MIRIAM A. CHERRY

Professor, Saint Louis University Law School 100 N. Tucker Blvd., St. Louis, MO 63101-1930 email: miriam.cherry@SLU.edu

ACADEMIC EXPERIENCE & HONORS

2010 -Professor, Saint Louis University School of Law Director, William C. Wefel Center for Employment Law (2016-) present Membership, American Law Institute (2008-) Executive Board Member, AALS Section on Contracts (2017-) AARP Grant Award – Older Workers in the Digital Economy (2017) Saint Louis University Presidential Research Grant Award (2015) Thompson Coburn Scholarship Award (Second Place) (2014) Law Review Placement Award (2013) Sustainability Grant Award - Corporate Social Responsibility (Fall 2012) 2013 - 2014 Visiting Professor, University of Missouri-Columbia Law School Fall 2009 Visiting Professor, University of Georgia Law School Associate Professor (with tenure 2008), Pacific-McGeorge School of Law 2006 - 2010 John G. Sprankling Faculty Scholarship Award (2010) Associate Professor, Cumberland Law School-Samford University 2003 - 2006 Assistant Professor (2003-2005) Courses

Contracts I & II, UCC (Sales and Leases of Goods)

Taught: Employment Law, Business Associations

Seminars on Big Data & People Analytics, Virtual Work.

EDUCATION

J.D. HARVARD LAW SCHOOL

1999

cum laude, Harvard Journal of Law & Gender, Chair of Article Selection Research Assistant to Professors Martha Minow and Charles Nesson Legal Services Center, Battered Women's Advocacy Project

B.A. DARTMOUTH COLLEGE

1996

Phi Beta Kappa, summa cum laude, High Honors in History Edwin Jones Award for best American history thesis

BOOKS

GLOBAL ISSUES IN EMPLOYMENT LAW (THOMSON WEST 2008) (with Samuel Estreicher).

INVISIBLE LABOR HIDDEN WORK IN THE CONTEMPORARY WORLD (with Marion G. Crain & Winifred R. Poster) (University of California Press 2016).

CONTRACTS IN THE REAL WORLD: CASES, NOTES, PROBLEMS, AND MATERIALS (with Lawrence Cunningham) (book in progress).

THE DIGILANTES: ROUGH JUSTICE IN CYBERSPACE (book in progress).

REGULATION OF THE ON-DEMAND ECONOMY: ISSUES AND PROBLEMS (book in progress).

LAW REVIEW ARTICLES

The Sharing Economy and the Edges of Contract Law, __ GEORGE WASH. L. REV. __ (forthcoming 2017).

The Law and Policy of Big Data and People Analytics, 88 Colo. L. Rev. 961 (2017) (with Matthew Bodie, Marcia McCormick & Jintong Tang).

Dependent Contractors in the Gig Economy: A Comparative Approach 66 AMER. UNIV. L. REV. 635 (2017) (with Antonio Aloisi).

Beyond Misclassification: The Digital Transformation of Work, 37 COMP. LAB. L. & POL'Y J. 577 (2016).

Cyber Commodification, 72 MD. L. REV. 381 (2013).

A Taxonomy of Virtual Work, 45 GA. L. REV. 951 (2011).

Beyond Profit: Rethinking Corporate Social Responsibility after the BP Disaster, 85 TULANE L. REV. 983 (2011) (with Judd Sneirson).

Clawbacks: Prospective Contract Measures, 94 MINN. L. REV. 368 (2009) (with Jarrod Wong); Reply: Clawback to the Future, HEADNOTES (online companion).

Working for (Virtually) Minimum Wage, 60 ALA. L. REV. 1077 (2009).

Prediction Markets and the First Amendment, 2008 U. ILL. L. REV. 833 (with Robert Rogers).

Tiresias and the Justices: Using Information Markets to Predict Supreme Court Decisions, 100 Northwestern U. L. Rev. 1141 (2006) (with Robert Rogers).

Decentering the Corporation: Using the Limited Liability Company to Organize Low Wage Immigrant Workers, 39 U.C. Davis L. Rev. 787 (2006) (reprinted in 27 Immigration & Nationality L. Rev. 125 (2006)).

