

HILA KEREN, PH.D.

Paul E. Treusch Professor of Law, Southwestern Law School
Visiting Scholar, American Bar Foundation
Email: hkeren@swlaw.edu

CURRENT POSITIONS

- SOUTHWESTERN LAW SCHOOL, Professor of Law, 2010 to present (tenured as of 2013; Associate Dean for Research 2019-2024; Paul E. Treusch Professor of Law as of 2020).
 - Courses regularly taught:
 - Contracts I and II, two semesters, 5 units
 - Business Associations, upper-division, spring semester, 4 units
- AMERICAN BAR FOUNDATION, Visiting Scholar (Spring 2025).

PREVIOUS ACADEMIC POSITIONS

- UNIVERSITY OF CALIFORNIA-BERKELEY SCHOOL OF LAW, Visiting Professor, 2007-2008.
 - Courses taught:
 - Contracts (fall semester, 5 units)
 - Challenges to Legal Rationality (seminar, spring semester, 3 units)
- HEBREW UNIVERSITY SCHOOL OF LAW, Associate Professor of Law (tenure-track), 2005 to 2010
 - Courses taught:
 - Contracts (two classes, annual, 6 units each)
 - Contract Law from a Feminist Perspective (elective)
 - Outstanding Teaching Award, 2005-2006 (university-wide prize)

HIGHER EDUCATION

- UC BERKELEY, CENTER FOR THE STUDY OF LAW AND SOCIETY, POST-DOCTORAL STUDIES 2003-2005
 - First year: Feminist Analysis of Contract Law
 - Second year: Critical Race Analysis of Contract Law; Law and the Emotion of Hope
- HEBREW UNIVERSITY, SCHOOL OF LAW, PH.D. 2001
 - Dissertation Title: "Contract Law from a Feminist Perspective"
- HEBREW UNIVERSITY, SCHOOL OF LAW, ACCELERATED DOCTORAL PROGRAM 1993-1996
 - Supplementary studies at the Women Studies Department
 - Advanced studies in business law

- HEBREW UNIVERSITY, SCHOOL OF LAW, LL.B. 1992, *magna cum laude*

SELECTED PRIZES AND FELLOWSHIPS

- The Dukeminier Award for the article *Separating Church and Market*, 2023
- The Montgomery Foundation Scholarship Award 2024-2025
- The Montgomery Foundation Scholarship Award 2023-2024
- The Montgomery Foundation Scholarship Award 2022-2023
- The Montgomery Foundation Scholarship Award 2021-2022
- The Birk Foundation Award, Outstanding Young Researcher (2010)
- Outstanding Teaching Award (2005-2006)
- Polonsky Prize for Creativity and Originality in the Humanistic Disciplines (2006)
- The Golda Meir Fellowship, Hebrew University of Jerusalem (2005-2006)
- Post-doctoral Scholarship by the Hebrew University of Jerusalem for two years of research fellowship at the Center for the Study of Law and Society, UC Berkeley (2003-2005)

PUBLICATIONS

Books:

- CONTRACT LAW FROM A FEMINIST PERSPECTIVE (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, (2005) (in Hebrew).

Articles and Book Chapters:

- *Due Care in a Conservative Court* 2025 WISCONSIN L. REV. 1 (2025), lead article.
 - *** Cited in the Wikipedia page of US v. Skrmetti (before publication)
 - *** Recommended on the podcast *Strict Scrutiny* (before publication)
- *The Unbearable Narrowness of Undue Influence*, in RESEARCH HANDBOOK ON THE PHILOSOPHY OF CONTRACT LAW (Mindy Chen-Wishart & Prince Saprai eds., 2025).
- *Beyond Discrimination: Market Humiliation and Private Law*, 95 U. COLORADO L. REV. 87 (2024).
 - *** Reviewed & recommended: Anita Bernstein, *Public Humiliation Meets Private Law*, JOTWELL (June 5, 2024), <https://torts.jotwell.com/public-humiliation-meets-private-law/>.

