

Amy Oppenheimer  
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## PROFESSIONAL EXPERIENCE

**Law Offices of Amy Oppenheimer:** 1996 to present – Law Office dedicated to investigating and mediating complaints of discrimination, harassment and/or retaliation in the workplace, investigating Title IX complaints and providing expert witness testimony regarding preventing and responding to workplace complaints.

**Founder and Past President of the Board:** California Association of Workplace Investigators (CAOWI), now Association of Workplace Investigators (AWI) - 2009 – 2012. Member of the Board 2009 – 2016.

**Member, DFEH Statewide Task Force on the Prevention of Sexual Harassment in the Workplace:** 2016 – present

**Administrative Law Judge** (retired), California Unemployment Insurance Appeals Board (CUIAB) – 1992 through 2011.

**Past Chair of Executive Committee of Labor and Employment Section of the State Bar of California:** 2016 (2008 – 2011 member of the advisory committee; advisor to executive committee 2011 – present; Chair – October 2015 through October 2016).

**Arbitrator:** American Arbitration Association - 1989 to 2004; The International Commission on Holocaust Era Insurance Claims Tribunal –2003 - 2006.

**Mediator:** Berkeley Dispute Resolution Services - 1989 to 2003; American Arb Assn - 1996 - 2004; Alameda County Bar Association - 1996 to 1999; Equal Employment Opportunity Commission – 2001 – 2006; United States Postal Service REDRESS program – 1998 – 2003.

**Board president and member of the Board:** Berkeley Dispute Resolution Services - 1992 to 1995.

**Senior Consultant:** Anderson-davis, Inc. Provided training to businesses on how to recognize, prevent and investigate sexual harassment. 1992 to 1996.

**Partner, Levy & Oppenheimer,** Oakland, California. 1984 to 1992.  
Law practice that specialized in litigating sexual harassment and employment discrimination.

**Judge Pro Tem:** Alameda County Municipal Courts - 1989 to 1992.

**EEO Investigator:** Delany, Siegel, Zorn & Associates, Investigated complaints of employment discrimination within the federal government - 1986 to 1990.

**Staff Attorney:** Legal Services of Northern Virginia Inc., Manassas, Virginia. 1982 to 1984  
**Reginald Heber Smith Fellow (REGGIE):** Virginia. 1980 to 1981.

## **EDUCATION**

Juris Doctor, 1980, University of California, Davis.

B.A., 1975, University of California, Berkeley, with Great Distinction; *Phi Beta Kappa*.

## **MEMBER**

California bar (active); Virginia and District of Columbia Bar (inactive).

## **CERTIFICATIONS**

Title IX Investigator:

T9 Mastered, February 2016 and atIXa (Association of Title IX Administrators) – March 2015- March 2017.

Association of Workplace Investigations, Workplace Investigations Institute.

## **PUBLICATIONS**

*How Arbitrators and Advocates Can Understand and Avoid Unconscious Bias and Stereotyping*, Arbitration 2015, Privacy, Transparency, Legitimacy, Proceedings of the Sixty-Eight Annual Meeting, National Academy of Arbitrations, BNA 2016.

*Unconscious Biases: What We Don't Know Can Hurt Us – and Others*, California Labor & Employment Law Review, Volume 29, No. 6, November 2015.

*Understanding and Eliminating Bias in Investigations*, CAOWIQuarterly, Vol 2 No. 1 and 2, 2011.

*Investigating Workplace Harassment and Discrimination*, Employee Relations Law Journal, Vol. 29, No. 4, Spring 2004.

*The Do's and Don'ts of Investigating Workplace Harassment*, PIHRAScope, Professionals in Human Resources Association, February 2004.

*Experts May Testify on Harassment Policies and Procedures of Employer*, San Francisco Daily Journal, December 11, 2003.

*Using Liability Experts in Sexual Harassment Cases*, Sexual Harassment Litigation Reporter, Volume 9, Issue 10, October 2003.

*Making the Best Use of Liability Experts in Discrimination and Harassment Litigation*, Employment Litigation Reporter, Volume 18, Issue 5, October 14, 2003.

*Investigating Workplace Harassment: Ten Steps to Success*, You and the Law Newsletter, October 2002.

*Investigating Workplace Harassment: How to Be Fair, Thorough, and Legal*, by Amy Oppenheimer and Craig Pratt, Society of Human Resource Management, 2002.

*"The Aftermath of Faragher and Ellerth - The Impact on Pre-trial Discovery and the Use of Liability Experts In Sexual Harassment Cases"*, Conference materials NELA Convention, June 2000.