Markets for Markets: Origins and Subjects of Information Markets, 58 RUTGERS L. REV. 339 (2006) (with Robert Rogers).

A Tyrannosaurus-Rex Aptly Named "Sue": Using a Disputed Dinosaur to Teach Contract Defenses, 82 N. D. L. REV. 295 (2005).

Whistling in the Dark? Corporate Fraud, Whistleblowers, and the Implications of the Sarbanes-Oxley Act for Employment Law, 79 WASHINGTON L. REV. 1029 (2004).

SYMPOSIUM ARTICLES, ESSAYS, BOOK CHAPTERS, BOOK REVIEWS

A Third Employment Category for On-Demand Work?, Cambridge Handbook on the Sharing Economy (forthcoming, 2018) (book chapter) (Eds. Nestor Davidson, Michele Finck, John Infranca) (with Antonio Aloisi).

Are Uber and Transportation Network Companies the the Future of Transportation (Law) and Employment (Law)?, 4 Texas A&M L. Rev. 174 (2017) (invited symposium contribution, Changing Landscape of Transportation Law: Technology, Data, and the Law).

Invisible Labor and People Analytics, 59 St. Louis Univ. L. J. 1 (2017) (invited symposium contribution).

Platforms Built to Share, in Ours to Hack and to Own: The Rise of Platform Cooperativism, A New Vision for the Future of Work and a Fairer Internet (eds. Trebor Scholz & Nathan Schneider) (book chapter) (2016).

Corporate Social Responsibility and Crowdwork, RESEARCH HANDBOOK ON DIGITAL TRANSFORMATIONS (2016) (book chapter) (Eds. F. Xavier Olleros & Majlinda Zhegu) (with Winifred R. Poster).

The Law and Economics of Catalyzing Fans, 6 HARV. J. SPORTS & ENT. L. 209 (2015) (symposium commentary).

A Eulogy for the EULA, 52 DUQUESNE L. REV. 335 (2014) (invited symposium contribution to *Drafting Our Future: Contract Law in 2025*).

"A Minimum Wage for Crowdwork?" in Crowdwork - Back to the Future? Perspectives on Digital Labor, Crowdwork – zuruck in die Zukunft? Perspektiven digitaler Arbeit (2014) (chapter translated into German for book publication).

The Law and Economics of Corporate Social Responsibility and Greenwashing, 14 U.C. DAVIS L. & BUS. J. 281 (2014) (invited symposium contribution).

Learning Contracts through Current Events, 35 HAW. L. REV. 129 (2013) (review essay of Lawrence Cunningham's treatise, CONTRACTS IN THE REAL WORLD: STORIES OF POPULAR CONTRACTS AND WHY THEY MATTER).

Teaching Employment Discrimination, Virtually, 58 St. Louis Univ. L. J. 83 (2013) (invited symposium contribution).

Virtual Whistleblowing, 54 SOUTH TEXAS L. REV. 9 (2013) (invited symposium contribution).

The Gamification of Work, 40 HOFSTRA L. REV. 841 (2012) (solicited essay for "Ideas" section).

Chevron, Greenwashing, and Corporate Social Responsibility, 2 WASH. & LEE J. ENERGY, CLIMATE CHANGE, & ENVIRONMENT 133 (2012) (with Judd Sneirson) (invited symposium contribution).

Of Morals and Markets, 52 ARIZ. L. REV. 73 (2010) (solicited commentary on prediction markets).

Essay, The Global Dimensions of Virtual Work, 54 St. Louis Univ. L. J. 471 (2010) (invited symposium contribution to Competition in the Global Workplace, The Role of Law in Economic Markets).

Review of Jeffrey Brandon Morris's *Establishing Justice in Middle America: A History of the United States Court of Appeals for the Eighth Circuit*, 27 LAW & HISTORY REV. 220 (2009).

Essay, Working (with) Workers: Implementing Theory, 41 SUFFOLK L. REV. 731 (2008) (contribution to AALS annual meeting panel, selected through blind peer review).

Essay, Exploring (Social) Class in the Classroom: The Case of Lucy, Lady Duff Gordon, 28 PACE L. REV. 235 (2008) (invited symposium contribution to contracts conference).

