

## Curriculum Vita

### *Linda Hamilton Krieger*

#### Office Address:

University of Hawai'i  
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#### **EDUCATION**

Juris Doctor New York University School of Law, 1978

Bachelor of Arts Stanford University, 1975 (with University honors & honors in Psychology)

#### **ACADEMIC APPOINTMENTS**

Professor of Law, University of Hawai'i, William S. Richardson School of Law, August 2007 to Present; Director, Ulu Lehua Scholars' Program 2007-2017.

Senior Research Fellow, Center for the Study of Law and Society, University of California, Berkeley 2007-2011

Visiting Professor, Institut d'Etudes Politiques de Paris (Sciences Po), Paris, France (Summer 2008).

Professor of Law, University of California at Berkeley, School of Law (Boalt Hall) 2001 to 2009 (now retired)

Assistant/Associate Professor of Law, University of California at Berkeley, School of Law (Boalt Hall), 1996-2001

Visiting Professor of Law, Harvard Law School 2006-2007

Research Fellow, Radcliffe Institute for Advanced Study at Harvard University, 2004-2005

Research Fellow, Stanford Center on Conflict and Negotiation, Stanford University, 1995-1996

Acting Associate Professor of Law, Stanford Law School, 1993-1995

Lecturer in Residence, Stanford Law School, 1991-1993

Adjunct Professor, University of California, Berkeley, School of Law (Boalt Hall), 1989

Courses Taught: Employment Discrimination Law; Antidiscrimination Law and Policy; Civil Procedure; Legislation & Statutory Interpretation; Complex Litigation; Civil Pretrial Practice; Evidence; Professional Responsibility; Legal Problem Solving and Decision Making.

#### **PROFESSIONAL EMPLOYMENT**

United States Equal Employment Opportunity Commission

Senior Trial Attorney, San Francisco Regional Office

1986-1991

The Employment Law Center

Staff Attorney and Director of Clinical Programs, 1980-1986, Of Counsel 1992-1996

The Law Offices of Spector and Stevens, San Francisco, CA

Associate Attorney, 1978-1980

#### **PROFESSIONAL LICENSING**

Admitted to Practice in the State of California, 1978

Admitted to Practice in the United States Circuit Court for the Ninth Circuit, 1980

Admitted to Practice in the United States Supreme Court, 1984

Also admitted to practice in the U.S. District Court for the Northern District of California, the Central District of California, the Eastern District of California, and the District of Hawai'i.

## **FELLOWSHIPS, MAJOR GRANTS, AND AWARDS**

Carlsmith Ball Faculty Scholar, University of Hawai'i, Mānoa, 2012

Article Prize, Law and Society Association, March 2016 for Linda Hamilton Krieger, et. al., *When 'Best Practices' Win, Employees Lose: Symbolic Compliance and Judicial Inference in Federal Equal Employment Opportunity Cases*, 40 LAW & SOCIAL INQUIRY 207 (2015).

Article Prize, Law and Society Association, June 2011, for Lauren B. Edelman, Linda Hamilton Krieger, et. al., *Judicial Deference to Institutionalized Employment Structures*, 117 American Journal of Sociology 888-953 (2011).

Article Prize, American Sociological Association, Section on Organizations, Occupations, and Work, November 2012, for Lauren B. Edelman, Linda Hamilton Krieger, et. al., *Judicial Deference to Institutionalized Employment Structures*, 117 American Journal of Sociology 888-953 (2011).

French American Foundation Fellowship, Institut d'Etudes Politiques de Paris (Sciences Po), Paris, France (Summer 2008).

Research Fellowship, Radcliffe Institute for Advanced Study at Harvard University (2004-2005).

Principal Investigator (with Lauren Edelman) National Science Foundation Grant, *Judicial Deference to Institutionalized Employment Practices in Equal Employment Opportunity Litigation, 1965-1999* (2003-Present).

The Rutter Award for Distinction in Teaching, University of California, Berkeley, School of Law (Boalt Hall), April 2000.

Charles Munger Research Fellowship, (1999-2000).

John M. Hurlbut Award for Excellence in Teaching, Stanford Law School, June 1995.

Research Fellowship, Stanford Center on Conflict and Negotiation (1995-1996).

Phi Beta Kappa

## **PUBLICATIONS**

Linda Hamilton Krieger, *Message in a Bottle*, 39 BERKELEY J. OF EMPLOYMENT & LABOR LAW 53 (2018).

Linda Hamilton Krieger, Lauren B. Edelman, and Rachel Kahn Best, *When 'Best Practices' Win, Employee's Lose: Symbolic Compliance and Judicial Inference in Federal Equal Employment Opportunity Cases*, 40 LAW & SOCIAL INQUIRY 207 (2015).

