

JAYESH M. RATHOD

4801 Massachusetts Avenue, N.W. • Washington, DC 20016 • (202) 274-4459 • jrathod@wcl.american.edu

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW, JD, June 2001

New York, NY

- Honors: Jane Marks Murphy Prize (for exceptional interest and proficiency in clinical advocacy)
Harlan Fiske Stone Scholar (for academic achievement, 1999-2001)
Human Rights Internship
- Activities: *Columbia Human Rights Law Review*, Submissions & Article Editor
Course Teaching Assistant, Asian American Jurisprudence
First-Year Moot Court Program, Editor & Student Judge
South Asian Law Students Association, Chair

HARVARD UNIVERSITY, AB, *magna cum laude*, Social Studies, June 1997

Cambridge, MA

- Thesis: *Sowing the Seeds of Change: The Rise of the EZLN*
- Honors: Harvard College Academic Scholarship
Tinker Foundation Latin American Research Fellowship

PROFESSIONAL EXPERIENCE

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW (2006 - present)

Washington, DC

Assistant Professor of Law. Founding Director of the Immigrant Justice Clinic, a live-client, in-house clinic focusing on individual immigrant and migrants, and their communities, in the D.C. metropolitan area and overseas. Teach doctrinal classes in areas of immigration and labor. In the Clinic, supervise cases and projects involving immigration detention, deportation and removal, asylum, immigrant workers' rights, transnational worker issues, human trafficking, and civil rights. Cases are brought before state and federal courts, administrative agencies and tribunals, as well as international bodies, and involve multiple forms of legal advocacy. Co-teach a weekly seminar on lawyering skills. Taught advanced labor & employment law course, with focus on immigrants (Spring 2009 & Spring 2010), with a bilingual instructional component. Faculty committee service includes Public Interest Committee (2009-10) and Strategic Planning Committee (2010-11). On-site Program Director, WCL Summer Law Program in the Hague (2010). Serve as faculty mentor for Public Interest/Public Service (PIPS) Scholars. Supervise students for independent writing projects and externships.

Practitioner-in-Residence. Taught and supervised students enrolled in the Immigrants' Rights Section of the International Human Rights Law Clinic. Taught survey course on Immigration & Naturalization (Spring 2008). Participated in Clinical Program committee on serving clients with limited English proficiency. Served on faculty Moot Court Committee.

CASA OF MARYLAND (2003-2006)

Silver Spring, MD

Staff Attorney. Represented scores of low-wage immigrant workers on employment law claims from initial investigation, through litigation and post-judgment collection and related matters. Responsibilities ranged from weekly intakes in Spanish and English to negotiation, court-supervised mediation, and full case preparation and litigation in state and federal court. Conducted and defended depositions, and undertook post-judgment collection efforts, including imposition of liens, wage garnishments, and oral examinations. In addition to direct client representation, responsibilities included weekly outreach to day laborers to educate about basic workplace and immigrants' rights; organizing protests and press conferences; and coordinating the intake process for wage claims, overseeing cases from the initial intake to pre-litigation.

Ironworker Attorney. Represented clients on a range of immigration legal matters, including applications for lawful permanent residence and Temporary Protected Status (TPS), labor certification applications, renewals of employment authorization documents, administrative appeals, and removal proceedings. Responsibilities included preparing and filing Unfair Labor Practice (ULP) charges for D.C.-area Ironworkers Union locals; testifying before the D.C. City Council and D.C. Apprenticeship Council; participating in organizing campaigns across the D.C. metropolitan area in collaboration with union organizers; conducting on-site outreach to non-union workers, educating them about workplace rights and the advantage of union membership; preparing materials in Spanish and English for organizing campaigns; and advising Ironworker Union locals and members across the country on matters related to employment, labor, and immigration law.

HON. LOUIS F. OBERDORFER, U.S. DISTRICT COURT - DISTRICT OF COLUMBIA (2002-2003) Washington, DC
Judicial Law Clerk. Prepared bench memoranda for and attended motions hearings, oral argument, pre-trial conferences, jury trials, settlement conferences, and sentencings. Prepared for and attended sittings by designation with the Third, Sixth, Ninth, and Tenth Circuit Courts of Appeals. Drafted opinions and orders for District Court and Court of Appeals cases.

WILMER, CUTLER & PICKERING (2001-2002) Washington, DC
Litigation Associate. Staffed on various civil and regulatory matters, as well as several *pro bono* cases. Drafted legal briefs filed with local courts and with the FCC. Also drafted motions, discovery requests and responses, witness questions, and legal memoranda for internal and client use. Interviewed clients, material witnesses, and potential expert witnesses. Second-chaired depositions. Participated in strategy sessions and in team presentations for clients.

COLUMBIA LAW SCHOOL PRISONERS & FAMILIES CLINIC (2000-2001) New York, NY
Student Advocate. Developed materials for and taught parental rights workshops to inmates at Bedford Hills Correctional Facility and Sing Sing Correctional Facility in New York. Represented inmate in appealing the denial of parole.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON (2000) Washington, DC
Summer Associate. Prepared memoranda for litigation, regulatory, and *pro bono* immigration matters.