A Satire of Law Firm Employment Practices (Book teview of Jeremy Blachman's Anonymous Lawyer), 20 GEORGETOWN J. LEGAL ETHICS 1137 (2007).

No Longer Just Company Men: The Flexible Workforce and Employment Discrimination (Book Review of Katherine V.W. Stone's From Widgets to Digits), 27 BERKELEY J. LAB. & EMP. L. 209 (2006).

How to Succeed in Business Without Really Trying (Cases): Gender Stereotypes and Sexual Harassment Since the Passage of Title VII, 22 HOFSTRA LABOR & EMPLOYMENT L. J. 533 (2005) (invited symposium contribution).

SHORTER WORK AND STUDENT WORK

The Infinite Citation, 2 J.L.: PERIODICAL LABORATORY ON LEG. SCHOLARSHIP 493 (2012) (humorous commentary on Orin Kerr, *A Theory of Law*, 16 GREEN BAG 2d 111 (2012)) (with Anders Walker).

The Law Review Games, PENN. St. L. REV. RENN STATIM 1 (2012) (with Paul Secunda).

Images of Women Workers in Film, 10 EMPLOYEE RIGHTS & EMPLOYMENT POLICY J. 295 (2006) (published remarks, AALS annual meeting panel).

The Five Stages of Law Review Submission (with Brannon P. Denning) (unpublished satire, available on SSRN, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=796264).

Exercising the Right to Public Accommodations: The Debate Over Single-Sex Health Clubs, 52 Maine L. Rev. 97 (2000).

Case Comment, A Negotiation Approach to Mandatory Arbitration Contracts, 4 HARVARD NEGOTIATION L. Rev. 269 (1999).

JUDICIAL CLERKSHIPS AND PRACTICE EXPERIENCE

JUDICIAL CLERK, U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT CHAMBERS OF JUDGE GERALD HEANEY 2000-2001 Term

Wrote internal legal memoranda and assisted with legal opinions, including: Deerbrook Pavillion v. Shalala, 235 F.3d 1100 (8th Cir. 2000) (sale of nursing home did not relieve obligation to pay fines under complex regulatory scheme); Singleton v. Norris, 267 F.3d 859 (8th Cir. 2001) (refusing to administer antipsychotic drugs to make defendant sane for purposes of execution).

LAW CLERK, SUPREME JUDICIAL COURT OF MASSACHUSETTS. JUSTICE RODERICK L. IRELAND

1999-2000 Term

Researched various issues of law and assisted with legal opinions including: Harhen v. Brown, 431 Mass. 838 (2000) (business judgment rule); Commonwealth v. Mayredakis, 430 Mass. 848 (2000) (constitutional law, rights under state versus U.S. Constitution); Rotkiewicz v. Sadowsky, 431 Mass. 748 (2000) (defamation law).

BERMAN DEVALERIO PEASE TABACCO BURT & PUCILLO

2002 - 2003Boston, MA

Briefed Symbol Technologies case, which led to corporate restructuring and resulted in \$139 million settlement. Briefed accountant's liability issues in WorldCom litigation. Researched and wrote legal briefs in several other accounting fraud cases, including Reliant Energy. Investigated potential violations of various securities laws.

FOLEY HOAG LLP, Boston, MA

Summer 1998, 2001 - 2002

Assisted corporate clients with mergers and acquisitions, venture capital financings and private debt financings. Advised corporate clients with general business matters including formation, capitalization, contract review, contract drafting and compliance with securities laws. Provided non-profit organizations with legal advice on corporate matters.

SELECTED PRESENATIONS

"Directions for Studying the Future of Work," Labor Law Research Network, Toronto, Canada, June 27, 2017.

"A Comparative View of the On-Demand Economy: The United States and the United Kingdom," Faculty Workshop, Saint Louis University, St. Louis, MO, April 12, 2017.

"Introduction to Invisible Labor," Book Signing, Saint Louis University Law Library, St. Louis, MO, March 19, 2017.

Introduction to "An Evening with Percy Green," Black Law Students Association Event, Saint Louis University Law School, St. Louis, MO, Feb. 16, 2017.