*The Policy Implications of Unexamined Discrimination: Gender Bias as a Case Study* (with Susan T. Fiske), in Eldar Shafir, Ed., BEHAVIORAL FOUNDATIONS OF PUBLIC POLICY (Princeton University Press, 2012).

*When Organizations Rule: Judicial Deference to Institutionalized Employment Structures* (with Lauren Edelman et. al.), 117 AMERICAN JOURNAL OF SOCIOLOGY 888-953 (2011)

*Multiple Disadvantages: An Empirical Test of Intersectionality Theory in EEO Litigation*, 45 LAW AND SOCIETY REVIEW 991-1025 (2011) (with Rachel Kahn Best & Lauren B. Edelman).

PROBLEM SOLVING, DECISION MAKING, & PROFESSIONAL JUDGMENT: A GUIDE FOR LAWYERS & POLICY MAKERS (with Paul Brest), Oxford University Press 2010.

Monograph, *Un problème de catégories: Stéréotypes et lutte contre les discriminations*. Institut d'Études Politiques de Paris (Paris: France 2008).

Book Chapter, Linda Hamilton Krieger, *The Watched Variable Improves: On Eliminating Sex Discrimination in Employment*, in Faye Crosby & Margaret Stockdale, SEX DISCRIMINATION IN EMPLOYMENT (Blackwell Publishing, 2007)

Book Chapter, Linda Hamilton Krieger, *Behavioral Realism in Law: Reframing the Discussion about Social Science's Place in Antidiscrimination Law and Policy*, in Eugene Borgida & Susan T. Fiske, Eds., PSYCHOLOGICAL SCIENCE IN THE COURTROOM: BEYOND COMMON KNOWLEDGE (Blackwell Publishing, 2007).

*Behavioral Realism in Employment Discrimination Law: Implicit Bias and Disparate Treatment*, 94 CAL. L. REV. 997 (2006)(with Susan T. Fiske).

*Implicit Bias: Scientific Foundations*, 94 CAL. L. REV. 945 (2006)(with Anthony T. Greenwald).

*The Intuitive Psychologist Behind the Bench: Models of Discrimination in Social Psychology and Employment Discrimination Law*, 60 JOURNAL OF SOCIAL ISSUES 835 (2004).

Review Essay, *Complicity & Resistance in Oran: The Plague*, by Albert Camus (for California Law Review's "Influential Books" Series) 92 CAL. L. REV. 1241 (2004).

BACKLASH AGAINST THE ADA: REINTERPRETING DISABILITY RIGHTS (University of Michigan Press, 2003).

Book Chapter: *Introduction: Backlash Against the ADA*, in Linda Hamilton Krieger, Ed., BACKLASH AGAINST THE ADA: REINTERPRETING DISABILITY RIGHTS (University of Michigan Press, 2003).

Book Chapter: *Socio-Legal Backlash*, in Linda Hamilton Krieger, Ed., BACKLASH AGAINST THE ADA: REINTERPRETING DISABILITY RIGHTS (University of Michigan Press, 2003).

*Employer Liability for Sexual Harassment: Normative, Descriptive, and Doctrinal Interactions*, 24 U. ARK. LITTLE ROCK L. REV. 164 (2001).

*Whose Motive Matters? Discrimination in Multi-Actor Employment Decision Making*, 61 LA. L. REV. 695 (2001)(with Rebecca Haner White).

*Foreword: Backlash Against the Americans with Disabilities Act: Interdisciplinary Perspectives and Implications for Social Justice Strategies*, 21 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 1 (2000)

*Afterword: Socio-Legal Backlash*, 21 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW 476 (2000).

*Lawyers as Problem Solvers*, 72 TEMPLE LAW REVIEW 811 (1999)(with Paul Brest).

*The Burdens of Equality: Burdens of Proof and Presumptions in American and Indian Civil Rights Law*, 47 AMERICAN JOURNAL OF COMPARATIVE LAW 89 (1999)

*Civil Rights Perestroika: Intergroup Relations After Affirmative Action*, 86 CAL. L. REV. 1251 (1998).

*The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity*, 47 STAN. L. REV. 1161 (1995).

*Symposium on the Twenty-First Century Lawyer: On Teaching Professional Judgment*, 69 WASH. L. REV. 527 (1994)(with Paul Brest).

*Evidentiary Issues in Sexual Harassment Litigation*, 1 BERKELEY WOMEN'S LAW JOURNAL 115 (1985)(with Cyndi Fox).

*The Miller-Wohl Controversy: Equal Treatment, Positive Action, and the Meaning of Women's Equality*, WOMEN'S LAW FORUM: 13 GOLDEN GATE UNIV. L. REV. 513 (1983)(with Patricia Cooney), reprinted in D. Kelly Weisberg, FEMINIST LEGAL THEORY: FOUNDATIONS (Temple University Press, 1993).

