

DEBORAH THOMPSON EISENBERG  
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## ACADEMIC EXPERIENCE

**UNIVERSITY OF MARYLAND FRANCIS KING CAREY SCHOOL OF LAW**, Baltimore, Maryland  
Associate Professor of Law (2013-present); Assistant Professor of Law (2011-13); Visiting Law School Assistant Professor (2008-11); Visiting Assistant Professor of Law (Fall 2007)

*Courses Taught:* Mediation Clinic (2011-present)  
Introduction to Civil Procedure (Fall semesters 2007, 2009, 2010)  
Legal Analysis & Writing (Fall semesters 2007, 2008, 2009, 2010)  
Workers' Rights Clinic (Spring semesters 2010, 2011)  
Workers' Rights Seminar: Legal Theory and Practice (Spring 2009)  
Employment Discrimination (Fall 2008)

*Committee Service:* Curriculum Committee (2014-present; 2012-13)  
Dean Search Committee (2013-14)  
Appointments Committee (2013-14)  
MPower Committee (2013-14)  
Clinical Law Program Major Case Committee (2012-present)  
Planning Committee, Symposium to honor Chief Judge Robert M. Bell (2012-13)

*Faculty Director, Center for Dispute Resolution* (2011-present)  
Oversee program development, research initiatives, teaching collaborations, grant-funded projects, conflict resolution services, professional training programs, and revenue-generating activities of the Center.

## EDUCATION

**YALE LAW SCHOOL**, New Haven, Connecticut  
J.D., 1994

*Yale Law Journal*, Symposium Editor; *Yale Law & Policy Review*, Editor;  
Barristers' Union, Trial Director; Poverty Clinic, Student Director;  
Street Law, Instructor at New Haven high school; Battered Women's TRO Project

**UNIVERSITY OF MARYLAND BALTIMORE COUNTY**, Catonsville, Maryland  
B.A., Political Science; Minor in Writing, 1991

Valedictorian; *summa cum laude*  
*Honors:* Louis L. Kaplan Scholar; Phi Kappa Phi Honor Society;  
Outstanding Scholar-Leader in Political Science (selected by Department)  
Student Affairs Leadership Award; Omicron Delta Kappa Leadership Honor Society;  
Pi Sigma Alpha Political Science Honor Society (President)

## RESEARCH IN PROGRESS

### *The Restorative Workplace: Moving From Settlement to Social Change*

Draft law review article analyzing the potential application of restorative practices to develop and enforce antidiscrimination norms in the workplace

### *Restorative Approaches to Conflict Management in Schools*

Primary investigator for study evaluating the impact of three conflict management interventions at a West Baltimore school: 1) restorative practices; 2) mediation services by Mediation Clinic law students; and 3) an anti-violence curriculum. The research is funded by the UMB Center for Community-Based Engagement and Learning. Developed materials and managed process to obtain approval of research protocol by the UMB Institutional Review Board. Currently supervising project implementation. Will publish results in white paper reports and scholarly articles and discuss findings at President's Symposium in Fall 2015.

### *The Equal Pay Act: Past and Future*

Invited to submit essay about the history and modern relevance of the Equal Pay Act of 1963 to volume titled THE AMERICAN MIDDLE CLASS: AN ECONOMIC ENCYCLOPEDIA OF PROGRESS AND POVERTY (ABC-CLIO/Greenwood Robert Rycroft, ed.) (to be submitted Jan. 2015)

## PUBLICATIONS

*Alternative Dispute Resolution and Public Confidence in the Judiciary: Chief Judge Bell's "Culture of Conflict Resolution"*, 72 MD. L. REV. 1112 (2013) (with Rachel Wohl and Toby Treem Guerin)

*Regulation by Amicus: The Department of Labor's Policy Making in the Courts*, 65 FLA. L. REV. 1223 (2013)

- Featured, Susan Bisom-Rapp, [Context Matters: A Reply to Professor Eisenberg](#), 65 FLA. L. REV. FORUM 13 (2014)
- Highlighted on practitioner blog: Jon Robinson, [Great Law Review Article: "Regulation by Amicus,"](#) NavWaters.com, Sept. 25, 2013
- Ranked on Social Science Research Network's (SSRN) top ten download list for "Labor" (week of Sept. 27, 2013) and "Policy Limitations on Judicial Review" (week of Sept. 23, 2013)