"Dependent Workers in the Gig Economy," Panel Presentation, Association of American Law Schools, San Francisco, CA, Jan. 4, 2017.

- Commenter, "New Voices in Employment Law," Panel Presentation, Association of American Law Schools, Jan. 3, 2017.
- "The Sharing Economy and the Edges of Contract Law," Conference on International Contract Law, George Washington University, Washington D.C., Nov. 19, 2016.
- "Litigation Update on U.S. Law and the On-Demand Economy," Symposium, International Labor Office, sponsored by Korea Labor Institute, Geneva, Switzerland, Sept. 22, 2016.
- "Is Uber the Future of Transportation Law? Is Uber the Future of Employment Law?," Conference on the Future of Transportation Law, Texas A&M University Law School, Fort Worth, Texas, April 1, 2016.
- "People Analytics and the Gamification of Work," Symposium on Law & Business of People Analytics, Saint Louis University, St. Louis, MO, February 19, 2016.
- "Platforms Built to Share," Conference on Platform Cooperativism, The New School, New York City, NY, Nov. 15, 2015.
- "The Digital Transformation of Work," Symposium for the Comparative Labor Law and Policy Journal, Wharton School of Business, University of Pennsylvania, Philadelphia, PA, Nov. 7, 2015.
- "Worker Misclassification in the On Demand Economy," Colloquium on Labor and Employment Law, University of Indiana-Bloomington, Bloomington, IN, September 11, 2015.
- "McEmployers and the On-Demand Economy," Southeastern Association of Law Schools (SEALS) Conference, Boca Raton, FL, August 8, 2015.
- "Update on U.S. Litigation in the On-Demand Economy," Conference on Regulating for Decent Work, International Labour Office, United Nations, Geneva, Switzerland, July 9, 2015.
- "Legal Issues in the Sharing Economy," Continuing Legal Education Seminar, Saint Louis University Law School, St. Louis, MO, June 12, 2015.
- "A Minimum Wage for Crowdwork?," Digital Labor Conference, The New School, New York City, NY, November 15, 2014.
- "Corporate Social Responsibility and Crowdwork," Conference on the Handbook of Research on Digital Transformations, Montreal, Canada, October 16, 2014.
- "Invisible Labor," Saint Louis University Faculty Workshop Series, St. Louis University, Oct. 1, 2014 (with Marion G. Crain & Winifred R. Poster).
- "Virtual Work," Wefel Center Continuing Legal Education Series, Saint Louis University Law School, Oct. 9, 2014.

- "The Gamification of Work and People Analytics," Colloquium on Labor and Employment Law, University of Colorado School of Law, Denver, CO, Sept. 12, 2014.
- "Cyber Commodification," Thompson Coburn Award Ceremony, Saint Louis University Law School, St. Louis, MO, April 11, 2014.
- "The Law and Economics of Corporate Social Responsibility and Greenwashing," U.C. Davis Law School, Davis, CA, November 20, 2013.
- "Cyber Commodification," University of Toronto, Toronto, Canada, September 20, 2013.
- "Privacy, Technology, and Work," SEALS Annual Meeting, West Palm Beach, FL, August 5, 2013.
- "Contracts without Consent," AALS Annual Contracts Conference, Texas Wesleyan School of Law, Dallas, TX, February, 2013.
- "Teaching Employment Discrimination, Virtually," Saint Louis University Law School Labor and Employment Colloquium, February 15, 2013.
- "Invisible Labor and Virtual Work," Washington University in Saint Louis School of Law, February 7, 2013.
- "Toward a more Responsible Corporate Social Responsibility," Midwest Law & Economics Association (MLEA) Annual Meeting, Washington University in Saint Louis, Saint Louis, MO, October 12, 2012.
- "Cyber Commodification," Washington University, Workshop in Politics, Ethics, and Society, October 12, 2012.
- "The Gamification of Work," Labor & Employment Law Colloquium, Northwestern University Law School, Chicago, IL, September 2012.
- "Virtual Whistleblowing," Symposium on Citizen Employees, South Texas College of Law, March 6, 2012, Houston, TX.
- "Cyber Commodification," AALS Annual Contracts Conference, Thomas Jefferson School of Law, March 1, 2012, San Diego, CA.
- "The New Work," Roundtable Discussion on Platforms and Power, New York University School of Law, sponsored by New York University School of Law Information Law Institute & Engelberg Center on Innovation Law & Policy, May 6, 2011, New York City, NY.
- "Virtual Contracts, Virtual Employment," AALS Contracts Conference, Stetson University Law School, Feb. 19, 2010, Gulfport, FL.
- "Greenwashing and Corporate Social Responsibility," Society of American Law Teachers (SALT) Conference, December 10, 2010, Honolulu, Hawaii.

