
RACHEL S. ARNOW-RICHMAN

University of Denver College of Law
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ACADEMIC EXPERIENCE

UNIVERSITY OF DENVER COLLEGE OF LAW, Denver, CO

Chauncey Wilson Memorial Research Professor, July 1, 2015 – present

Director, Workplace Law Program, August 1, 2010 – June 30, 2012, August 1, 2013 – present

Professor, September 1, 2011 – present

Associate Professor, September 1, 2007 – August 31, 2011

Assistant Professor, August 1, 2004 – August 31, 2007

Courses: Contracts, Employment Law Survey, Labor Law, Employment Law in the New Economy,
Workplace Law Practicum: Pre-litigation & Transactional Skills

Award: Chauncey Wilson Memorial Research Chair, 2015-17
Dean's Research Professorship, 2008-09

UNIVERSITY OF COLORADO SCHOOL OF LAW, Boulder, CO

Visiting Professor, August 1, 2016 – January 15, 2017

Courses: Contracts, Transactional Drafting: Employment Law

FORDHAM UNIVERSITY SCHOOL OF LAW, New York, NY

Visiting Associate Professor, January 1 – August 31, 2009

Courses: Labor Law, Employment Law

TEMPLE UNIVERSITY SCHOOL OF LAW, Philadelphia, PA

Visiting Associate Professor, July 1, 2003 – June 30, 2004

Courses: Contracts I & II, Employment Discrimination, Civil Procedure

Teaching Fellow and Lecturer in Law, August 1, 1998 - May 31, 2000

Courses: Family Law, Legal Research & Writing

TEXAS A&M UNIVERSITY SCHOOL OF LAW (formerly Texas Wesleyan), Fort Worth, TX

Associate Professor, August 1, 2000 – June 30, 2003

Courses: Contracts I & II, Employment Law, Labor Law

Award: State Bar of Texas, Labor and Employment Law Section Inaugural Grant

EDUCATION

HARVARD LAW SCHOOL, J.D., *cum laude*, 1995

TEMPLE UNIVERSITY SCHOOL OF LAW, L.L.M. in legal education, 2000

Honorable Abraham L. Freedman Fellow

RUTGERS UNIVERSITY, B.A. in English and Communication, *summa cum laude*, 1992

Phi Beta Kappa

Douglass College Scholars Program

WRITINGS & PUBLICATIONS

Books, Chapters & Anthologies

Asmus v. Pacific Bell and the “Unilateral” Employment Contract: Building the House of Cards Higher, in *The Best and Worst of Contracts Decisions: An Anthology*, 45 FLA. ST. U. L. REV. (forthcoming 2018).

WORKPLACE LAW, DEVELOPING PROFESSIONAL SKILLS SERIES with Nantiya Ruan (West Academic Publishing 2016).

From Just Cause to Just Notice in Reforming Employment Termination Law, in THE RESEARCH HANDBOOK ON THE ECONOMICS OF LABOR AND EMPLOYMENT LAW, (ed. Michael L. Wachter and Cynthia L. Estlund) (Edward Elgar Publishing) 2012.

EMPLOYMENT LAW: PRIVATE ORDERING AND ITS LIMITATIONS with Timothy Glynn & Charles Sullivan (Aspen 2006, 2011, 2015).

Articles & Symposia

“Of Power and Process: Handling Harassers in an At-Will World,” 128 YALE L.J.F. 85 (2018)

“Vers une loi américaine sur les licenciements économiques” (“Toward an American Law of Redundancy”), 2 REVUE DE DROIT COMPARÉ DU TRAVAIL ET DE LA SÉCURITÉ SOCIALE 1, 16 (2017).

“Modifying At-Will Employment Contracts,” 57 B.C. L. REV. 427 (2016).

“Mainstreaming Employment Contract Law: The Common Law Case for Reasonable Notice of Termination,” 66 FLA. L.REV. 1513 (2014).

“Employment Law Inside Out: Using the Problem Method to Teach Workplace Law,” 58 ST. LOUIS L.J. 29 (2013).

“Author Meets Reader, Scholar Meets Worker,” 15 EMP. RTS. EMP. POL. J. 443 (2011).

