



Keith Cunningham-Parmeter

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ACADEMIC APPOINTMENTS

Willamette University College of Law, Professor of Law

- Courses taught: Contracts I, Contracts II, Labor Law, Employment Law, Employment Discrimination, Selected Topics in Labor & Employment Law
- Robert L. Misner Award for Excellence in Faculty Scholarship, 2015
- Jerry E. Hudson Award for Excellence in Teaching and Leadership, 2011
- Professor of the Year, 2008

EDUCATION

Stanford Law School, J.D. with Distinction, 2002

- Order of the Coif (top ten percent)
- Stanford Law School Public Interest Fellow, 2001-02
- First Place, Stanford Law School's Adolph and Olaus Murie Award for outstanding written work in the area of environmental law, 2002
- First Place (tied), Stanford Law School's Steven M. Block Award for outstanding written work in the area of civil rights and personal freedom, 2002

University of Oregon, B.A. in English, minor in Economics, *magna cum laude*, 1996

- Phi Beta Kappa

LEGAL ACADEMIC WRITING

Discrimination by Algorithm: Employer Accountability for Biased Customer Reviews, 70 UCLA L. REV. (forthcoming)

The Sexual Harassment Loophole, 78 WASH. & LEE L. REV. 155 (2021)

Gig-Dependence: Finding the Real Independent Contractors of Platform Work, 39 N. ILL. U. L. REV. 379 (2019) (invited symposium)

From Amazon to Uber: Defining Employment in the Modern Economy, 96 B.U. L. REV. 1673 (2016)

Marriage Equality, Workplace Inequality: The Next Gay Rights Battle, 67 FLA. L. REV. 1099 (2015)

(Un)Equal Protection: Why Gender Equality Depends on Discrimination, 109 NW. U. L. REV. 1 (2014)

Men at Work, Fathers at Home: Uncovering the Masculine Face of Caregiver Discrimination, 24 COLUM. J. GENDER & L. 253 (2013)

Forced Federalism: States as Laboratories of Immigration Reform, 62 HASTINGS L.J. 1673 (2011)

Alien Language: Immigration Metaphors and the Jurisprudence of Otherness, 79 FORDHAM L. REV. 1545 (2011)

Review of *ILLEGAL PEOPLE: HOW GLOBALIZATION CREATES MIGRATION AND CRIMINALIZES IMMIGRANTS*, by David Bacon, 63 *INDUS. & LAB. REL. REV.* 357 (2010)

Redefining the Rights of Undocumented Workers, 58 *AM. U. L. REV.* 1361 (2009)

Fear of Discovery: Immigrant Workers and the Fifth Amendment, 41 *CORNELL INT'L L.J.* 27 (2008) (invited symposium)

A Poisoned Field: Farmworkers, Pesticide Exposure, and Tort Recovery in an Era of Regulatory Failure, 28 *N.Y.U. REV. L. & SOC. CHANGE* 431 (2004)

Dreaming of Effective Assistance: The Awakening of Cronin's Call to Presume Prejudice from Representational Absence, 76 *TEMPLE L. REV.* 827 (2003)

Note, *Father Time: Flexible Work Arrangements and the Law Firm's Failure of the Family*, 53 *STAN. L. REV.* 967 (2001)

ESSAYS AND OTHER WRITINGS

External Note Reviewer, *STAN. L. REV.* (2022)

Book Proposal Review, Cambridge University Press (2016)

The Uber Problem Facing Workers, *CLS (Columbia Law School) BLUE SKY BLOG* (May 26, 2016)

Twenty Something, *AM. LAW.*, Sept. 2000 (cover story)

The Defense Rests, *AM. LAW.*, Aug. 2000

Beside the Gate, a Revolving Door, *AM. LAW.*, Aug. 2000

1990-1999: The Way We Were, *AM. LAW.*, July 2000 (with John Turrettini)

- Cited by Justice Ruth Bader Ginsburg, Washington University School of Law, Apr. 4, 2001

Between Two Worlds—A Delta/Cambridge Diary, *ENGLISH*, 1998-99

LECTURES AND PRESENTATIONS

Algorithmic Discrimination and the New Supervisory Customer, Vanderbilt Law School, Oct. 15, 2021 (presented remotely)

Algorithmic Discrimination, Faculty Development Conversation Series, Willamette University, Sept. 15, 2021

Parenting, Family Leave, and Flexible Work: Retaining Legal Talent in the 21st Century, Multnomah Bar Association, May 31, 2019

The ABCs of Gig Work: How a Novel Employment Test Could Transform the Platform Economy, Northern Illinois University College of Law, Apr. 12, 2019

What is Sanctuary? History & Legal Context, Santa Clara University School of Law, Apr. 21, 2017

Sick and Fired: The Limits of Leave Laws, Willamette University College of Law, Feb. 3, 2017

Penalizing Parenting, Women's Law Caucus, March 7, 2016

Fathers, Mothers, and Family Responsibilities Discrimination, Mary Leonard Law Society, Oct. 20, 2015

Workplace Secrets, Loyalty, and Poaching: Protecting Employer Interests and Employee Liberty (Commentator), Lewis & Clark Law School, Sept. 11, 2015

