

AMANDA FROST
American University Washington College of Law
4300 Nebraska Ave., NW
Washington, D.C. 20016
(202) 274-4046; afrost@wcl.american.edu

ACADEMIC APPOINTMENTS

American University Washington College of Law 2004-present
Ann Loeb Bronfman Distinguished Professor of Law & Government (2020-present)
Professor of Law with tenure (2010-2020); Associate Professor (2006-10)

- Courses: Civil Procedure, Federal Courts and Federal Jurisdiction, Immigration & Naturalization Law, Public Law
- Acting Director, Immigrant Justice Clinic (2016-17)
- Director of the Doctorate of Juridical Science Program (2014-2018)
- American University Washington College of Law Excellence in Teaching Award (2015)
- Elizabeth Payne Cubberly Scholar Award (2009)

Collegium de Lyon 2019-2020
Research Fellow at the Institut d'Études Avancées, affiliated with the équipe de droit publique at Université de Lyon 3.

Université Paris Nanterre
Visiting Professor of Law. Course: U.S. Civil Procedure May 2013

UCLA Law School Fall 2011
Visiting Professor of Law. Course: Civil Procedure

Johannes Gutenberg University July 2010
Visiting professor of law. Course: Global Civil Procedure.

Harvard Law School Fall 2007
Visiting associate professor of law. Courses: Civil Procedure; Courts and Congress (seminar).

OTHER EXPERIENCE

Senate Judiciary Committee, U.S. Senator Edward M. Kennedy Summer 2006
Legislative Fellow. Advised the Senator on legal and policy issues concerning immigration, voting rights, courts and judicial nominations. Drafted legislative history. Prepared the Senator for hearings.

Public Citizen 1998-2001; 2002-2004
Staff attorney. Litigated cases in federal and state appellate courts and in the United States Supreme Court. Practice areas: administrative law, civil rights, consumer rights, open government, and class actions.

Fulbright Scholar

2001-2002

Awarded fellowship to study transparency reform in the European Union. Studied at the Sorbonne, Université Paris I in Paris, France and at the European University Institute in Florence, Italy.

U.S. Court of Appeals for the D.C. Circuit

1997-1998

Law clerk to Judge A. Raymond Randolph.

EDUCATION

Harvard Law School, J.D. June 1997, *magna cum laude*

Harvard College, B.A. in History & Literature of America, June 1993, *cum laude*

ACADEMIC PUBLICATIONS**Books & Book Chapters**

BIRTHRIGHT: BIRTHRIGHT CITIZENSHIP AND THE MAKING OF AMERICA (work in progress)

YOU ARE NOT AMERICAN: CITIZENSHIP STRIPPING FROM DRED SCOTT TO THE DREAMERS (Beacon Press, 2021)

- “New & Noteworthy Book,” N.Y. Times Book Review, Jan. 20, 2021
- Starred Review, Kirkus Reviews
- Starred Review, Library Journal
- NBC New York Book Pick
- Recommended by “Off the Shelf,” Harvard Magazine, January 2021
- Christian Science Monitor Book Review (An “excellent” book that “threads history, debate, and lively detail into the stories of individual Americans who fought [for] their citizenship.”)
- Book featured on “Ask the Author,” SCOTUSblog
- Book project awarded the American Council of Learned Societies Fellowship, Fall 2019

Immigration in the Obama Era, in THE U.S. SUPREME COURT AND CONTEMPORARY CONSTITUTIONAL LAW: THE OBAMA ERA AND ITS LEGACY (Anna-Bettina Kaiser, Niels Petersen, and Johannes Saurer eds.) (Routledge, 2018).

Maslenjak v. United States: Immigration, Expatriation, and the Plenary Power Doctrine, in AMERICAN CONSTITUTION SOCIETY SUPREME COURT REVIEW 2016-17.

Articles

“*Citizenship as Reparations*,” Citizenship Studies [forthcoming 2022]

“*By Accident of Birth*”: *The Battle Over Birthright Citizenship After United States v. Wong Kim Ark*, 32 Yale Journal of Law & Humanities [forthcoming, 2021].