- *Market Citizenship, Resilience Drainage, and the Role of Private Law*, (with Ronit Donyets-Kedar), in *LAW, VULNERABILITY, AND THE RESPONSIVE STATE: BEYOND EQUALITY AND LIBERTY* (Martha Albertson Fineman & Laura Spitz eds., 2023).
- *Market Humiliation*, 56 *LOYOLA OF LOS ANGELES L. REV.* 565 (2023).
 *** Reviewed & recommended: Anita Bernstein, *Public Humiliation Meets Private Law*, *JOTWELL* (June 5, 2024), <https://torts.jotwell.com/public-humiliation-meets-private-law/>.
- *Contracts Unequals: The Promise of Social Mobility in the Antebellum South*, 56 *CREIGHTON L. REV.* 161 (2022).
- *Separating Church and Market: The Duty to Secure Market Citizenship for All*, 12 *UC IRVINE L. REV.* 909 (2022).
 *** Awarded the Dukeminier Award, 2023
 *** Cited in a Brief of 27+ Lay Roman Catholics in *303 Creative v Elenis*, U.S. Supreme Court (August 2022).
 *** Cited in Pema Levy, *From Weddings Websites to 'Whites Only'*: Will the Supreme Court OK Economic Discrimination, *MOTHERJONES* (Dec. 6, 2022).
- *Divided & Conquered: The Neoliberal Roots and Emotional Consequences of the Arbitration Revolution*, 72 *FLA. L. REV.*, 575 (2020).
 *** Reviewed by Kathryn Abrams, *Dividing, Conquering, and Resisting*, *FLA. L. REV. FORUM* (2021).
 *** Reviewed by David Horton, *All Alone in Arbitration*, *FLA. L. REV. FORUM* (2021).
- *Feminism and Contract Law*, in *RESEARCH HANDBOOK ON FEMINIST JURISPRUDENCE* (Robin West & Cynthia Bowman Eds., 2019).
- *Valuing Emotions*, 53 *WAKE FOREST L. REV.*, 829 (2018).
- *Contracts' Enforcement and the Social Contract*, in *The Best and Worst of Contracts Decisions: An Anthology*, 45 *FLORIDA ST. L. REV.*, 889 (2018).
- *Women in the Shark-Tank: Entrepreneurship and Feminism in a Neoliberal Age*, 34 *COLUM. J. GENDER & L.* 75 (2016).
- *In the Land of Choice*, in *PRIVATIZATION, VULNERABILITY AND SOCIAL RESPONSIBILITY* (Martha Fineman Ed.) (Routledge 2016).
- *Undermining Justice: The Two Rises of Freedom of Contract and the Fall of Equity*, 2 *CANADIAN J. COMP. & CONTEMP. L.* 339 (2016).
- *Guilt-Free Market? Unconscionability, Conscience, and Emotions*, 2016 *BYU L. REV.* 427 (2016).
- *Law and Economic Exploitation in an Anti-Classification Age*, 42 *FLA. ST. L. REV.* (2015).

- *Legal Hopes: Enhancing Resilience Through the External Cultivation of Positive Emotions*, 64 NORTHERN IRELAND LAW QUARTERLY 111 (2013) (co-Authored with Prof. Kathryn Abrams).
- *Consenting under Stress*, 64 HASTINGS L.J. 679 (2013).
 - *** Reprint: DEFENSE LAW JOURNAL
 - *** Cited in the NAACP’s brief in GREEN v. BRENNAN, 2015 U.S. S. Ct. Briefs
 - *** Cited in Knapp, Crystal, & Prince, PROBLEMS IN CONTRACT LAW (several editions).
- *Who’s Afraid of Law and the Emotions*, 94 MINNESOTA L. REV. 1997 (2010) (co-Authored with Prof. Kathryn Abrams)
 - *** Reprint: THE EDWARD ELGAR RESEARCH HANDBOOK ON LAW & EMOTIONS (2020) (named one of the three leading “Classic Articles” on the topic)
- *Considering Affective Consideration*, 40 GOLDEN GATE L. REV. 165 (2010).
- *Crossing Conceptual Borders: The Contribution of Chief Justice Barak to Contract Doctrine* in THE JUDICIAL LEGACY OF AHARON BARAK, pp. 411-462 (2009).
- *Law in the Cultivation of Hope*, 95 CAL. L. REV. 319 (2007) (Co-Authored with Prof. Kathryn Abrams).
- *Contractual Rape under the Anticipated Private Law Codification: Is There Anything New under the Sun?* in STUDIES IN LAW, GENDER AND FEMINISM (Daphna Barak-Erez ed., 2007).
- *Can Separate Be Equal? Intimate Economic Exchange and the Cost of Being Special*, 119 HARV. L. REV.F. 19 (2006).
- *The Advantage of Having (Critical) Theory of Contracts* (invited comment on Peter Linzer, *E. Allan Farnsworth’s Theory*), 13 TEXAS W. L. REV. (2006).
- *Textual Harassment: A New Historicist Reappraisal of the Parol Evidence Rule with Gender in Mind*, 13 AMERICAN UNIVERSITY J. GENDER, SOCIAL POLICY & LAW, 251-325 (2005).
 - *** Awarded the Polonsky Prize for Creativity and Originality in the Humanistic Disciplines.
 - *** Cited in 1 Corbin on Contracts § 1.18 (2023).
 - *** Cited in Knapp, Crystal, & Prince, PROBLEMS IN CONTRACT LAW (several editions).
- *“We Insist! Freedom Now”*: *Does Contract Doctrine Have Anything Constitutional to Say?* 11 MICHIGAN J. RACE & LAW 133 (2005).
- *Allen D. Boyer. Sir Edward Coke and the Elizabethan Age* JOURNAL OF LAW, CULTURE AND THE HUMANITIES 401 (2005).

