family Conflict* (Center for WorkLife Law, U.C. Hastings College of the Law, 2006) (with Joan C. Williams & Jessica Manvell).

## SELECTED PRESENTATIONS & WORKSHOPS

“Super-Hybrid Public-Private Enforcement”

- Fourth Annual Civil Procedure Workshop, Stanford Law School, Palo Alto, CA, forthcoming Nov. 9, 2018.
  - Selected from Call for Papers for plenary session.
- Law & Society Association Early Career Workshop, New Orleans, LA, May 30, 2016.
  - Selected from competitive application process to participate.

“Antidiscriminatory Algorithms”

- American Association of Law Schools 2019 Annual Meeting, Section Program on Employment Discrimination Law, Automatic Discrimination: Algorithms, Big Data & the Law of Employment Decisions, New Orleans, LA, forthcoming Jan. 4, 2019.
  - Invited panel participant.
- Southeastern Association of Law Schools Annual Conference, New Scholars Workshop, Fort Lauderdale, FL, Aug. 8, 2018.
- Law & Society Association Annual Meeting, Interrogating The Future of Workforce Management, Toronto, CAN, June 9, 2018.
- Annual Colloquium on Scholarship in Employment & Labor Law, Texas A&M University School of Law, Fort Worth, TX, Sept. 15, 2017.

*Alabama Civil Rights-Civil Liberties Law Review* Symposium: Gender Inequality 55 Years After the Equal Pay Act, University of Alabama Law School, Tuscaloosa, AL, Apr. 13, 2018

- Invited symposium participant.

“Equal Work”

- Southeastern Junior-Senior Scholars Workshop, Washington University School of Law, St. Louis, MO, Oct. 6, 2017.
- Southeastern Association of Law Schools Annual Conference, Public Law Works-in-Progress Workshop, Boca Raton, FL, Aug. 5, 2017.
- Law & Society Association Annual Meeting, Democracy & Gender, Mexico City, MEX, June 22, 2017.
- Annual Colloquium on Scholarship in Employment & Labor Law, University of Washington School of Law, Seattle, WA, Sept. 23, 2016.

*Idaho Law Review* Symposium: Equality in Employment, University of Idaho College of Law, Boise, ID, Apr. 1, 2016

- Invited symposium participant.

#### “Reckless Discrimination”

- Southeastern Association of Law Schools Annual Conference, Call for Papers Competition Luncheon, Boca Raton, FL, Aug. 1, 2017.
  - Selected as one of three winners in annual Call for Papers competition.
- American Constitution Society Junior Scholars Public Law Workshop, San Francisco, CA, Jan. 5, 2017.
  - Selected as one of ten junior scholars to participate.
- Southeastern Junior-Senior Scholars Workshop, University of North Carolina School of Law, Chapel Hill, NC, Oct. 28, 2016.
- Southeastern Association of Law Schools Annual Conference, Workplace Law Works-in-Progress Workshop, Amelia Island, FL, Aug. 8, 2016.
  - Selected from Call for Papers to participate.
- Faculty Workshop, Florida State University College of Law, Tallahassee, FL, Mar. 1, 2016.

#### “Unifying Antidiscrimination Law through Stereotype Theory”

- American Association of Law Schools 2016 Annual Meeting, Panel on New & Emerging Voices in Employment & Labor Law, New York, NY, Jan. 9, 2016.
  - Selected from Call for Papers to participate.
- Southeastern Junior-Senior Scholars Workshop, University of Alabama School of Law, Tuscaloosa, AL, Nov. 13, 2015.
- Annual Colloquium on Scholarship in Employment & Labor Law, Indiana University Maurer School of Law, Bloomington, IN, Sept. 11, 2015.
- Southeastern Association of Law Schools Annual Conference, New Scholars Workshop, Boca Raton, FL, July 31, 2015.
- American Association of Law Schools 2015 Midyear Meeting, Workshop on Next Generation Issues on Sex, Gender & the Law, Orlando, FL, June 26, 2015.
  - Selected from Call for Papers to participate.
- Law & Society Association Annual Meeting, Cutting Edge Issues in Discrimination & Workers’ Rights, Seattle, WA, May 29, 2015.

#### “Rights in Recession: Toward Administrative Antidiscrimination Law”

- Seton Hall’s 8th Annual Employment & Labor Law Scholars’ Forum, Seton Hall Law School, Newark, NJ, Oct. 11, 2013
  - Selected as one of three junior scholars to participate.
- Annual Colloquium on Scholarship in Employment & Labor Law, UNLV Law School, Las Vegas, NV, Sept. 26, 2013.