“Just Notice: Re-Reforming Employment at Will,” 58 UCLA L. REV. 1 (2010).

“Incenting Flexibility: The Relationship Between Public Law and Voluntary Action in Enhancing Work/Family Balance,” 42 CONN. L. REV. 1081 (2010)

“Employment as Transaction,” 39 SETON HALL L. REV. 447 (2009).

“Putting the Restatement in its Place,” 13 EMP. RTS. EMP. POL. J. 143 (2009).

“Cubewrap Contracts: The Rise of Delayed Term, Standard Form Employment Agreements,” 49 ARIZ. L.REV. 637 (2007).

“Public Law And Private Process: Toward an Incentivized Organizational Justice Model of Equal Employment Quality for Caregivers,” 2007 UTAH L. REV. 25.

“Cubewrap Contracts and Worker Mobility: The Dilution of Employee Bargaining Power Via Standard Form Noncompetes,” 2006 MICH. STATE L. REV. 963.

“The Role of Contract in the Modern Employment Relationship,” 10 TEXAS WES. L. REV. 1 (2003).

- “Non-Competes, Human Capital, and Contract Formation: What Employment Law Can Learn from Family Law,” 10 TEXAS WES. L. REV. 155 (2003).
- “Accommodation Subverted: The Future of Work/Family Initiatives in a ‘Me, Inc.’ World,” 12 TEXAS J. WOM. & L. 345 (2003).
- “Bargaining for Loyalty in the Information Age: A Reconsideration of the Role of Substantive Fairness in Enforcing Employee Non-Competes,” 80 OREGON L. REV. 1163 (2001).
- “A Cause Worth Quitting For? The Conflict Between Professional Ethics and Individual Rights in Discriminatory Treatment of Corporate Counsel,” 75 INDIANA L.J. 963 (2000),
selected for reprinting at 50 DEFENSE L.J. 95 (2001).

Published Remarks

- “*Scaling Carnegie: Four Iterations of Teaching Transactional Workplace Law Skills*,” 18 TRANSACTIONS: TENN. J. BUS. L. 439 (2016).
- “*Introduction: Caregiving 2014*,” 91 DENVER L. REV. 959 (2014).
- “*Transactional Skills in Upper Level Doctrinal Courses: Three Exemplars*,” 2009 TRANSACTIONS: TENN. J. BUS. L. 367.
- “*Relational Contracting in the Digital Age*,” Panel Discussion, 11 TEXAS WES. L. REV. 675 (2005).

PRESENTATIONS

- “Front Page News: Voice and the #MeToo Movement,” Real News Day, Colorado State Capitol, Denver, CO (April 27, 2018).
- “Sexual Harassment in the Workplace,” Labor & Employment Relations Association, Rocky Mountain Chapter, Regis University, Denver, CO (January 9, 2018).
- “What Does #MeToo Mean for My Company,” Denver Law In-House Counsel Group, Denver, CO (December 15, 2017).
- “Good Faith Restraints on Noncompete Law,” 12th Annual International Colloquium on Current Scholarship in Labor and Employment Law, Texas A&M Law School, Fort Worth, TX (September 16, 2017).
- “Noncompetition, Good Faith, and the Bilateral Employment Contract,” 10th Annual International Contracts Conference, Southwestern Law School, Los Angeles, CA (February 25, 2017).
- “Teaching Employment Law as an Integrated Course: An Evolution in Four Acts,” Labor Law Group Conference, U.C.L.A. Law School, Los Angeles, CA (December 10, 2016).
- “Faculty Status and Experiential Learning: An Employment Law Perspective,” 11th Annual Colloquium on Current Scholarship in Labor and Employment Law, University of Washington Law School, Seattle, WA (September 23, 2016).
- “Scaling Carnegie: Four Iterations of Teaching Transactional Workplace Law Skills,” Method in the Madness: The Art and Science of Teaching Transactional Law and Skills, Emory Law School, Atlanta, GA (June 10, 2016).