Who Is the Caregiver? Men, Women, and Leave Differentials Based on Sex, Oregon Women Lawyers, May 9, 2014

Constitutional Discrimination: Equal Protection and the Case for Favoring Fathers in Parental Leave, UNLV School of Law, Sept. 27, 2013

Work, Family, and Microinequities, Society for Human Resource Management, Oregon State Council, Feb. 28, 2013

Fathers at Home, Men at Work: The Function of Masculine Norms in Caregiving Discrimination Cases, Work and Family Researchers Network Conference, June 15, 2012

The Elusive Grand Bargain: Why Immigration Reform Efforts Fail, League of Women Voters of Portland, Feb. 14, 2012

Separate Spheres No More? How the New Economy Enables Fathers to Seek Workplace Accommodations (and the Reasons They Still Don't), Lewis & Clark Law School, Sept. 30, 2011

Building a Better Leave Policy, Multnomah Bar Association, Apr. 22, 2011

State Immigration Experimentation, Mary Leonard Law Society, Apr. 12, 2011

Reflections on RESHAPING THE WORK-FAMILY DEBATE: WHY MEN AND CLASS MATTER, UC Hastings College of Law, Oct. 28, 2010

Floods, Crimes, and Aliens: Representations of Immigrant Workers in the Law, Washington University School of Law, Sept. 24, 2010

Speaking of Immigrants, University of Connecticut School of Law, Mar. 26, 2010

The Future Rights of Undocumented Workers, Seton Hall Law School, Sept. 25, 2009

Reframing Undocumented Workers' Rights, Northwest Junior Faculty Forum, Mar. 4, 2009

Labor Rights and Workplace Raids, University of San Francisco School of Law, Feb. 27, 2009

Immigration Status and Self-Incrimination, University of Denver College of Law, Sept. 28, 2007

Farmworkers and Pesticides: Manufacturer Liability and Common Law Theories, University of Oregon School of Law, Mar. 2, 2007

The Fifth Amendment's Protective Function in Immigrant-Initiated Litigation, Cornell Law School, Feb. 23, 2007

Firms, Fathers, and Flexible Work Arrangements, Lawyers Club of San Diego, Jan. 26, 2007

Male Lawyers, Flexible Work Arrangements, and the Challenges of Implementation, University of San Francisco School of Law, Mar. 10, 2006

Rights Without Remedies: Enforcing Workplace Protections for Undocumented Migrant Farmworkers, Lewis & Clark Law School, Nov. 16, 2005

Farmworkers and Environmental Justice, Washington State University Vancouver, Feb. 26, 2005

From AWPA to FIFRA: Litigating Pesticide Cases, National Farmworker Law Conference, Dec. 3, 2004

PRIOR LEGAL AND INSTRUCTIONAL EXPERIENCE

Skadden Fellow, Oregon Law Center, Farmworker Program, Portland, Oregon, 2004-06

- Lead counsel in wage and hour class action that resulted in the largest judgment to date for agricultural workers in Oregon

Law Clerk to the Honorable Ancer Haggerty, Chief Judge, United States District Court for the District of Oregon, 2002-04

United States Equal Employment Opportunity Commission, Legal Intern, San Jose, California, 2001

Rudy, Exelrod & Zieff, Litigation Intern, San Francisco, California, 2001

East Palo Alto Community Law Project, Legal Intern, Family Advocacy and Support Program, Volunteer Attorney Program, East Palo Alto, California, 1999-2000

Teach for America, Anna Strong Middle School, Marianna, Arkansas, 1997-98; Central High School, West Helena, Arkansas, 1998-99

MEDIA APPEARANCES

'They Want You to Feel Alone': New Bill Aims to Ban NDAs for Victims of Workplace Harassment, FORTUNE, June 29, 2022

How Starbucks Uses Dubious 'Connection Scores' to Evaluate Its Workforce, NBC News, May 28, 2022

Dancers Sue Oregon Strip Clubs, Alleging Federal Wage Violations, Similar to Gig Workers, OREGONIAN, Sept. 10, 2021

Columbia Sportswear CEO Praises Biden's New Vaccine Mandates, KOIN-CBS, Sept. 10, 2021

Oregon Trooper Posts Video from Patrol Car Defying State Vaccine Mandate, OREGONIAN, Sept. 2, 2021

Just 17 Days Remain Until the City and the Portland Police Association Can Demand Private Mediation to Hash out Their Contract, WILLAMETTE WK., May 26, 2021

Amazon Workers—Gaming Woes—DuckDuckGo CEO, POLITICO, Apr. 8, 2021

Salem Nurse's COVID-19 Video Post Sparks Questions over Workplace Rights, KATU-ABC, Nov. 30, 2020

Sam Adams Wants Another Chance, WILLAMETTE WK., Oct. 2, 2019

Up All Night, BBC Radio 5 Live, June 8, 2019

Google Has More Temp and Contract Workers Than Actual Employees—But They Have Far Fewer Rights, MARKETWATCH, May 30, 2019