- "Clawback Provisions in the Dodd-Frank Act," Panel on Executive Compensation in Recessionary Times, Southeast Association of Law Schools (SEALs) Conference, Aug. 3, 2010, West Palm Beach, FL.
- "Clawback Clauses," Panel, Can I Get a Remedy?, Annual AALS Conference on Contracts, University of Nevada-Las Vegas, Feb. 27, 2010, Las Vegas, NV.
- "Clawbacks: Prospective Contract Measures in an Era of Excessive Executive Compensation and Ponzi Schemes," Panel, Financial Collapse and Recovery Effort, Business Associations Section, AALS Annual Meeting, Jan. 10, 2010 (selected from blind call for papers), New Orleans, LA.
- "Contractual Clawbacks and Corporate Governance," Conference on Global Federalism and the Financial Crisis, University of the Pacific-McGeorge School of Law, Oct. 18, 2009, Sacramento, CA.
- "Writing in Comparative Law," New Voices Panel, Annual Meeting of the American Society of Comparative Law, Roger Williams Law School, Oct. 4, 2009, Bristol, RI.
- "Whistleblowers in Cyberspace," SEALs, August 6, 2009, West Palm Beach, FL.
- "Technology and Working Across Borders," Law and Society Association, June 5, 2009, Denver, CO.
- "The Global Dimensions of Virtual Work," Saint Louis University Law School, Symposium, Competition in the Global Workplace, The Role of Law in Economic Markets, April 3, 2009, St. Louis, MO.
- "Virtual Work," invited presentation, American Bar Association, Technology in the Practice and Workplace Committee Mid-Year Meeting, May 1, 2008, Chicago, IL.
- "Employment and Labor Law Lawyer as Public Intellectual," AALS Annual Meeting presentation, Employment Law Section, January 4, 2008, New York City, NY.
- Discussant, "The Brain Drain and Economic Development," University of the Pacific-McGeorge School of Law, Nov. 16, 2007, Sacramento, CA.
- "(Social) Class in the Classroom: The Case of Lucy, Lady Duff Gordon," Symposium on the Legacy of Lucy, Lady Duff-Gordon, Pace University, Nov. 7, 2007, White Plains, NY.
- "Global Issues in Employment Law," Second Annual Colloquium on Current Scholarship in Labor and Employment Law, University of Colorado, Sept. 28, 2007, Boulder, CO.
- "Global Issues in Employment Law," Faculty Colloquium, University of Nebraska, Sept. 21, 2007, Lincoln, NE.
- "Funds and Fundamentalism," Association for Law Culture and Humanities Conference, Georgetown University Law Center, March 23, 2007, Washington D.C.
- "A Satire of Law Firm Employment Practices," Colloquium on Current Scholarship in Labor and Employment Law, Marquette University, October 25, 2006, Milwaukee, WI.

"Contracts Pedagogy," Southeast Association of Law Schools (SEALS) Conference, July 21, 2006, West Palm Beach, FL.

"Mythology of the Whistleblower," Law and Society, July 7, 2006, Baltimore, MD.

"Law Professor Blogs," Coast to Coast / The Legal Talk Network, June 2, 2006 (radio show interview with Professors Eugene Volokh and Susan Crawford).

"Analyzing the Development of Prediction Markets," Faculty Colloquium, University of Alabama Law School, April 7, 2006, Tuscaloosa, AL.

"Marriage and Divorce in Edith Wharton's Summer," Association for Law Culture and Humanities Conference, March 7, 2006, Syracuse University, Syracuse, NY.