- “Good Faith Noncompetes,” 20th Annual Business Law Fall Forum, Workplace Secrets, Loyalty and Poaching: Protecting Employer Interests and Employee Liberty, Lewis & Clark Law School, Portland, OR (September 11, 2015).
- “Modifying At-Will Employment Contracts,” Faculty Workshop, University of Virginia School of Law, Charlottesville, VA (March 27, 2015).
- “Contract Rights of At-Will Employees: The Case for Reasonable Notice of Termination,” Colorado Bar Association, Section on Labor & Employment Law, Denver, CO, (April 17, 2014).
- “Modifying Employment Contracts,” Contracts & Employment Law, 8th Annual International Contracts Conference, St. Thomas Law School, Miami, FL (February 22, 2014).
- “Rethinking Carnegie: The Problem Method as An Incremental Approach to Integrated Learning,” University of Denver Modern Learning Lecture Series, Univ. of Denver, Sturm College of Law, Denver, CO, (October 23, 2013).
- “Teaching Employment Law Through Problems,” Teaching Employment and Labor Law, St. Louis Univ. School of Law, St. Louis, MO, (February 15, 2013).
- “Reasonable Notice under Contract and Employment Law,” AALS Contracts and Commercial Law Section, “The Law of Contract or Laws of Contracts?” AALS Annual Meeting, New Orleans, LA (January 5, 2013).
- “Good Faith Notice in the Bilateral Employment Contract,” 7th International Contracts Conference, Thomas Jefferson School of Law, San Diego, CA (March 3, 2012).
- “A Contract Theory of Employment,” Contract as Promise at 30, Suffolk School of Law, Boston, MA (March 25, 2011).
- “Just Notice: Re-reforming Employment at Will,” Faculty Speaker Series, Stetson University College of Law, Gulfport, FL (April 16, 2010).
- “Reconstructing Superwoman: Care and Market Work from a Non-Binary Perspective,” Motherhood: Reclaiming Our Past, Transforming Our Future, U. Denver College of Law, Denver, CO (March 13, 2010).
- “The Law & Economics of the Four-Day Work Week,” Redefining Work: Exploring the Legal Implications of the Four-Day Work Week, U. Connecticut Law School, Hartford, CT (October 29, 2009).
- “Much Ado about Something? Some Straight Talk about the ALI’s Restatement of Employment Law,” Annual Meeting of the Academy of Legal Studies in Business, Section on Labor & Employment Law, Denver, CO (August 5, 2009).
- “Fair Termination in an At-Will World,” U.S. Employment Law in Action: Adaptation and Reform, Law & Society Association Annual Meeting, Denver, CO (May 28, 2009).
- “Response to the Working Group Report on Chapter 2 of the Draft Restatement of Employment Law,” Labor Law Group Working Conference on the ALI’s Draft Restatement, U.C. Hastings College of Law, San Francisco, CA (February 7, 2009).
- “Tackling Workplace Disputes: A Spectrum of Approaches,” Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL (August 1, 2008).