HON. SONIA SOTOMAYOR, U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT (2000) New York, NY
Judicial Intern. Prepared bench memoranda and summary orders. Edited and cite-checked court documents.

CENTRO DE ASESORÍA LABORAL DEL PERÚ (1999) Lima, Peru
Human Rights Intern. Researched the international and national legal norms defining the right to health in Peru. Prepared, in collaboration with local universities and NGOs, a report elaborating government obligations related to that right. Developed a set of quantitative and qualitative indicators to measure Peru's compliance with its legal commitments in the area of economic, social, and cultural rights.

WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS & URBAN AFFAIRS (1997-1998) Washington, DC
Equal Employment Opportunity Project Intern. Assessed employment discrimination claims through interviews with complainants and witnesses, as well as evaluation of documents and evidence. Drafted memoranda for staff attorneys.

PUBLICATIONS

Habitual Drunkardness: Moral Character Determinations in U.S. Immigration Law (in progress)

Immigrant Labor and the Occupational Safety & Health Regime: An Empirical Study of Worker Behavior (in progress)

Preparing Law Students for Multilingual Practice: The Case for Bilingual Pedagogy (in progress)

Immigrant Entrepreneurs: Contributions & Challenges (book chapter) (forthcoming)

Beyond the "Chilling Effect": Immigrant Worker Behavior and the Regulation of Occupational Safety & Health, 14 Emp. Rts. & Emp. Pol'y J. (2010) (forthcoming)

Book Review: Beate Andrees & Patrick Belser, Forced Labor: Coercion & Exploitation in the Private Economy, 31 Comp. Lab. L. & Pol'y J. 861 (2010).

Immigrant Labor and the Occupational Safety and Health Regime: A New Vision for Workplace Regulation, 33 N.Y.U. Rev. L. & Soc. Change 479 (2009).

The A.F.L.-C.I.O. – NDLOA Agreement: Five Proposals for Advancing the Partnership, 14 No. 3 HUM. RTS. BRIEF 8 (2007).

SELECT PRESENTATIONS AND CONFERENCES

Presenter, *Immigration 101 - Immigrant Employment Rights*, Maryland Partners for Justice Conference (Baltimore, MD), May 27, 2010.

Co-Presenter, *Working with Bilingual & Multilingual Students*, Association of American Law Schools Conference on Clinical Legal Education (Baltimore, MD), May 7, 2010.

Presenter, *El Impacto Social de los Derechos Humanos*, Seminar on Human Rights and International Humanitarian Law in the Western Hemisphere, Inter-American Defense College (Washington, DC), March 17, 2010.

Presenter, *Convention Against Torture Claims, Withholding of Removal, and the Material Support Bar*, D.C. Bar Pro Bono Program, Advanced Political Asylum Training, March 16, 2010.

Presenter, *OSHA & Immigrant Workers*, Association of American Law Schools Annual Meeting, Labor Relations and Employment Law Section Meeting (New Orleans, LA), January 9, 2010.

Presenter, *Derecho Internacional y el Trabajador Migrante*, Global Workers Justice Alliance, Human Rights Defenders Training (Chiapas, Mexico), November 6, 2009

Paper Presenter, *Bilingual Pedagogy: Preparing Law Students for Multilingual Practice*, Lat Crit XIV (Washington, DC), Oct. 3, 2009.

Commentator, Work-in-Progress, *Race, Immigration, Post-Fordism and the Future of the Jacksonian Tradition in American Politics*, Lat Crit XIV (Washington, DC), Oct. 3, 2009.

Co-Presenter, *Thinking Outside the Trial Paradigm: Preparing Students to Master the "Informal Encounter,"* Association of American Law Schools Conference on Clinical Legal Education (Cleveland, OH), May 8, 2009.

Presenter and Symposium Organizer, *Realizing the American Dream? Contemporary Challenges Facing H-2B Guest Workers and their Advocates*, Founders' Celebration, American University Washington College of Law, March 24, 2009.

Speech, *Building a Community-Based Immigration and Human Rights Practice*, Open Doors Speaker Series, Duke University School of Law, March 6, 2009.

Co-Presenter, *Cross-Clinic Collaborations: Looking Forward and Reflecting Back*, Association of American Law Schools Conference on Clinical Legal Education (Tucson, AZ), May 6, 2008.

Commentator, Work-in-Progress, *Exploitation Nation: The Thin and Grey Legal Lines Between Trafficked Persons and Abused Migrant Laborers*, Immigration Law Teachers Workshop (Miami, FL), May 2, 2008.

Presenter, *Derechos Humanos y Migración*, Seminar on Human Rights and International Humanitarian Law in the Western Hemisphere, Inter-American Defense College (Washington, DC), April 17, 2008.

Moderator and Co-Planner, *Examining the Client and the Cause in the Immigrants' Rights Movement*, Founders' Celebration, American University Washington College of Law, April 9, 2008.

Keynote Speech, *Asian Americans and the Struggle for Racial Justice*, Pace University School of Law, Asian American Law Students Association Annual Dinner, March 12, 2008.