- *Equality within Contract Law: a Feminist Call*, 31 MISHPATIM 269 (2000).

Op-Ed Contributions Selected by National Outlets:

- *Parental Rights, Free Speech Issues Survive Trans Care Decision*, BLOOMBERG LAW (June 25, 2025).
- *A Federal Judge Just Slapped Down Two of Trump's Worst Anti-Trans Executive Orders*, SLATE (March 5, 2025).
- *Trump's DOJ is Trying to Sabotage Trans Kid Plaintiffs at the Supreme Court*, SLATE (February 13, 2025).
- *Alito and Thomas Have Already Taken the Most-Contradictory Positions of the Supreme Court Term*, SLATE (December 16, 2024).
- *Parental Rights May Be Only Path to Save Gender-Affirming Care* BLOOMBERG LAW (December 10, 2024).
- *Parental Rights Face a Surprising Moment of Truth at the Supreme Court* SLATE (September 19, 2024).
- *The Courts are Already Starting to Implement Project 2025, Without Trump*, SLATE (Aug. 26, 2024).
- *The Hollow Promise of One of the Supreme Court's Worst 2023 Decisions Has Just Been Exposed*, SLATE (June 11, 2024)
- *We are a Palestinian and an Israeli in Los Angeles. We Find Comfort and Hope in Morning Together*, LOS ANGELES TIMES (Oct. 17, 2023, with Rana Shalhoub).
- *The Supreme Court Fooled Us in 303 Creative—Just Look at the Facts*, THE HILL (Jul. 31, 2023).
- *Homophobic Business Owners are Having a Field Day Since Last Month's Supreme Court Decision*, SLATE (JUL. 25, 2023).
- *US Supreme Court Could Rain on June's LGBTQ+ Pride Parades* BLOOMBERG LAW (Jun. 2, 2023).
- *The Alarming Legal Strategy Behind a SCOTUS Case that Could Undo Decades of Civil Rights Protections*, SLATE (Mar. 9, 2022).
- *Texas Anti-Abortion Law's Fear Factor Could Backfire*, BLOOMBERG LAW (Sept. 23, 2021).
- *Why the Murder of George Floyd Remains a Deep Wound to the Public Psyche*, LOS ANGELES TIMES (May 25, 2021).
- *Trans Students Aren't a 'Hotly Contested Issue.' They're a Reality and Deserve Respect*, USA TODAY, (Apr. 16, 2021).

Other Published Contributions:

- *Contract Law's Quest for Justice*, JOTWELL (May 29, 2025) (reviewing Rebecca Stone, *Putting Freedom of Contract in its Place*, 16 J. LEGAL ANALYSIS 94, available at Oxford Academic (July 30, 2024)), <https://contracts.jotwell.com/contract-laws-quest-for-justice/>.
- *On Preventing the Abuse of Contracts*, JOTWELL (May 14, 2024) (reviewing Hanoch Dagan & Catherine L. Fisk, *Independent Contractors and The ABCs of Contract Law*, 66 ARIZ. L. REV. 607 (2024)).
- *Gender and Marketplace Morality*, JOTWELL (Apr. 28, 2023) (reviewing Gregory Klass & Tess Wilkinson-Ryan, *Gender and Deception: Moral Perceptions and Legal Responses*, 117 NW. U. L. REV. forthcoming).
- *Finding Morality in Contract Law, Virtual Symposium on the Contracts Scholarship of Mel Eisenberg*, CONTRACTSPROF - Official Blog of the Association of American Law Schools' Section on Contracts (Mar. 9, 2023).
- *Freedom of Contract and Market Citizenship at SCOTUS*, CONTRACTSPROF - Official Blog of the Association of American Law Schools' Section on Contracts (Oct. 11, 2022).
- *Vast Scale Undue Influence*, JOTWELL (May 20, 2022) (reviewing Jamie Luguri & Lior Strahilevitz, *Shining a Light on Dark Patterns*, 13 J. LEGAL ANALYSIS 43, 2021).
- *Resilience Drainage and The Role of Private Law*, Law & Political Economy Blog (Sept. 13, 2021).
- *Contract Law v. Tort Law*, JOTWELL (May 19, 2021) (reviewing Zahra Takhshid, *Assumption of Risk in Consumer Contracts and the Distraction of Unconscionability* 42 CARDOZO L. REV. 2183 (2020)).
- *Should What Happened in the Room Stay in the Room? Contract Law has the Answer*, CONTRACTSPROF - Official Blog of the Association of American Law Schools' Section on Contracts (Jun. 17, 2020).
- *I Am Altering The Deal. Pray I Don't Alter It Any Further*, JOTWELL (May 4, 2020) (reviewing Shmuel I. Becher & Uri Benoliel, *Sneak In Contracts* 55 GA. L. REV. 657 (2020)).
- *The Public Voice of Contract Law*, JOTWELL (Jul. 1, 2019).
- *Law in the Cultivation of Responsibility and Trust*, JOTWELL (Jul. 13, 2017).
- *Life Without Parol Evidence: A Utopia?*, CONTRACTSPROF - Official Blog of the Association of American Law Schools' Section on Contracts (Jun. 12, 2006).
- *Happy 400th birthday to the Parol Evidence Rule*, CONTRACTSPROF - Official Blog of the Association of American Law Schools' Section on Contracts (Nov. 17 2004).