"Contracts Pedagogy and a Dinosaur Named Sue," International Contracts Conference, Texas Wesleyan University, February 25, 2006, Dallas-Ft. Worth, TX.

"Sex Stereotyping Theory and Images of Working Women in Popular Culture," AALS Annual Meeting, Employment Discrimination Section, Jan. 5, 2006, Washington D.C.

Moderator, Panel on Scholarship and Continuing Legal Education, AALS Annual Meeting, Employment Discrimination Section, Jan. 5, 2006, Washington D.C.

"Markets for Markets: Origins and Subjects of Information Markets," Faculty Workshop Talk, Saint Louis University Law School, Oct. 18, 2005, St. Louis, MO.

"Tiresias and the Justices: Using Information Markets to Predict Supreme Court Outcomes," New Scholars Panel, Southeast Association of Law Schools (SEALs) conference, July 21, 2005, Hilton Head, SC.

Legal Commentary, Sarbanes-Oxley Act / HealthSouth Trial, Channel 42, CBS Local News, June 29, 2005.

"Decentering the Corporation" Symposium Presentation, April 1, 2005, U.C. Davis Law School, Davis, CA.

"Melodrama and the Tale of the Whistleblower," Law, Culture, and Humanities Conference, March 12, 2005, Austin, TX.

"How to Succeed in Business Without Really Trying (Cases): Gender Stereotypes and Sexual Harassment Since the Passage of Title VII," Conference on the Fortieth Anniversary of Title VII, Feb. 26, 2005, Hofstra Law School, Hempstead, NY.

"Sarbanes-Oxley Act: Key Points and Provisions," Panel on Managing and Governing Non-Profits in the Era of Sarbanes-Oxley, Program by Non-Profit Resource Center of Alabama, Nov. 12, 2003, Birmingham, AL.

MEDIA APPEARANCES

Quotations in New York Times, Time Magazine, Bloomberg News, The Atlantic, and others.

LAW SCHOOL SERVICE, UNIVERSITY SERVICE, SERVICE TO THE PROFESSION, BLOGGING

Member, American Law Institute, Elected 2008.

Director, William C. Wefel Center for Employment Law (2016-).

Technical Advisor, IG Metall, International Union Resolution on the Platform Economy (2016).

Member, Faculty Senate Compensation and Benefits Committee, Saint Louis University (2013-present).

Member, Adjunct Committee, Saint Louis University Law School 2013-2014).

Chair, 1843 Scholars Committee (Saint Louis University Law School 2011-2013).

Member, Scholarship Committee (Saint Louis University Law School 2012-2013).

Co-Organizer, Invisible Labor Colloquium (Saint Louis University – Washington University in Saint Louis, held February, 2013).

Co-Organizer, Employment Law Colloquium (Saint Louis University – Washington University in Saint Louis, October 2010).

Co-Organizer, Fourth International Contracts Conference, AALS Contracts Section (Pacific-McGeorge, February 2008).

Contributing Author and Permanent Blogger, ContractsProf Blog, (2005-2012).

Guest Author, Faculty Lounge Blog (Spring 2010).

Guest Author, Concurring Opinions Blog (Spring 2006, Fall 2008, Summer 2012, Fall 2012).

Guest Author, Prawfsblawg Blog (Fall 2006, Fall 2014).

Member, Faculty Development Committee (2006 – 2009, Pacific-McGeorge).

Member, Teaching Methods Committee (2007 – 2008, Pacific-McGeorge).

Member, Curriculum Committee (2008 – 2009, Pacific-McGeorge).

Executive Committee, AALS Section on Employment Discrimination (2006 – 2008).

Member, Colloquium Committee (2003-2005, Cumberland Law School).

Member, University Institutional Review Board (2004, Cumberland Law School-Samford University).

Member, University Diversity Committee (2004-2005, Cumberland Law School-Samford University).

Member, University Task Force on Academic Standards (2004-2005, Cumberland Law School-Samford University).

Member, Faculty Recruitment Committee (2003-2004, Cumberland Law School).

BAR ADMISSION

Admitted to Massachusetts Bar in December, 1999.

INTERESTS

Enjoy yoga, science fiction writing, gardening, and walking Plato, the miniature dachshund (but not all at the same time).