*Stopped at the Starting Gate: The Overuse of Summary Judgment in Equal Pay Cases*, 57 N.Y.L. SCH. L. REV. 815 (2012-13) (invited symposium piece)

- Ranked on SSRN's top ten download list for "Employment Discrimination" (week of Dec. 2, 2012) and "Macroeconomics: Employment, Income & Informal Economy eJournal" (week of Jan. 1, 2013)

*Wal-Mart Stores v. Dukes: Lessons for the Legal Quest for Equal Pay*, 46 NEW ENG. L. REV. 229 (2012) (solicited piece)

- Selected for republication in WOMEN AND THE LAW (Tracy Thomas, ed. 2012)

- Ranked on SSRN's top ten download lists for three months in several categories: Public Policy; Employment Law; Employee Social Responsibility & HR Practices; and Human Resources Management & Organizational Behavior

*Money, Sex, and Sunshine: A Market-Based Approach to Pay Discrimination*, 43 ARIZ. ST. L.J. 951 (2011)

- Featured, Nancy Folbre, "[Paycheck Fairness and Market Failure](#)," N.Y TIMES, Economix blog, June 25, 2012
- Quoted, Irin Carmon, "[The Case for Telling Everyone What You Make](#)," SALON.COM, May 31, 2012

*Shattering the Equal Pay Act's Glass Ceiling*, 63 SMU L. REV. 17 (2010)

- Selected for republication in WOMEN AND THE LAW (Tracy Thomas, ed. 2011)
- Cited in *Pick v. Remsen*, No. C13-4041-MWB, 2014 WL 4258738 (N.D. Iowa Aug. 27, 2014)
- Cited in Brief of Amici Curiae of the American Civil Liberties Union and the National Women's Law Center in *Wal-Mart v. Dukes*, U.S. Supreme Court, 2011 WL 805231 (Mar. 1, 2011)

*Opening the Doors to the Local Courthouse: Maryland's New Private Right of Action for Employment Discrimination*, 9 MD. L. J. RACE, RELIGION, GENDER & CLASS 7 (2009) (symposium piece)

#### Shorter Publications

*Money, Sex and Sunshine: In Favor of Pay Transparency*, The Maryland Law Faculty Blog (June 17, 2010)

Op Ed, *Benefits for Everyone: Modernizing the Unemployment Insurance System is Good for Business, Too*, BALT. SUN (Jan. 26, 2010)

#### **TESTIMONY**

Invited Testimony, U.S. Senate Health, Education, Labor and Pensions Committee, "Access to Justice: Ensuring Equal Pay with the Paycheck Fairness Act," Washington, D.C., Apr. 1, 2014

Invited Testimony, Equal Employment Opportunity Commission about the EEOC's Strategic Enforcement Plan, Washington, D.C., July 8, 2012

Testimony in Support of House Bill 1130, Maryland General Assembly, May 8, 2011 (anti-retaliation protection for Maryland Wage and Hour Law)

Testimony in Support of SB 107, Maryland General Assembly, Jan. 26, 2010 (Unemployment Insurance – Modernization and Tax Relief Act)

## PRESENTATIONS

*Moderator*, “The Colors of Change, LGBT Employment Rights Under Title VII,” Symposium, Working for Equality: A Celebration of the 50<sup>th</sup> Anniversary of Title VII of the Civil Rights Act of 1964, University of Maryland Carey School of Law, Baltimore, MD, Oct. 10, 2014

*Presenter*, “Maryland ADR Landscape,” Maryland Mediation and Conflict Resolution Office Advisory Board Meeting, Annapolis, MD, Oct. 2, 2014

*Presenter*, “The Restorative Workplace: Moving From Settlement to Social Change,” Jr. Faculty Workshop, University of Maryland Carey School of Law, Baltimore, MD, Sept. 9, 2014

*Presenter*, “Employment Law,” Learning-at-Lunch Series, University of Maryland Carey School of Law, Baltimore, MD, Apr. 7, 2014

*Panelist*, “Teaching Multifaceted Lawyering Skills to Meet Community Needs,” Conference, The Clinical Law Program at 40, University of Maryland Carey School of Law, Baltimore, MD, Apr. 4, 2014