- “Pedagogical Methods for Teaching Labor and Employment Law in the 21st Century,” Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL (August 1, 2008).
- “Transactional Skills in Upper Level Doctrinal Courses,” Teaching Drafting and Transactional Skills: The Basics and Beyond, Emory Law School, Atlanta, GA (May 31, 2008).
- “Good Faith, Reasonable Notice and Employment At Will: Rethinking the Common Law Contract of Employment,” Contracts Law in Action Workshop, University of Wisconsin Law School, Madison, WI (February 16, 2008).
- “Good Faith, Reasonable Notice and Indefinite Contracts: Re-imagining Employment as a Bilateral Relationship,” The Enduring Legacy of *Wood v. Lucy, Lady Duff-Gordon*, Pace University School of Law, White Plains, NY (November 9, 2007).
- “Fair Termination in an At-Will World,” Annual Employment Law Colloquium, University of Denver College of Law, Denver, CO (September 29, 2007).
- “Cube-Wrap Contracts,” AALS Contracts and Commercial Law Section, “New Frontiers in Private Ordering,” AALS Annual Meeting, Washington, DC (January 5, 2007).
- “Bargaining Power, Noncompetition, and Standard Form Employment Contracts,” Power, Inequality and the Bargain: The Role of Bargaining Power in the Law of Contract, Michigan State University College of Law, East Lansing, MI (March 31, 2006).
- “Cube-Wrap Contracts: The Rise of Standard Form Employment,” International Contracts Conference, Texas Wesleyan School of Law, Ft. Worth, TX (February 24, 2006).
- “Cube-Wrap Contracts: The Misallocation of Employment Rights via Standard Form Agreements,” IP@Work, Radzyner School of Law, Hertzliya, Israel (December 28, 2005).
- “A Procedural Approach To Equal Employment Quality For Caregivers,” Work in Progress Series, University of Denver College of Law, Denver, CO (April 14, 2005).
- “Public Law And Private Justice: Toward A Procedural Model Of Equal Employment Opportunity,” Rolapp Visiting Scholar, Utah College of Law, Salt Lake City, UT (March 31, 2005).
- “Relational Contracting in the Digital Age,” Hadley v. Baxendale: The Common Law of Contracts as a World Force in Two Ages of Revolution, Gloucester, England (June 8, 2004).
- “Change at Work: Implications for Labor Law,” Law & Society Association, 2004 Annual Meeting, Chicago, IL (May 28, 2004).
- “Work/Family Conflict and Collective Action: Toward a Labor Rights Approach to Structural Employment Discrimination,” Redressing Structural Employment Discrimination, Law & Society Association, 2004 Annual Meeting, Chicago, IL (May 27, 2004).
- “New Forms of Employment Discrimination,” Change at Work: Implications for Labor Law, Cornell Law School, Ithaca, NY (October 25, 2003).
- “Non-Competes, Human Capital, and Contract Formation,” The Role of Contract in the Modern Employment Relationship, Texas Wesleyan School of Law, Ft. Worth, TX (March 7, 2003).
- “Contractual Restraints on Employee Mobility in the New Workplace,” Jacob Burns Lecture Series, Yeshiva University, Cardozo School of Law, New York, NY (February 10, 2003).

“Work/Family Conflict and the ‘Me, Inc.’ Economy: Thoughts on the Accommodation of Caregiving in the New Workplace,” *Subversive Legacies: Learning from History/Constructing the Future*, University of Texas, Austin, TX (November 22, 2002).

“Gender, Work and Caretaking,” Law & Society Association, 2002 Annual Meeting, Vancouver, CA (May 31, 2002).

“Simulations in the Classroom: Labor Law,” Texas Wesleyan University School of Law, Faculty Roundtable Series, Ft. Worth, TX (February 6, 2002).

“Non-Competes in the Information Age,” Southern Industrial Relations and Human Resources Conference, University of Louisville, Louisville, KY (October 5, 2001).

“Women in the Workplace,” Goosetree Symposium on Women and the Law, Texas Wesleyan University, Ft. Worth, TX (March 6, 2001).

LEGAL PRACTICE

DRINKER BIDDLE & REATH, LLP, Philadelphia, PA

Associate, Litigation Department, Labor & Employment Group, September 1996 - July 1998

Represented clients in employment and commercial litigation matters pending in federal and state courts and administrative agencies. Advised clients regarding personnel matters, including wage and hour compliance, family/medical leave law, and workplace privacy issues. Second-chaired sex discrimination trial in federal court. Assisted indigent clients in family law matters through Philadelphia Volunteers for the Indigent Program.

NEW JERSEY SUPREME COURT, Associate Justice James H. Coleman, Jr., Springfield, NJ

Judicial Clerk, September 1995 - August 1996

Assisted in drafting opinions of the Court, researched and evaluated pending appeals, made recommendations on petitions for certification.

CENTER FOR REPRODUCTIVE LAW & POLICY, New York, NY

Legal Intern, January 1995

Developed impact litigation to challenge state Medicaid funding restrictions on Norplant removal. Conducted extensive legal research, formulated legal strategies, identified and consulted with experts.

LEGAL SERVICES CENTER, Jamaica Plain, MA

Student Advocate, Spring 1994

Represented indigent clients in divorce, paternity, adoption, and domestic abuse cases. Drafted pleadings, conducted discovery, argued motions in Probate Court.