Uber, Lyft, and the Meaning of “Employee” in the Gig Economy, Top of Mind with Julie Rose, Sirius XM 143, May 13, 2019

What About Dads?, BLOOMBERG, May 1, 2019

Uber Doesn't Want Its Drivers to Be Employees—Here's Why That Matters, MARKETWATCH, Apr. 15, 2019

U.S. Supreme Court Case Could Mean Financial Instability for Oregon Public Unions, STATESMAN J., Sept. 30, 2017

Supreme Court Case Could Drain Oregon Unions, PORTLAND TRIB., Sept. 28, 2017

Temp Work Now a Permanent Fixture, Creating Problems for 'Invisible' Workforce, NBC News, Aug. 31, 2017

Sheriff Rift Puts County in Murky Waters, PORTLAND TRIB., May 26, 2016

TriMet, Union Spar over New-Employee Orientations, OREGONIAN, Apr. 2, 2016

Oregon Labor Unions Fear Setback in Supreme Court Case, PORTLAND TRIB., Jan. 12, 2016

“Primary” Caregiver Benefits Sound Gender-Neutral but Aren't, ATLANTIC ONLINE, Oct. 1, 2015

Changing Attitudes Toward Paid Leave for Moms and Dads: Reporter's Notebook, N.Y. TIMES, Sept. 16, 2015

State Supreme Court Partially Overturns PERS Reform, Think out Loud, OPB, Apr. 30, 2015

The Great Race, WILLAMETTE WK., Mar. 26, 2014

School Training Aims to Prevent Abuse, STATESMAN J., Feb. 16, 2014

The Legal Debate over the Public Employees Retirement System, Think out Loud, OPB, Feb. 20, 2013

Workplace Discrimination: Not Just About Race Anymore, AOL, Jan. 16, 2012

In Oregon Case, Women's Word Is Enough to Get Birth Certificate for Son, Court Says, OREGONIAN, July 24, 2011 (cover story)

County Union Authorizes Strike, HOOD RIVER NEWS, July 2, 2011

Oregon Eyes Focused on Arizona Immigration Law Case, OPB, Nov. 1, 2010

U.S. Farm Sector: Unique and Separate Part of Economy, INT'L BUS. TIMES, Oct. 5, 2010

Oregon's Governor Among Mid-Valley Residents Who Weigh in on Arizona Immigration Ruling, STATESMAN J., July 29, 2010

Ore. Medical Marijuana Can Lead to Firing, ASSOCIATED PRESS, BUS. WK., FORBES, N.Y. TIMES, Apr. 17, 2010

A Poisoned Field: Pesticide Exposure Among Farmworkers, WILLAMETTE LAW., Spring 2010

Verizon's Service Bundle Brings No Joy, OREGONIAN, Oct. 11, 2009

NFL Teams Really Get into Prep Work, SAN ANTONIO EXPRESS-NEWS, Apr. 21, 2009

Immigrant Workers Chilled by Raids, Policies, from Exercising Rights, Lawyers Say, BNA DAILY LAB. REP., Mar. 4, 2009

E-Verify Checks Worker Status, Draws Criticism, STATESMAN J., June 3, 2008

Immigrants' Plight Recalls 'When We Were Strangers in Egypt,' JEWISH REV., Apr. 15, 2008

Lawyers' Blog Attacks Go over the Legal Limit, OREGONIAN, Sept. 20, 2007 (cover story)

Supreme Court Review, KOPT Radio, July 6, 2007

Shift Break, KBCS Radio, June 19, 2007

KTRO News, KTRO Radio, June 14 and 15, 2007

The Vocal Majority, KOPT Radio, June 15, 2007

Bob Miller in the Morning, KPAM Radio, June 13, 2007

Good Morning Northwest, KOIN Television, June 12, 2007

Channel 2 News at 11, KATU Television, June 12 and 13, 2007

Work Complaints Hang over Plant, OREGONIAN, June 14, 2007 (cover story)

Labor Radio, KBOO Radio, June 12, 2007

The Vocal Majority, KOPT Radio, May 24, 2007

Employers' Immigration Pains, L.A. TIMES, Dec. 17, 2006

Lawyer Says She Was Shoved onto the Mommy Track, ABA J. E-REPORT, Dec. 1, 2006

Is Workplace Safety Lottery Really Safe?, OREGONIAN, Aug. 27, 2006

Del Monte, Ex-Workers Secure Settlement Deal, OREGONIAN, Aug. 10, 2006

Disparaging Situation, COLUMBIAN, Aug. 6, 2006

PROFESSIONAL WORK & AFFILIATIONS

Workplace Consulting and Expert Analysis, 2018-present

- Providing consulting, written expert analysis, and testimony in numerous employment, personal injury, and agency-related matters involving the platform economy, “gig” workers, employee versus independent contractor status, wages and hours, agency relationships, and algorithmic management.

Association of American Law Schools, Employment Discrimination Law, 2006-present

Northwest Employment Education and Defense Fund, Board of Directors, 2010-2019

Ninth Circuit Court of Appeals

United States District Court for the District of Oregon

State Bar of California (inactive) and State Bar of Oregon (active)