*"Employment Discrimination and Harassment"*, Chapter 40B of California Torts, Levy, Golden & Sacks, Editors, Matthew Bender & Co., September 1999.

*"Liability Lesson: The Use of an Employment expert In Sexual Harassment Cases can help Jurors Understand the Reasonableness of Investigatory Processes"*, Los Angeles Daily Journal and San Francisco Daily Journal, May 21, 1999.

Contributed to *"Investigating Sexual Harassment: A Practical Guide to Resolving Complaints"*, published by Thompson Publishing Group, Washington D.C., 1998

*"She Said, They Said – To protect themselves from liability for sexual harassment, employers should examine the numerous legal guidelines"*, California Law Business, Supplement to the Los Angeles Daily Journal and San Francisco Daily Journal, March 9, 1998

*"Ounce of Prevention – An employer's sexual harassment policies and practices are more important than ever.* Good policies, particularly those involving internal investigations, can avert problems and lawsuits, San Francisco Daily Journal, Employment Law Update, April 16, 1998.

*"Working it Out: Using Mediation to Resolve Harassment Complaints"*, San Francisco Daily Journal, August 9, 1995.

Contributing author to *Intent vs. Impact: How to Effectively Manage Sexual Harassment Investigations*, Published by Bureau of National Affairs Communications, 1992.

Contributed to *Sexual Harassment in the Workplace*; an interactive training and testing CD-ROM, Media Code, 1994, as an expert.

#### **PUBLIC SPEAKING AND TRAINING** (partial list)

*Sexual Harassment and Sexual Violence*, A Training Program for Berkeley Law Students, August 2017.

*Using Expert Witnesses to Win Employment Cases*, State Bar of California, San Francisco, August 2017.

*DFEH's Workplace Harassment Guide*, State Bar of California, Labor & Employment Section's Annual Conference, July 14, 2017, Los Angeles.

*Interviewing: The Good, the Bad and the Ugly – New Approaches for New Challenges*, AWI Annual Conference, November 2016.

*Managing Unconscious Bias*, ABTL Leadership Development Committee Program, October 2016.

*Across the Divide: Building Cultural Competency & Combatting Bias*, State Bar of California 89<sup>th</sup> Annual Meeting, September 2016.

*How To Win Harassment, Discrimination & Punitive Damage Claims Without An HR Expert*, NELA#16 (National Employment Lawyers Association 16<sup>th</sup> Annual Conference) Los Angeles, California, June 2016.

*From Promise to Practice: New Perspectives on Diversity*, Labor & Employment Section of the State Bar of California Public Sector Conference, Berkeley, California, April 2016.

*Workplace Investigations That Hold Up in Court*, Northern California Human Resources Association HR West Conference, Oakland, California, March 2016.

*Avoiding Costly Missteps in Internal Workplace Investigations: Guidance for Employers from Recent Court Decisions*, Webinar Presented by Strafford, December 2015.

*Across the Divide, Cultural Competency and Interviewing People Different From Ourselves*, AWI annual conference, Los Angeles, California, November 2015.

*Workplace Investigations Basics*, Association of Workplace Investigators, Oakland, April 14, 2015, May 26, 2015, June 14, 2016 and April 13, 2017.

*Core Faculty*, Association of Workplace Investigators Training Institute, Connecticut, May 2015, Petaluma February 2015, Niagara-On-The-Lake 2016, Monterey February 2017, Baltimore May 2017.

*How Arbitrators and Advocates Can Understand and Avoid Unconscious Bias & Stereotyping*, National Academy of Arbitrators Annual Meeting, San Francisco, May 2015.

*Ethical Issues for Attorneys Conducting Workplace Investigations in the Public Sector*, California State Bar Labor & Employment Section Public Sector Conference, Berkeley, April 24, 2015

*Workplace Investigations Basics*, Association of Workplace Investigators, Oakland, April 14, 2015.

*Nuts & Bolts of an Employment Practice for New Employment Lawyers*, State Bar of California, Labor and Employment Law Section, January 16 (San Francisco) and January 30 (Los Angeles), 2015.

*Interviewing, The First Ninety Seconds and Beyond*, CALPELRA Annual Conference, Monterey, California, November 19, 2014.

*Interviewing, The First Ninety Seconds and Beyond*, Association of Workplace Investigators, Annual Conference, November 14, 2014.

*Investigating Complaints of Retaliation – Tips for Minimizing Claims and Litigation*, California Association of Joint Powers Authorities, November 2014.

*Attacking and Defending the Workplace Investigation During Litigation*, State Bar of California 87<sup>th</sup> Annual Meeting, September 2014.