PROFESSIONAL ACTIVITIES

National Service

UNLEASH Equality (United Legal Educators Against Sexual Harassment), Co-Founder & Chair, 2018

Louis Jackson National Student Writing Competition in Employment and Labor Law, Judge, 2010-15

Annual Workplace Law Scholars’ Writing Collaborative, co-founder and co-chair, 2013-18

American Association of Law School, *Section on Labor & Employment Law*

Chair 2010, Chair-Elect 2009, Executive Committee 2008-2012

Drafting Committee, AALS Mid-Year Professional Development Program Proposal, Spring 2007

American Association of Law School, *Section on Contracts & Commercial Law*

Secretary 2010; Member at Large 2008-09, 2017-18

Contributing Newsletter Editor 2003-05

Editor, Bibliography for New Teachers, *published at 26 HAWAII L. REV.* 489 (2004)

American Association of Law School, *Section on Women in Legal Education:*

Executive Committee 2004-05, Newsletter Editor 2002-03,

Annual Meeting Planning Committee 2001

Labor Law Group

Member (by election), 2017 – present

Working Group on Chapter 8 of the American Law Institute's Proposed Restatement of Employment Law, 2010

Working Group on Chapter 2 of the American Law Institute's Proposed Restatement of Employment Law, 2008-09

Colorado Employment Law Faculty Scholarship Network

Founder 2004

Chair 2004-07 & 2009-12, 2013-16

MomsRising Advisory Committee on Maternal Profiling/Family Responsibilities Discrimination, 2007

International Contracts Conference, Planning Committee, 2005-06

Conference Chair, "The Role of Contract in the Modern Employment Relationship," Spring 2003

Institutional Service

University of Denver

Workplace Law Program Director, 2010-12, 2013-present

Conducted curriculum evaluation, developed 5-year plan for course offerings, reformed certificate requirements, formalized and expanded experiential learning opportunities, identified and solicited adjunct hires, identified and solicited community members for program advisory board, assisted with institutional development efforts, researched and planned speaker programs.

Faculty Executive Committee (by election), 2005-06, 2007-08, 2010-14, 2017-19 (Chair, Spring 2012 & 2013)

Secured passage of comprehensive set of faculty by laws, developed policy for summer stipend allocation and accountability, chartered integrated faculty committee on professional development, formulated job description for inaugural associate dean for faculty scholarship, conducted evaluation of College of Law strategic plan implementation process, facilitated development of governing documents for faculty committees, conducted audit and revision of faculty governance procedures.

Promotion & Tenure Committee (by election), 2009-10, 2015-16

Assessed and rendered final decisions on tenure and promotion applications with delegated authority from faculty.

Faculty Liason, Denver University Law Review, Symposium: Revisiting Sex: Gender & Sex Discrimination Fifty Years After the Civil Rights Act, 2013-14

Experiential Learning Task Force, 2013-14

Lateral Appointments Committee, 2010-11

Faculty Parliamentarian, 2009-10

Faculty Mentoring & Development Committee, 2006-07, Chair, 2009-10

Spearheaded effort to assess formal mentoring system, instituted teaching support and feedback program, solicited external speakers to present to faculty.

Committee on Non-Tenure Track Appointments, 2004-06

Produced report and recommendations on decanal teaching appointments.

Ad-Hoc Committee on Lawyering Process, 2004-06

Developed standards and procedures for appointment and renewal of legal writing instructors.

Examinations and Academic Standing Committee, 2004-05

Amended standards for judging student grade grievance petitions.

Texas Wesleyan University

Faculty Development Committee, 2000-03, Chair 2001-02 & 2002-03

Won \$5,000 grant to support academic programs on labor and employment law, developed and chaired law review's first conference and symposium, instituted faculty roundtable series for presentation of works in progress, instituted informal scholarship discussion group meetings.

Curriculum Committee, 2001-03

Developed plans for revamping grading system, redesigned credit offerings for independent student research and writing.

Dean Search Committee, 2002-03

Bar Admissions & Memberships

Current: New Jersey, New York

Inactive: Pennsylvania

American Bar Association, Section on Labor & Employment

Colorado Bar Association, Section on Labor & Employment