*Panelist*, “Vulnerable and Exploited: Undocumented Worker Rights Panel,” sponsored by Journal of Race, Religion, Gender and Class, University of Maryland Carey School of Law, Baltimore, MD, Mar. 25, 2014

*Presenter*, “The Restorative Workplace: Moving from Settlement to Social Change,” AALS Alternative Dispute Resolution Section Works-in-Progress Conference, Cardozo Law School, New York, NY, Nov. 8, 2013

*Presenter*, “Regulation by Amicus: The Department of Labor’s Policy Making in the Courts,” New Voices in Labor and Employment Law, Southeastern Association of Law Schools Annual Conference, Palm Beach, FL, Aug. 7, 2013

*Presenter*, “The ‘S’ Word in Employment Discrimination Cases: Moving Past ‘Settlement’ to ‘Social Change’ with Restorative Practices,” Law & Society Association Annual Meeting, Boston, MA, May 30, 2013

*Invited Lecturer*, “Finding, Keeping and Satisfying Clients,” Apprentice Program Professional Development Series, University of Maryland Carey School of Law, Apr. 29, 2013

*Moderator*, “2000s: Courts and Community,” Symposium, Access to Justice: Five Decades of Change in Maryland and the Impact on America, Baltimore, MD, Apr. 19, 2013

*Presenter*, “The Top Ten Mistakes Litigators Make in Mediation,” Federal Bar Association Program, U.S. District Court of Maryland, Baltimore, MD, Apr. 12, 2013

*Presenter*, “Regulation by Amicus: The Department of Labor’s Policy Making in the Courts,” UNLV William Boyd School of Law, Las Vegas, NV, Apr. 8, 2013

*Presenter*, “What Lawyers Want from Mediators,” Maryland Mediators Convention, Linthicum, MD, Dec. 7, 2012

*Moderator*, “Making the Most of Your Arbitration Process,” Symposium, Business Arbitration: Redefining the Landscape of Efficient Business Practices, University of Maryland Carey School of Law, Baltimore, MD, Nov. 2, 2012

*Presenter*, “ADR 101: Knowing Your Options,” University of Maryland Carey School of Law, Baltimore, MD, Oct. 18, 2012

*Presenter*, “The Alternative Dispute Resolution Program,” Faculty Forum, University of Maryland Carey School of Law, Baltimore, MD, Oct. 17, 2012

*Presenter*, “Dispute Resolution in the United States,” Presentation to Nanjing Judges Delegation, Baltimore, MD, Aug. 28, 2012

*Presenter*, “Regulation by Amicus: The Department of Labor’s Policy Making in the Courts,” Law & Society Conference, Honolulu, HI, June 7, 2012

*Invited Presenter*, “The Overuse of Summary Judgment in Equal Pay Cases,” Symposium “Trial by Jury or Trial by Motion?” New York Law School, Apr. 23, 2012

*Invited Presenter*, Maryland Judicial Training Institute, Training for Maryland Judges on Employment Contracts and Arbitration Agreements, Annapolis, MD, Mar. 14, 2012

*Invited Presenter*, *Dispute Resolution in the United States*, Presentation to Nanjing, China Middle Court Judges Delegation, Baltimore, MD, Dec. 1, 2011

*Invited Presenter*, “Chevron and the Agency Amicus Strategy,” Sixth Annual Employment & Labor Law Scholars Forum, Seton Hall Law School, Oct. 29, 2011

*Moderator*, Works-in-Progress Session about Clinical Pedagogy, American Association of Law Schools Clinical Law Conference, Seattle, Washington, June 15, 2011

*Panelist*, “Hot Topics in Unemployment Insurance,” Labor and Employment Relations Association 63rd Annual Meeting, Denver, Colorado, Jan. 7, 2011

*Invited Presenter*, “Overview of Civil Procedure in U.S. Courts,” Presentation to judges from Jiangsu, China, University of Maryland Carey School of Law, Baltimore, MD, Aug. 4, 2010

*Invited Presenter*, “Wages: From Fair to Full to Equal Pay,” Maryland Employment Lawyers Association Fourth Annual Conference, Baltimore, MD, Dec. 4, 2009

*Invited Panelist*, “Opening the Doors to the Local Courthouse: Maryland’s New Private Right of Action for Employment Discrimination,” Symposium, Having it Our Way: Women in Maryland’s Workplace Circa 2027, University of Baltimore School of Law, Baltimore, MD, Nov. 14, 2007