*Recognizing and Eliminating Unconscious Biases in Employment Law*, State Bar of California 87<sup>th</sup> Annual Meeting, September 2014.

*Workplace Investigations: The Good, The Bad & The Ugly*, State Bar of California 87<sup>th</sup> Annual Meeting, September 2014.

*Using Liability Experts in Employment Discrimination Cases*, California Young Lawyers and the State Bar of California Labor & Employment Section, webinar, May 8, 2014, LexVid webinar September 2014.

*Hot Issues in Workplace Investigations: A plaintiff, Defense and Investigator's Perspective*, moderator, the State Bar of California Labor and Employment Law Section, Annual Conference, April 25, 2014.

*The Law & Practice of Workplace Investigations*, California Young Lawyers and the Labor & Employment Section of the California State Bar, webinar, April 8, 2014. LexVid webinar September 2014.

*Workplace Investigations Basics*, Association of Workplace Investigators, Seattle, April 1, 2014

*Understanding and Eliminating Implicit Bias in the Legal Profession*, Pupilage Group Inn of Court Presentation, March 12, 2014.

*Nuts & Bolts of an Employment Practice for New Employment Lawyers*, State Bar of California, Labor and Employment Law Section, January 24 and January 17, 2014.

*Understanding and Eliminating Unconscious Bias in the Legal Profession*, Webinar, Lexvid, December 6, 2013

*Understanding Unconscious Biases: What They Are, How They Impact Our Decisions, And How To Eliminate Them in the HR And Legal Professions*, CALPELRA Annual Conference, Monterey, California, November 21, 2013.

*Investigator as Deponent – How to Nail Your Deposition Testimony*, Association of Workplace Investigators, Annual Conference, October 24, 2013.

*Ground Zero in Workplace Investigations: Advanced Interview Techniques*, ACHRO/EEO Fall 2013 Institute, October 17, 2013.

*The Science of Unconscious Biases and Its Impact on EEOC Investigations & Determinations*, EEOC 2013 EXCEL Training Conference, August 2013, Denver.

*Is the Neutral Really Neutral? How Unconscious Biases Impact Mediators and Mediations Without Anyone Realizing It*, EEOC 2013 Conference, Advanced Mediation Track, August 2013, Denver.

*Eliminating Bias in Workplace Investigations*, Webinar, i-Sight, July 31, 2013.

Equal Employment Opportunity Commission, Speech, Monterey TAPS, June 20, 2013.

*Workplace Investigations Basics*, Association of Workplace Investigators, Los Angeles, April 25, 2013.

*How to Spot a Liar AND How Not To: The Scoop on Making Credibility Determinations*, NCHRA Annual Conference - HR West, April 22, 2013.

*The Standard of Care for a Workplace Investigation*, The Labor & Employment Law Section of The State Bar of California, April 12, 2013.

*Understanding Unconscious Biases: What They Are, How They Impact Our Decisions, And How To Eliminate Them in The HR And Legal Professions*, CALPELRA Annual Conference, Monterey, CA, December 2012.

*Core Faculty*, Association of Workplace Investigators Training Institute, San Diego June 2012, Santa Barbara February 2013, Oxnard February 2014.

*Nuts & Bolts of an Employment Practice for New Employment Lawyers*, State Bar of California, Labor and Employment Law Section, Los Angeles, moderator, June 7, 2012.

*The "Good Enough" Investigation: How to Meet Standards While Controlling Costs*, Association of Workplace Investigators, webinar, May 2012.

*What are Unconscious Biases and Why Should HR Professionals Care?* NCHRA Annual Conference (HR West), South San Francisco, April 2012.

*Workplace Investigation Basics*, Association of Workplace Investigator, Los Angeles, March 2012.

*He Said, She Said, Making Credibility Determinations in Investigations*, Sexual Harassment Advisors Spring Luncheon, Stanford University, February 2012.

*Use of Liability Experts in Harassment Litigation*, The State Bar of California 29<sup>th</sup> Labor and Employment Law Section Annual Meeting, October 2011.

*Workplace Investigations on Trial: Can an Investigation Make or Break Your Case?* The State Bar of California 84<sup>th</sup> Annual Meeting, September 2011.

*Mock Investigation*, One day training for California Association of Workplace Investigators, Los Angeles, Oakland and Sacramento, July 2011.

*Third Rail Issues (EEOC Conflicts No One Wants to Touch)*, EEOC TAPS Seminar, June 2011.

*Understanding and Eliminating Bias in Investigations*, Sexual Harassment Advisors Spring Luncheon, Stanford University, May 2011.