- *Feminism and Contract Law*, CONTRACTSPROF - Official Blog of the Association of American Law Schools' Section on Contracts (Jun. 22, 2004).

Works in Progress:

- HUMANIZING CONTRACT LAW (book manuscript, winner of the Montgomery Foundation Award).

MEDIA APPEARANCES:

- Feb. 7, 2023, *Dissent*, THE INTERCEPT, interview with host Jordan Smith, discussing the oral arguments in *303 Creative v Elenis*
- Dec. 3, 2022, AMICUS with Dahlia Lithwick, *The Blockbuster Case That You Probably Haven't Heard About*.
- Nov. 15, 2022, *The Morning Show* of Wisconsin Public Radio, an interview with host Kate Archer, discussing *303 Creative v Elenis*

SELECTED INVITED PRESENTATIONS (RECENT ONLY):

- “The Risk of Humiliation During Pride Month: An Update from the USA,” invited speaker, hosted by the Tel Aviv University Gender Studies Program, Israel (Jun. 12, 2023).
- “Market Humiliation & Private Law,” invited presenter at the Private & Commercial Law Workshop at the Hebrew University of Jerusalem, Israel (Jun. 6, 2022).
- “Outside of the Private Paradigm: Contracting, the Inducement of Emotions, and the Role of Contract Law,” keynote speaker, at a conference on *Beyond Consensus Ad Idem*, Sydney, Australia (June 2021).
- “Uber Chuchem: Disability & the Limits of the Discrimination,” Selected paper presented at a workshop on the Politics of Public Health: Disability, Age, and Other ‘Categories’ of Universal Human Vulnerability, (September 2019), Lund, Sweden.
- “Law and the Value of Emotions” – Ted-style talk at the 2018 meeting of the Society of Affective Sciences (April 2018), UCLA.
- “Emotions, Property & the Problem of Social Resilience” – Selected paper presented in a workshop on *Vulnerability, Property, and Resilience* (September 2017), University of Essex, United Kingdom.
- “Emotional Value and the Value of Emotions” – Workshop for advanced PhD and LLM students, (June 2017), Hebrew University of Jerusalem, Israel.
- “Why ‘Impeach Persky’?” – Selected paper presented in a workshop on *Sex, Violence and Vulnerability*, The Vulnerability Initiative, (November 2016), Emory, Atlanta.
- “The Affective Role of Law in a Neoliberal Age” – Keynote Lecture at a conference on *Emotions in Legal Practices*, The ARC Centre of Excellence for the History of Emotions, (September 2016), Sydney Australia.

- “Undermining Justice: The Two Rises of Freedom of Contract and the Fall of Equity” (March 2016), USC’s Center for Law, History, and Culture
- “Women in the Shark Tank” (January 2016), invited speaker at the AALS’ Annual Meeting.

OTHER ACADEMIC ACTIVITIES

- Editor, Contracts Section, Jotwell
- Co-Organizer of the 13th Annual International Conference on Contracts.
- Invited Commentator, *Contracts Panel* in “Women Rethinking Equality,” AALS Conference, Washington DC 2011.
- Reviewer of manuscripts for various academic journals and grant applications in Europe and the US (2005 onwards).
- Initiated and organized the conference “Law and the Emotions: New Directions in Scholarship” UC Berkeley USA, (February 8-9, 2007), (with Kathryn Abrams, Susan Bandes and Terry Mahoney).

PROFESSIONAL ACTIVITIES

AT SOUTHWESTERN LAW SCHOOL

- Associate Dean of Research (2019 to 2024).
- Faculty Advisor to Southwestern’s OUTLaw Student Organization.
- Dean’s Strategic Planning Task Force, 2022-3.
- Southwestern’s Bar Passage Task Force, 2016 to 2019.
- Faculty Development Committee, 2010 to 2012, 2018, 2019 to 2024 (as chair).
- Ad-Hoc Best Practices Committee, 2011 to 2012.