UC HASTINGS COLLEGE OF THE LAW

COMMITTEE ON SPECIAL PROGRAMS, CENTERS & PARTNERSHIPS MEETING

October 28, 2020
1. Roll Call

The Chair called the meeting to order at 2:05 p.m., and the Secretary called the roll.

Committee Members Present
Chair Tom Gede
Director Simona Agnolucci
Director Mary Noel Pepys
Director Chip Robertson

Committee Members Absent
Director Denise Bradley-Tyson

Other Directors Present
Director Claes Lewenhaupt
Director Courtney Power

Staff Participating
Chancellor & Dean David Faigman
Academic Dean Morris Ratner
Chief Financial Officer David Seward
General Counsel & Secretary to the Board John DiPaolo
Legal Director of Center for Gender & Refugee Studies Blaine Bookey
Deputy Director of Center for Gender & Refugee Studies Moira Duvernay
Communications and Advocacy Coordinator of Center for Gender & Refugee Studies Brianna Krong
Assistant Chancellor & Dean/Chief of Staff Jenny Kwon
2. Public Comment Period

The Chair invited public comment. No member of the public offered comment.

*3. Approval of Minutes of February 20, 2020

The Chair called for a motion to approve the minutes. Upon motion made and seconded, the minutes were approved.

4. Presentation on the Center for WorkLife Law

The Committee expressed the Board’s appreciation to the Center for WorkLife Law and explained the purpose of the meeting.

Professor Joan Williams, Director of the Center for WorkLife Law and Distinguished Professor of Law gave the Center for WorkLife Law’s presentation. She shared the following information with the Committee:

The goal of the Center is to advance leaders with diverse skills, protect pregnant and breastfeeding employees and students, and inform on workplace bias identification and disruption. WorkLife Law was founded in 2000. It invented and disseminated modern policy for keeping attorneys on partnership track and paying them in proportion to the work they do. WorkLife wrote a report with the American Bar Association on gender and racial bias in the legal profession and what people can do to change it. WorkLife Law focuses work on projects where it can make a concrete change within a two to five year time range.

At the time WorkLife Law was founded, employers could openly discriminate against mothers because doing so was gender neutral. Professor Williams began writing a series of law review articles and engaging in activism that lead to a 2004 case holding that discrimination against mothers was gender discrimination. The Equal Employment Opportunity Commission (EEOC) released guidance on caregiver discrimination in 2007. The 2012 EEOC guidance on pregnancy discrimination was based on WorkLife Law reports. WorkLife Law developed the legal theory for pregnancy rights under the Americans with Disabilities Act in addition to the Pregnancy Discrimination Act. Professor Williams stated that *Hicks v. Tuscaloosa* was the first case to hold that plaintiffs could get breastfeeding accommodation rights under the Pregnancy Discrimination Act, and the Eleventh Circuit took its language directly from WorkLife Law’s amicus brief.

WorkLife Law maintains a database of family responsibility discrimination litigation and advises attorneys on how to litigate these cases. The Center has also developed a patchwork of 17 legal theories as well as a series of webinars. Additionally, WorkLife Law runs a hotline for
those throughout the country who have experienced bias and connects those who call with local lawyers. WorkLife Law also writes amicus briefs with the help of Hastings students, and works with both plaintiffs and defense lawyers on bias in the legal profession. It hosts a well-regarded workshop on sexual harassment, which it presented at a Ninth Circuit conference this year.

WorkLife Law is part of a working group on new knowledge in social psychology and delivery to end users. Professor Williams interviewed 127 highly placed women, exploring gender bias and gender bias as impacted by race. She noted that WorkLife Law is the only white-led group invited to the Women of Color Collective. WorkLife Law developed the Workplace Experience Survey, which is designed to identify every bias in a ten-minute survey, including where and how it is playing out, and the bias’s impact on social factors in the workplace. WorkLife Law’s bias interrupters programming is built into ABA, NCCA, and engineering reports and is also being implemented in India.

The Center has written 70 articles on gender bias issues, and helped invent modern workplace flexibility policies. WorkLife Law founded Pregnant Scholar, which is one of the central Title IX organizations in country, with 60,000 users. WorkLife Law works with institutions to develop model policies for pregnant and parenting students, and runs a hotline for pregnant and/or parenting students which has helped over 1200 people to date. WorkLife Law works with over ninety universities, with many unions, and with K-12 educators and staff. It has also conducted studies of arbitration in caregiving disputes, and Professor Williams has delivered the keynote at the American Arbitration Association. WorkLife Law is also working on collective bargaining agreement provisions for pregnancy and breastfeeding, and works with legislatures on discrimination and breastfeeding laws. Professor Williams presented a 2009 report coauthored with a Hastings student that developed the model for local family discrimination laws. Professor Williams also presented to the National Academy of Science and Medicine twice this year, and has been awarded a series of National Science Foundation grants.