*Conducting Workplace Investigations*, Two-day training, Northern California Human Resources Association, March 2011, 2012, 2013 and 2014.

*What are Cognitive Biases? And How do They Impact Our Work as Employment Attorneys, Mediators, Investigators & Decision Makers? And How do we Eliminate Bias in the Legal Profession?* Webinar, State Bar of California, Labor and Employment Section, February 2011.

*The Basics of Investigating Workplace Complaints of Harassment, Discrimination and Retaliation*, Labor and Employment Section of the State Bar of California, January 2011.

*Litigating A Disability Discrimination Case – From Intake to Trial*, State Bar Of California 28<sup>th</sup> Labor and Employment Law Section Annual Meeting, October 2010.

*The Psychology of Bias: Understanding and Eliminating Bias in Investigations*, CAOWI first annual conference, Oakland, CA, November 2010.

*Hot Topics in Employment Investigations*, California State Bar Annual Conference, Monterey, CA, September 2010.

*Mastering the Art of Employment Investigations*, State Bar of California and California Association of Workplace Investigators, Los Angeles, and The Labor and Employment Section of the Bar Association of San Francisco, June 2010

*Advanced Investigation Skills: Practice Makes Perfect*, HR West 2010, Northern California Human Resource Association, April 2010.

*Avoiding Common Mistakes in Workplace Investigations*, Bar Association of San Francisco, 2009.

*How to Conduct Employment Investigations*, California State Bar 2009 Labor and Employment Annual Meeting, Preconference Training Program.

*Trial Demonstrations: Direct and Cross of Expert Witnesses*, California State Bar 2009 Labor and Employment Annual Meeting.

*Adding Insult to Injury – Understanding the Exposure of Workplace Bullying*, PLUS 2009 Professional Risk Symposium: EPL, E&O and Fiduciary, PLUS.

*Best Practices – For Neutral Investigations of Employment Complaints*, State Bar 2009 Section Education Institute.

*Representing Employees and Employers in Unemployment Hearings*, State Bar Labor and Employment Law Section, 2009.

*Hidden Bias: The Implications for Employment Discrimination Litigation*, 2008 Labor and Employment Annual Meeting.

*Bringing and Defending Against Attorneys' Fees Motions*, 2008 Labor and Employment Annual Meeting.

*Harassment Investigation Critique*, EEOC Annual Technical Assistance Seminar, San Francisco 2007, Santa Clara, 2006 and 2008, Oakland 2009.

*“Conducting Workplace Investigations: Practical Skills for Internal Investigators”*, Annual two-day training program for human resource professionals sponsored by the Northern California Human Resource Association (NCHRA), 2003 - 2010.

*Conducting Workplace Investigations: Practical Skills for Internal Investigators*, Northern California Human Resource Association: 2003, 2004 and 2006.

*He Said/She Said: Making Credibility Determinations in Harassment Investigations*, NCHRA Annual Conference, September 2003.

*The How To's of Investigating Workplace Harassment*, 46<sup>th</sup> Annual PIHRA Conference & Exhibition, September 2003.

*Did He Say What She Said He Said, Or Not? How Does an Investigator Decide?*, Society of Human Resource Management Annual Conference, Philadelphia, June 2002,

*The Aftermath of Faragher and Ellerth: Litigating Hostile Work Environment Cases*, National Employment Lawyers Association Eleventh Annual Convention, Washington D.C., June 2000.

*Employment Litigation: Investigations and Human Resource Experts*, Presentation to the Barristers Club of San Francisco Labor & Employment Section, February 2000.

*Investigating Harassment: An Interactive Training*, Sonoma Developmental Center, September 1999.

*Mediating EEO Complaints*, 40 hour training provided for City of San Francisco, August 1999.

*Sexual Harassment: The Role of the Investigator and the Role of the Mediator*, Society For Professionals in Dispute Resolution, 1998.

Panelist, Association on Employment Practices and Principles, "*Same-Sex Harassment in the Workplace After Oncale*", 1998.

*Investigating Complaints of Sexual Harassment and Discrimination*", Alameda County Bar Association, 1998.

*Resolving Sexual Harassment Complaints*", Society For Professionals in Dispute Resolution, 1997

*Sexual Orientation Discrimination in the Legal Community*, American Bar Association Annual Conference, 1997.

Panelist, Administrative Law Judges Association Annual Forum, 1993, 1994, 1995, 1997, 2001 and 2003.

Speaker, Administrative Law Judges Annual Training, Sexual Harassment, 1992; Family and Medical Leave Act, 1996; Gender Bias, 1997; Preventing sexual harassment, 1999.