### SELECTED MEDIA APPEARANCES

*Quoted*, Jessica Sager, [“Sexism Sucks: If You ‘Lean In’ at Work, You May Not Seem Ladylike.”](#) TheGrindstone.com, Aug. 27, 2014

*Quoted*, Martha C. White, [“Lean In...Nicely: Women Climbing Corporate Ladder Still Face Backlash.”](#) Today.com Money, July 14, 2014

*Interviewed*, WTOP radio, July 14, 2014 on topic of stereotypes about women in the workplace

*Quoted*, “Starting Pay for Women in Fed Jobs Still Lower Than Men’s,” Society for Human Resource Management, May 1, 2014

*Featured*, Lorraine Mirabella, [“Five Questions for Equal Pay Advocate Deborah Eisenberg.”](#) Balt. Sun, Apr. 12, 2014

*Interviewed* (live), [“How to Bridge the Gender Pay Gap.”](#) Maryland Morning, WYPR Radio, Apr. 9, 2014

*Quoted*, Ben Wolfgang, [“Obama's Equal Pay Mandate Gives Feds Extraordinary New Powers.”](#) Wash. Times, Apr. 8, 2014

*Quoted*, Irin Carmon, [“Why the GOP is Wrong About the Pay Gap.”](#) MSNBC.com, Apr. 8, 2014

*Quoted*, Bill Leonard, [“Senate Hearing Previews Contentious Vote on Paycheck Fairness Act.”](#) Society for Human Resource Management, Apr. 3, 2014

*Quoted*, Diana Furchtgott-Roth, [“‘Paycheck Fairness’ Will Lead to Fewer Paychecks, Less Fairness.”](#) Realclearmarkets.com, Apr. 1, 2014

*Quoted*, “Class Action Denied in Garnishment Case,” DAILY RECORD, March 30, 2014

*Interviewed* (live), “On Time,” WJZ-TV, March 23, 2014 (about Maryland Clinical Law Program)

*Quoted*, Laura Venn, [“Equal Pay Anniversary: Strategies to Close the Gap.”](#) the Connection Point for Women Lawyers (created by Joint Commission on Women in the Profession)

*Quoted*, Nancy Folbre, "[Paycheck Fairness and Market Failure](#)," N.Y TIMES, Economix blog, June 25, 2012

*Quoted*, Irin Carmon, "[The Case for Telling Everyone What You Make](#)," SALON.COM, May 31, 2012

*Interviewed (live)*, Maryland Morning with Sheilah Kast, May 30, 2012 (regarding criminal background check guidelines from Equal Employment Opportunity Commission)

*Quoted*, Sarah Schweitzer, "[Massachusetts Lags on Pay for Women in the U.S.](#)," BOSTON GLOBE, Dec. 10, 2012

*Interviewed (live)*, WBAL-TV, Feb. 15, 2011 (regarding lack of adequate resources for Equal Employment Opportunity Commission)

*Quoted*, Gary Haber, *AAI Corp. Faces Possible Class-Action Suit Over Unpaid Wages*, BALTIMORE BUS. J., Dec. 9, 2011

### **Media Featuring Work of Mediation Clinic and Center for Dispute Resolution**

Lauren Daley, "We Can Work It Out," BALT. SUN, Apr. 13, 2014

Armando Trull, "[Maryland Schools Using Conflict Resolution to Curb Bullying, Suspensions](#)," WAMU 88.5, Feb. 24, 2014

Gigi Barnett, "Baltimore City Schools Solving Bullying Problems with Words, Not Fists," CBS Local Media, Baltimore, Feb. 6, 2014

### **PROFESSIONAL TRAININGS AND WORKSHOPS**

Negotiation Workshop, Contract Drafting Class (Prof. Ertman), Oct. 2, 2014

Negotiation and ADR Workshop, Contracts/Legal Analysis & Writing Class (Prof. Singer and Van Alstine), Sept. 11, 2014

Introduction to Restorative Practices and Circles, Callaway Elementary School, Baltimore, MD, Aug. 18, 2014 (training for teachers and staff)

Mediation Ethics, Circuit Court for Anne Arundel County, Annapolis, MD, June 13, 2014 (training for panel mediators)