Professor Williams highlighted WorkLife Law’s consulting work with the Bush administration regarding the intermittent leave policy, the EEOC, the New York Commission on Human Rights on breastfeeding accommodations, and in efforts to change the policy for pregnant farmworkers regarding unemployment and exposure to toxins.

WorkLife Law conducted a randomized controlled study that helped shift workers to stable schedules. Professor Williams indicated that capitalism can be a tool to accomplish some of these social changes, and noted partnerships with University of North Carolina business school and University of Chicago. WorkLife Law is now seeking funding to write a business playbook on how to navigate the journey from unstable to stable work schedules.

Professor Williams also shared her work on social class. She wrote a book called Shaping Work-Family Debate, and then published White Working Class, which was reviewed in the New York review of books and read by 50,000 people. White Working Class started a conversation about social class in America. She told the Board that she could not have written these books without the support of WorkLife Law. She further noted that the implicit bias training at Facebook was organized around evidence presented in her book.
WorkLife Law also performs significant levels of outreach, including on twitter and other social media and through regular communication to the press. Professor Williams has written 27 Harvard Business Review articles, the most recent of which brought over 9000 new visitors to WorkLife Law’s website. WorkLife Law’s report on breastfeeding in the workplace was read 12000 times and covered on the front page of the New York Times business section. WorkLife Law also writes for teacher’s newsletters, and works on model policies with employers and employees, plaintiffs’ and defense lawyers, and all stakeholders and corporations.

Professor Williams also presented on WorkLife Law’s funding. She indicated that WorkLife Law currently has a $1 million budget. Grants make up $400,000 of the total budget, and the remainder is made from WorkLife Law’s fee-for-service model. Professor Williams’ speaker fees, which amount to $100,000 to $200,000 per year, go to WorkLife Law. She stated that WorkLife Law’s staff salaries amount to $840,000, and the center spends $107,000 on consultants. WorkLife Law used $115,000 in state funds to cover staff compensation, but the rest was raised by WorkLife Law. Grant funding is used strategically to cover salary when available. Professor Williams indicated that she received a $300,000 grant from Novo, and is grant prospecting with Bigglesworth, a new local funder. She also receives funding from the Kellogg Foundation, and has brought in $2 million in grants.

Professor Williams founded the Hastings Leadership Academy for Women, which is recognized as a premier program for women partners. It comprises a business school leadership framework applied to the legal profession. Both in-house counsel and law firms participate. The center also has Women’s Leadership Edge and WorkLife Law Brain Trust programs.

Professor Williams indicated that over the past five years, 245 students have been taught by WorkLife Law staff, who also provide career counseling for current and former students. Additionally, their curriculum is enhanced in various courses by connections in the legal community, which in turn provides a network for students and understanding of different roles that employment lawyers play. She also offers a Leadership for Lawyers course.

Three WorkLife Law lawyers are Hastings graduates. Professor Williams stated that WorkLife Law hires research assistants and summer interns, paying $7,500 for the summer. Hastings students have the opportunity to co-author works. Additionally, WorkLife Law provides a leadership training workshop for ASUCH.

Professor Williams consulted with the Hastings administration on its sexual harassment and Title IX policies. WorkLife Law’s research staff provides IRB expertise. WorkLife Law also provides a Family Medical Leave Act presentation for the Consortium.

Professor Williams presented on her medium-term plan for the Center. She would like to hire an executive director and staff attorney. The Committee asked how the Board and the College administration could best support WorkLife Law. Professor Williams stated that the Board can help by connecting WorkLife Law to people interested in leadership academies, webinars, and other WorkLife Law programming. She also wants to be able to pay her staff what they need to live comfortably in the Bay Area, noting that it is hard to retain people, particularly given that the diversity and inclusion officer market and employment law markets are actively recruiting
talent and pay higher wages. Part of WorkLife Law’s mission is to be a best practice employer. Professor Williams indicated that so far she has not had any problem in getting salary increases for her staff through the Hastings administration. She said that WorkLife Law does not participate in Hastings raises, but gives lawyers a $2000/year cost of living raise. Academic Dean Morris Ratner indicated that all compensation adjustments for the Center are approved through the normal College approval processes.

Professor Williams also stated that the Development Office at Hastings does not currently provide support for WorkLife Law, but that she would appreciate that support. Chancellor & Dean Fagianman indicated that Development could ask potential donors they meet with what their priorities are and forward people accordingly. Professor Williams also indicated that she would like to have additional recordkeeping and fiscal support from the College administration, as her team essentially has to keep two sets of books in the current system. Professor Williams said that she has been at Hastings for fifteen years and appreciates the support she has received, including seed funding for WorkLife Law that was not available at her previous institution.