Who Counts? The Legal and Political Debate Over Excluding Noncitizens from Electoral Districts in the United States, Association Française de Droit Constitutionnel (forthcoming)

Alienating Citizens, 114 NORTHWESTERN UNIVERSITY LAW REVIEW 241 (2019)

- Cited in *Abuhajeb v. Pompeo*, __ F.Supp.3d __ (D. Mass. 2021)

In Defense of Nationwide Injunctions, 93 NEW YORK UNIVERSITY LAW REVIEW 1065 (2018).

- Cited in *City of Chicago v. Barr*, 957 F.3d 772 (7th Cir. 2020); *East Bay Sanctuary Covenant v. Barr*, 934 F.3d 1026 (9th Cir. 2019); *California v. U.S. Department of Health and Human Services*, 941 F.3d 410 (9th Cir. 2019); *Rodgers v. Bryant*, 942 F.3d 451 (8th Cir. 2019); *Texas v. United States*, 2021 WL 247877 (S.D. Tex. 2021); *District of Columbia v. U.S. Department of Agriculture*, 444 F. Supp. 3d 1 (D.D.C. 2020); *Guilford College v. Wolf*, 2020 WL 586672 (M.D.N.C. 2020); *Alasaad v. Nielsen*, 419 F. Supp. 3d 142 (D. Mass. 2019); *Roe v. Shanahan*, 359 F. Supp. 3d 382 (E.D. Va. 2019); *Alasaad v. Nielsen*, 2019 WL 5899371 (D.M.A. 2019); *New Hampshire Lottery Commission v. Barr*, 386 F. Supp. 3d 132 (D.N.H. 2019); *New York v. Pruitt*, 2018 WL 2411595 (S.D.N.Y. 2018); *City of Chicago v. Sessions*, 321 F. Supp. 3d 855 (N.D.I.L. 2018).

Cooperative Enforcement in Immigration Law, 103 Iowa L. Rev. 1 (2017).

- Selected for reprinting in the *Immigration & Nationality Law Review*

Can the Government Deport Immigrants Using Information it Encouraged them to Provide?, 2 ADMIN. L. REV. ACCORD 97 (2017).

Independence and Immigration, 89 SOUTHERN CALIFORNIA LAW REVIEW 485 (2016) (symposium contribution).

Do Two Rights Make a Wrong? A Response to Professor Motomura, 55 WASHBURN L.J. 101 (2015) (symposium contribution).

Learning from Our Mistakes: Using Immigration Enforcement Errors to Guide Reform, 92 DENVER UNIVERSITY LAW REVIEW 770 (2015) (symposium contribution).

Inferiority Complex: Should State Courts Follow Federal Court Precedent on the Meaning of Federal Law? 68 VANDERBILT LAW REVIEW 53 (2015).

- Cited in *Georgia State Conference of NAACP v. State*, 269 F. Supp. 3d 1266 (N.D. Ga. Aug. 25, 2017)

Judicial Ethics and Supreme Court Exceptionalism, 26 GEORGETOWN JOURNAL OF LEGAL ETHICS 443 (2013).

In Defense of Scholars' Briefs: A Response to Richard Fallon, 16 GREEN BAG 2d 135 (2013).

Congress in Court, 59 UCLA LAW REVIEW 914 (2012).

Defending the Majoritarian Court, 2010 MICHIGAN STATE LAW REVIEW 757 (2010) (Invited participant in a symposium on Barry Friedman's *THE WILL OF THE PEOPLE*.).

Mark Tushnet on Why the Constitution Doesn't Matter (Book review of Mark Tushnet's WHY THE CONSTITUTION MATTERS), 14 Green Bag 2d 99 (2010).

Countering the Majoritarian Difficulty, 96 VIRGINIA LAW REVIEW 101 (2010) (co-authored with Professor Stefanie A. Lindquist).

The Limits of Advocacy, 59 DUKE LAW JOURNAL 447 (2009).

- Cited in *Rollins v. Home Depot USA*, 8 F.4th 393 (5th Cir. 2021)

Overvaluing Uniformity, 94 VIRGINIA LAW REVIEW 1567 (2008).