A Systemic Approach to Mediation Strategies ("STAR"), Professional Skills Training in Dispute Resolution, University of Maryland Carey School of Law, Baltimore, MD, Mar. 20-22, 2014 (in partnership with Straus Institute, Pepperdine University School of Law)

Basic Workplace Mediation Training (40+ hours), National Security Agency, Linthicum, MD, Dec. 2013

STAR: A Systematic Approach to Mediation Strategies, Professional Skills Program, University of Maryland Carey School of Law, Baltimore, MD, Mar. 14-16, 2013

Basic Workplace Mediation Training (40+ hours), Surface Transportation Board, Washington, D.C., Sept. 2012

Negotiation Workshop, Scholars Program Orientation, Jack Kent Cooke Foundation, Aug. 3, 2012

Mediation Ethics, District Court of Maryland ADR Program Volunteer Appreciation Training, Linthicum, MD, May 23, 2012

Basic Workplace Mediation Training (40+ hours), Basic Mediation Train-the-Trainer, Maryland Shared Neutrals Mediation Program, Jan. 2012 and Mar. 2012

## LEGAL EXPERIENCE

**BROWN, GOLDSTEIN & LEVY, LLP**, Baltimore, Maryland

*Partner*, 2003–July 2008

Complex civil litigation and employment law practice. Representative cases (partial list):

- *Ventura v. Bill Me Later* (2009) (arbitration ruling in excess of \$4 million in equal pay case)
- *Hoffman v. First Student, Inc.*, 2009 WL 1783536 (D. Md. June 23, 2009) (wage and hour collective action on behalf of school bus drivers)
- *Kinsbourne, et al. v. 180s* (2007) (jury verdict for double damages under the Maryland Wage Payment & Collection Act)
- *Wenzel v. Brooke* (2004) (jury verdict of \$15 million for victim of child sexual abuse)

**PUBLIC JUSTICE CENTER**, Baltimore, Maryland

*Director, Appellate Advocacy Project*, 2000-2003; *Senior Staff Attorney*, 1997-Dec. 1999; *Staff Attorney*, 1996-1997

Complex civil and appellate litigation and policy advocacy in civil rights, employment, and poverty law cases. Representative cases (partial list):

- *Heath v. Perdue Farms*, 87 F. Supp. 2d 452 (D. Md. 2000) (collective action recovering \$1.7 million in unpaid overtime wages for more than 100 chicken catchers; case featured in MARION G. CRAIN ET AL., *WORK LAW: CASES AND MATERIALS* 719-24 (2005))
- *Diggs v. Housing Authority*, 67 F. Supp. 2d 522 (D. Md. 1999) (successful challenge to a “trespass policy” that interfered with the right of public housing tenants to have guests)
- *Williams v. Housing*, 760 A.2d 697 (Md. 2000) (holding tenants may file breach of warranty of habitability and quiet enjoyment claims with rent escrow claims)



**OBER, KALER, GRIMES & SHRIVER**, Baltimore, Maryland

*Associate*, 1994-1996; *Summer Associate*, Summer 1992

Litigated complex civil cases in commercial, construction, employment, and health law matters.

**BAR ADMISSIONS**

Maryland (1994)

U.S. District Court for the District of Maryland (1995)

U.S. Court of Appeals for the Fourth Circuit (1995)

**CERTIFICATIONS**

Certified Trainer in Restorative Practices, International Institute for Restorative Practices

Court-designated Mediator pursuant to Maryland Rule 17-304

**PROFESSIONAL ASSOCIATIONS**

Advisory Council, Maryland Judiciary's Mediation and Conflict Resolution Office

Executive Committee, Legal Education About Problem-Solving Project (LEAPS) (project of the American Bar Association Section on Dispute Resolution)

Maryland Program for Mediator Excellence

Maryland Association for Conflict Resolution

Maryland Council for Dispute Resolution

Maryland State Bar Association, Alternative Dispute Resolution Section

**COMMUNITY ACTIVITIES**

Public Justice Center

- Board Member, 2011-2013

Job Opportunities Task Force

- Vice President of Board, June 2010- 2012
- Board Member, 2009-2012

Women's Law Center of Maryland

- Employment Law Hotline Advisory Committee and Volunteer, 2006-present
- Board member, 2004-06

Maryland Employment Lawyers Association

- President, 2004-2008

Greater Baltimore Committee, Leadership Class of 2006