The Committee thanked WorkLife Law and Professor Williams for their work.

5. Presentation on the Center for Gender and Refugee Studies

The Committee expressed the Board’s appreciation to the Center for Gender and Refugee Studies and explained the purpose of the meeting.

Karen Musalo, Director of the Center for Gender and Refugee Studies and Professor of Law, gave the Center for Gender and Refugee Studies (CGRS) presentation. She introduced Moira Duvernay, the Deputy Director of the Center, and Blaine Bookey, the Legal Director of the Center. She shared the following information with the Committee:

The origins of refugee law go back to the failure to protect those fleeing the Holocaust. Refugee protections originally did not recognize women’s rights as human rights. CGRS was founded in 1999 with a $20,000 grant from a philanthropist. CGRS now has 18 full-time staff and a $2.5 million budget, and has been involved in every major precedent-setting gender-based asylum victory in the last twenty years.

CGRS provides expert consultation and legal education. There is no free legal representation for asylum seekers in the U.S., which creates an intense need for pro bono representation. CGRS has set up an asylum case database and outcome tracking system so that attorneys who have no prior experience in asylum law can get training and take on these cases. CGRS partners with many top law firms and also provides expert consultation and legal education at many top law schools. CGRS consults on approximately 23 cases per day. The litigation resource development efforts incorporate Hastings students to do research and drafting on country conditions and asylum law. CGRS’s yearly output includes five comprehensive training manuals, 30 new human rights documentations and analysis of 22 countries. CGRS also has an expert witness database that it launched in September 2018, and which has been used over 2500 times by advocates, with 72,260 page views. The database contains over 200 expert witnesses, including social scientists, legal, medical, and mental health professionals. CGRS pioneered the use of expert testimony in
asylum cases. CGRS staff also speak at symposia, consultations, and trainings, conducting 70 trainings in the last year that reached over 5000 participants, with demand steadily increasing. Congresswoman Nancy Pelosi secured a congressional appropriation in 2005 for CGRS to launch the Refugee and Human Rights Clinic. Hastings has adopted the clinic into its curriculum and funds it because it was initially so popular. CGRS was designated an official IOLTA-funded support center in 2016, reaffirmed in 2019. CGRS was selected by the Vera Institute of Justice five years in a row as a primary trainer and technical assistance provider to a leading federally-funded national network of legal representation providers to unaccompanied child migrants. CGRS is also sought out as an expert source in international and national media. CGRS does tracking and asylum adjudication analysis of unpublished decisions not available from other sources. CGRS attorneys provide expert testimony before international human rights bodies and foreign governments. CGRS staff also mentor Hastings students and assist them in publishing their research.

CGRS partners with the ACLU and Southern Poverty Law Center to challenge federal policies that violate international legal obligations. Hastings students participate in these efforts. CGRS intervenes as counsel, co-counsel, or amicus in cases poised to be precedent setting.

Professor Musalo presented on CGRS’ policy advocacy, public education and contributions to Hastings students and the Hastings community. She noted that many applicants are attracted to Hastings in part because of CGRS. CGRS is mentioned more than any other program at Hastings by LEOP students. CGRS provides training and resume-building experiences, and also employs students in paid summer clerkships and research assistant positions. There are four Hastings graduates on the CGRS staff. Professor Musalo noted the Hastings-to-Haiti Partnership program, with exchanges between Hastings and a partner law school in Haiti. Professor Musalo teaches a rule of law in Haiti spring seminar, and a student organization and spring break delegation travel to Haiti.

CGRS funding includes $107,200 from Hastings. Government grants and contracts comprise a little over $1 million in funding. Foundation grants comprise $833,875, and individual and law firm contributions total $241,703. CGRS also has other income of $121,129. The Committee asked about grants from the State Department or USAID. Professor Musalo stated that those entities support a different category of refugees than CGRS typically works with, and would appreciate the introduction. The Committee inquired about what else CGRS would do if it did not have any funding limitations. Professor Musalo stated that CGRS would do more fact finding in countries that are refugee-sending, would hire more students, and would increase its international involvement. The Committee also asked whether sabbaticals for Center staff are possible under the current College policy. Professor Musalo indicated that they are not, and that she wants to be able to give her staff three-month sabbaticals for total disengagement. She proposed that funding for the sabbaticals would come from money that CGRS independently raises. Additionally, she informed the Board that she has contingency budget plans and is reaching out to foundations and other potential funders in light of COVID-19.

The Committee thanked Professor Musalo for her presentation and all of the great work that CGRS does.
*6. Adjournment

The Chair adjourned the meeting at 5:11 p.m.

Respectfully submitted,

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John K. DiPaolo, Secretary

*Action item.*