#### “Work, Family, and Discrimination at the Bottom of the Ladder”

- Work & Family Researchers Network Biennial Conference, New York, NY, June 20, 2014.

#### “The Legal and Policy Implications of the ‘Flexibility Stigma’”

- Law & Society Association Annual Meeting, Inequality & Work Schedules across Class: Legal & Extralegal Remedies, Minneapolis, MN, June 1, 2014.
- Society for the Psychological Study of Social Issues Biennial Conference, Charlotte, NC, June 22, 2012.

#### “The Law of Gender Stereotyping and the Work-Family Conflicts of Men”

- Redesigning & Redefining Work Working Group, Stanford University, Stanford, CA, Oct. 27, 2012.
  - Invited presenter.
- Work & Family Researchers Network Inaugural Conference, New York, NY, June 15, 2012.

“Institutional Responsibility for Sex and Gender Exploitation,” American Association of Law Schools 2013 Annual Meeting, Section Program of Women in Legal Education, Employment Discrimination Law, Torts & Compensation Systems, New Orleans, LA, Jan. 7, 2013.

“Flexible Work Arrangements: Help for Working Families or Cause of Stigma and Discrimination?,” Pacific Coast Labor & Employment Law Conference, Seattle, WA, May 3, 2012.

– Invited presenter.

“Evolving Discrimination Issues in Work-Life Balance Law,” American Bar Association, National Conference on Equal Employment Opportunity Law, San Francisco, CA, Mar. 23, 2012.

– Invited presenter.

“Cutting Edge Issues in Sex Discrimination and Harassment,” National Employment Lawyers Association 22nd Annual Convention, New Orleans, LA, June 30, 2011.

“Gender Stereotyping and Family Responsibilities Discrimination: What You Need to Know,” Pacific Coast Labor & Employment Law Conference, Seattle, WA, May 5, 2011.

“Problems and Possibilities,” New England Regional Work/Family Public Policy Meeting, Portsmouth, NH, Nov. 8, 2010.

– Invited presenter.

“Family Responsibilities Discrimination,” State Bar of California Labor & Employment Law Section 26th Annual Meeting, San Diego, CA, Nov. 1, 2008.

“Family Responsibilities Discrimination: Everything You Need to Know,” California Employment Lawyers Association 21st Annual Employment Law Conference, Pasadena, CA, Oct. 4, 2008.

“Emerging Discrimination Claims,” Practising Law Institute 37th Annual Institute on Employment Law, San Francisco, CA, Sept. 26, 2008.

“The State of FRD Law Today,” Symposium on Family Responsibilities Discrimination (FRD), Lessons for the Use of Stereotyping Evidence & Implicit Bias in Employment Cases, U.C. Hastings College of the Law, San Francisco, CA, Feb. 9, 2008.

## **TESTIMONY & MEDIA**

Testimony before California Legislature, Assembly Labor & Employment Committee, Hearing on How the Shriver Report (*A Woman’s Nation*) Impacts California Working Families, February 17, 2010.

Testimony before U.S. House of Representatives Committee on Education & Labor, Subcommittee on Workforce Protections, Hearing on the Impact of Women’s Growing Participation in the Workforce, November 13, 2009.

Testimony before California Legislature, Assembly Judiciary Committee and Assembly Labor & Employment Committee, Hearings on AB 1001, April 22 & 27, 2009.

Work and commentary featured in major media outlets, including *Time*, *Orlando Sentinel*, *Chicago Tribune*, *National Law Journal*, ABCNews.com, Law.com, and New America Media.

## **PROFESSIONAL & COMMUNITY ACTIVITIES**

- Executive Board Member - AALS Section on Employment Discrimination (Chair-Elect, 2018-19; Secretary, 2017-18; Treasurer, 2016-17)
- Member - AALS Sections on Labor & Employment Law; Civil Procedure; Women in Legal Education
- Member - Law & Society Association
- Member - Work & Family Researchers Network, University of Pennsylvania
- Member - Pregnancy Accommodation Working Group, U.C. Hastings College of the Law
- Member - Redesigning & Redefining Work Working Group, Stanford University
- Attendee - George Mason University Law & Economics Center, Workshop for Law Professors on the Economics of Litigation & Civil Procedure, 2015
- Advisory Board - New Voices Fellowship Program, Academy of Educational Development, 2002-2010
- Board of Directors - Berkeley Law Foundation, U.C. Berkeley School of Law, 2000-2005
- Bar Admission: California, Dec. 2000

*Last updated 8/15/18*