Presenter, *The "Material Support" Bar in Asylum Claims*, Pro Bono Resource Center of Maryland/AILA, University of Maryland School of Law, March 7, 2008.

Presenter, *La Experiencia de la Clínica Legal de los Derechos Humanos Internacionales en la American University*, Annual Meeting of the Latin American Network of Public Interest and Human Rights Clinics, Universidad Iberoamericana (Mexico City), November 14, 2007.

JAYESH M. RATHOD

Page 4

Paper Presenter, *Dying to Work: Immigrant Labor and the Occupational Safety and Health Regime*, Conference of Asian Pacific American Law Faculty (CAPALF), William Mitchell College of Law, April 26-28, 2007.

Presenter, *Racial Profiling in Immigration Enforcement*, Searching for Harmony: An Examination of Race-Based Classifications (Symposium), University of Maryland College of Law, March 28, 2007.

Moderator, *The Temporary Guest Worker Program and the Rights of Immigrants*, The Human Impact of Proposed Immigration Reform, American University, Washington College of Law, March 20, 2007.

Moderator, *Strategies to Address Trafficking: Litigation, Law Enforcement, and Policy*, Forced Labor and Slavery: The Other Side of Trafficking, American University, Washington College of Law, February 8, 2007.

Panelist, *America's Broken Immigration System: The Impact on Immigrants, Their Families, and Our Communities*, University of Baltimore School of Law, February 28, 2006.

Presenter, *Immigration Issues Affecting Local Unions*, Ironworkers International Union Attorneys' Conference, Las Vegas, NV, February 7, 2006.

SELECT TESTIMONY

Testimony in Support of Resolution 02-2008 (Immigrant Sanctuary Ordinance), City Council of Mount Rainier, Maryland, February 12, 2008.

Testimony in Opposition to H.B. 37 (Undocumented Workers and Workers' Compensation), Maryland House of Delegates, February 16, 2006.

Testimony in Support of Apprenticeship Enforcement Amendment Act, District of Columbia City Council, Committee on Public Services, June 30, 2004.

Hate Crimes Against South Asian Americans after September 11, U.S. House of Representatives, July 22, 2003.

SELECT MEDIA APPEARANCES & QUOTATIONS

Voice of America, *Mexican guest workers take jobs few Americans want*, August 17, 2010 (suggesting reforms for the H-2B program based on findings from the Maryland crab industry)

The News-Journal (Delaware), *Foreign labor fills need in Delaware, even with high jobless rate*, August 15, 2010 (discussing labor supply issues that contribute to a need for foreign labor)

The Associated Press Television, August 9, 2010 (discussing SB 1070, the controversial immigration enforcement law passed in Arizona)

The Washington Post, *Report criticizes treatment of Mexican women recruited to pick Md. Crabs*, July 15, 2010 (discussing challenges faced by migrant workers the Maryland crab industry)

The Associated Press, *Visa fixes sought to protect migrant crab pickers*, July 14, 2010 (discussing limitations of the H-2B visa program)

WAMU, *Report: Local Crab picking houses relying more on immigrant women*, July 14, 2010 (describing the working conditions of migrant workers in the Maryland crab industry)

CNN *En Español*, June 24, 2009 (discussing the prospects for comprehensive immigration reform in the 111th Congress)

CNN *En Español*, October 3, 2006 (discussing the case of Elvira Orellana, an immigrant who sought sanctuary from deportation in a Chicago church)

CNN *En Español*, March 29, 2006 (discussing comprehensive immigration reform)

JAYESH M. RATHOD

Page 5

WUSA-TV, April 19, 2005 (discussing the risks faced by immigrant day laborers in metropolitan Washington, D.C.)

NPR, *The Working Poor: Low-Wage Workers*, March 18, 2005 (discussing the phenomenon of wage theft in the employment of day laborers in the D.C. area)

BBC World, *Latinoamérica contra el racismo*, October 6, 2003 (discussing racial discrimination in the Americas)

COMMUNITY INVOLVEMENT AND HONORS

South Asian Americans Leading Together (SAALT) (Chairman, Board of Directors, 2006-present; Treasurer, 2004-2006; Board Member, 2003-present)

Capital Area Immigrants' Rights Coalition (CAIR Coalition), Legal Advisory Committee (2008-present); Tenth Anniversary Honoree (June 2009)

Pace Law School, Asian American Law Students Association (AALSA) Award of Distinction, March 2008

Outstanding Public Interest Attorney of 2004, National South Asian Bar Association (NASABA)

PROFESSIONAL AFFILIATIONS

American Immigration Lawyers' Association (AILA)

Society of American Law Teachers (SALT)

American Bar Association

Asian Pacific American Bar Association of D.C. (VP-Community Affairs, 2003-2005; member, 2003-present)

BAR ADMISSIONS

New York

District of Columbia

United States District Court for the District of Columbia

United States District Court for the District of Maryland

United States Court of Appeals for the Fourth Circuit

LANGUAGES

Spanish -- Read; write; speak

Gujarati -- Speak