

# Keith Cunningham-Parmeter

Lewis & Clark Law School • 10101 S. Terwilliger Blvd. • Portland, Oregon 97219  
keithcp@lclark.edu • 503.504.7988

## ACADEMIC APPOINTMENTS

**Lewis & Clark Law School**, Visiting Professor of Law, 2023-24

- Courses taught: Contracts, Employment Law, Labor Law, Current Issues in Work Law

**Willamette University College of Law**, Professor of Law, 2015-present

- Associate Professor of Law (with tenure), 2011-15; Assistant Professor of Law, 2006-11
- 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

*When Amazon Drivers Kill: Accidents, Agency Law, and the Contractor Economy*, 65 WM. & MARY L. REV. (forthcoming 2024)

*Discrimination by Algorithm: Employer Accountability for Biased Customer Reviews*, 70 UCLA L. REV. 92 (2023)

*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

## **SELECTED LECTURES AND PRESENTATIONS**

*Ban the Box in College Admissions: Lessons from Employment Law*, University of Minnesota Law School, Oct. 27, 2023

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

*Algorithmic Discrimination*, Faculty Development Conversation Series, Willamette University College of Law, Sept. 15, 2021

*Parenting, Family Leave, and Flexible Work: Retaining Legal Talent in the 21<sup>st</sup> 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

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

*From Amazon to Uber: Defining Employment in the Modern Economy*, Willamette University College of Law, Feb. 25, 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, 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**

*2023 Labor Day Facts*, WALLETHUB, Aug. 30, 2023

*Worker Unrest Is Driving Strikes and Unionization Efforts Across Portland This Summer*, KGW, Aug. 18, 2023

*Prospects of Resolution Unclear as Historic Nurses Strike Begins in Portland, Seaside*, THE LUND REPORT, June 18, 2023

*Oregon Hospital Systems Face Lawsuits over Religious Objections to Covid Vaccine*, PORTLAND BUS. J., Jan. 18, 2023

*The Gig Law Causing Chaos in California Strip Clubs*, WIRED, Oct. 19, 2022

*'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, 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, June 13, 2007

*Good Morning Northwest*, KOIN, June 12, 2007

*Channel 2 News at 11*, KATU, 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**

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)