### **REPRESENTATIVE INVITED LECTURES AND CONFERENCE PRESENTATIONS**

*The Struggle for LGBT Rights in the U.S.: The Early Years, in Social and Political Context*, Invited Lecture, University of the Ryukyus, Okinawa, Japan, December 2016.

*Framing Domestic Violence*, Invited Lecture, Safe Ireland Conference, Trinity College, Dublin, Ireland, November 2016.

*Judicial Decision Making* (Five day course for Micronesian Judges, Majuro, Republic of the Marshall Islands (March 22-27, 2015).

*A Brief Introduction to (Implicit) Bias*, Hawai'i Law Review Symposium on Implicit Bias, Honolulu, Hawai'i, January 2015.

*Recent Directions in Law and Psychology: Implicit Bias*, University of Hawai'i William S. Richardson School of Law, Conference on Law and Implicit Bias, December 2014.

*Managing Implicit Bias: A Guide for Leaders in the Legal Profession*, Annual Conference of the Association of Business Trial Lawyers, Hono'uli'uli, Hawai'i, November 2014.

*Social Cognition and Implicit Bias: An Overview of the Psychological Science*, Judicial Conference on Implicit Bias, Honolulu, Hawai'i,

*Mixed Company: Implicit Bias Theory in Legal Scholarship and the Courts*, Harvard Law School/Harvard Law School Charles Hamilton Houston Institute on Race and Justice, Conference on Implicit Racial Bias Across the Law, June 2012.

*Patterns of Implicit Judicial Inference in Antidiscrimination Adjudications*, Harvard Law School/Harvard Law School Charles Hamilton Houston Institute on Race and Justice, Conference on Implicit Racial Bias Across the Law, June 2012.

*Assisting Client Decision Making: Neutralizing Lawyer-Induced Bias*, American Association of Law Schools, Mid-Year Meeting, Seattle, WA, June 2011.

*Biases in Social Perception & Judgment*, Stanford University, Graduate School of Public Policy, Stanford, California, February 7, 2011.

*Straight Talk About Subtle Bias: The Effects of Stereotypes on Social Perception and Judgment*, The William and Flora Hewlett Foundation, Menlo Park, California, February 8, 2011.

*Being and Belonging: The Meaning of Civil Rights*, Hawai'i Civil Rights Commission Equal Employment Opportunity Conference Keynote Address, September 13, 2010.

*Comment Dépasser Nos Catégories Mentales? (How Can We Overcome Racial Categories?)*, Conference: *Décolonisons Les Imaginées*, Paris, France, March 12, 2009.

*The Genetic Information Nondiscrimination Act*, The Radcliffe Institute for Advanced Study at Harvard University, Cambridge, MA, October 9, 2009.

*(Dis)Proving Discrimination* (Sciences Po/French American Foundation Lecture on Equality of Opportunity). June 25, 2008.

*Antidiscrimination Law Enforcement: Lessons from the U.S. Experience*. Haute Autorité en la Lutte Contre Les Discriminations et Pour L'Égalité (French High Authority in the Struggle Against Discrimination and for Equality) June 16, 2009.

*Equal Treatment versus Treatment as an Equal: Disability Discrimination & the Politics of Difference*. École Haute d'Études des Sciences Sociales (EHESS), Paris, France. Conference: Le Handicap -- Un Moteur pour les Sciences Sociales.

*Social Cognition and Implicit Bias: Implications for Antidiscrimination Law and Policy*. Institut National d'Études Démographiques, Paris, France June 3, 2008.

*Reflections sur la diversité et l'anti-discrimination (Reflections on Diversity and Antidiscrimination)*, Symposium sur la diversité, Renault & L'Institut d'Études Politiques de Paris, Paris, France, May 29, 2008.

*Ideological Contests in U.S. Civil Rights Enforcement Agencies: Consequences for Antidiscrimination Law and Policy in the United States*, Symposium: Perspectives on Antidiscrimination and Affirmative Action Policies in the United States and France, Centre d'études et de recherches internationales, Institut d'Études Politiques de Paris, Paris France, May 20, 2008.

### **RECENT PROFESSIONAL AND PUBLIC SERVICE**

Chair, Hawai'i Civil Rights Commission (July 2011 – July 2019)

Workgroup Member, Hawai'i Department of Health, Sexual and Gender Minority Workgroup (December 2019 to Present)

Governing Board Member, American Association of University Professors Legal Defense Fund (2004- Present)

Board of Directors, Mental Health America of Hawai'i (2010-2013)

Member, Committee on New Initiatives, Hawai'i State Access to Justice Commission (2009-2012)

Peer Review Panel, LAW AND SOCIAL INQUIRY

Peer Review Panel, LAW AND SOCIETY REVIEW

Peer Review Panel, National Science Foundation (United States)