- Cited in *Visciotti v. Martel*, 862 F.3d 749 (9th Cir. 2016); *A.M. ex rel. Youngers v. New Mexico Department of Health*, 117 F.Supp.3d 1220 (D. N.M. 2015); *Saenz v. Lovington Mun. School Dist.*, 105 F. Supp.3d 1271 (D. N.M. 2015)

Certifying Questions to Congress, 101 NORTHWESTERN UNIVERSITY LAW REVIEW 1 (2007).

- Cited in *United States ex rel. Fenton v. William Beaumont Hospitals*, 2021 WL 4472767 (E.D. Mich. Sept. 30, 2021)

The State Secrets Privilege and Separation of Powers, 75 FORDHAM LAW REVIEW 1931 (2007).

- Cited in *Al-Haramain Islamic Foundation, Inc. v. Bush*, 507 F.3d 1190 (9th Cir. 2007)

Keeping Up Appearances: A Process-Oriented Approach to Judicial Recusals, 53 KANSAS LAW REVIEW 531 (2005).

Restoring Faith in Government: Transparency Reform in the United States and the European Union, 9 EUROPEAN PUBLIC LAW 87 (March 2003).

Judicial Review of FDA Preemption Determinations, 54 FOOD AND DRUG LAW JOURNAL 367 (1999).

TESTIMONY & NON-ACADEMIC PUBLICATIONS

Regular Contributor, SCOTUSblog (www.scotusblog.com).

The Question of Who Counts, The Atlantic, May 26, 2021

Here's how we can pay for the sins we've committed against immigrants, NBC News THINK Op-Ed, Mar. 26, 2021

Even Royalty Aren't Safe from Citizenship Stripping, Newsweek, Mar. 11, 2021.

Republican Resistance to Easy Naturalization Will Likely Backfire, Washington Post, Made by History, Mar. 9, 2021

Beyond Detention as Deterrence, Border Criminologies blog, Oxford University Border Criminologies Centre, Special Issue, March 2021.

Deportation Without Disclosure: Immigration Courts Need Transparency, Bloomberg Law Insights, Feb. 23, 2021

The Supreme Court's Role in Defining US Citizenship, SCOTUSblog, Jan. 27, 2021

Birthright Citizens and Paper Sons, The American Scholar, Jan. 18, 2021.

The Supreme Court Has to Choose Between Trump and the Nation's Founders, The New Republic, Nov. 27, 2020.

You Are Not An American, The American Prospect, Aug. 19, 2020.

Rule by District Court Judge: The Challenge of Universal Injunctions. Testimony submitted to the United States Senate, Committee on the Judiciary, Feb. 25, 2020.

The New War on Naturalized Citizens, The American Prospect, Oct. 15, 2019.

The Fragility of American Citizenship, The Atlantic, Oct. 9, 2019.

The Federal Judiciary in the 21st Century: Ideas for Promoting Ethics, Accountability, and Transparency, Testimony before the House Committee on the Judiciary, Subcommittee on the Courts, Intellectual Property, and the Internet, Jun. 21, 2019

The revival of denaturalization under the Trump administration, GLOBALCIT blog, European University Institute, Jan. 29, 2019.

One for All: Are Nationwide Injunctions Legal?, Judicature, Point-Counterpoint, vol. 102, no. 3, pp. 70-75 (Fall 2018) (with Samuel Bray)

The hidden constitutional threat in Trump's travel-ban lawsuit, Washington Post, op-ed, Apr. 25, 2018.

The Role and Impact of Nationwide Injunctions. Testimony before the House Committee on the Judiciary, Subcommittee on the Courts, Intellectual Property, and the Internet, Nov. 30, 2017

Some DACA 'dreamers' have legal options despite Trump, USA Today, op-ed, Sep. 7, 2017

Trump's travel order runs from "Muslim ban" past, but it can't hide, The Hill, op-ed, Mar. 7, 2017

President Trump and the Rule of Law, The Hill, op-ed, Feb. 7, 2017 (with Jennifer Daskal)

How Painful Can Trump Make the Lives of Immigrants, Slate, Nov. 16, 2016

The Overlooked Pathways to Legal Status, The Atlantic, June 19, 2016

Limit State Access to Federal Court, N.Y. Times, Dec. 22, 2015 (with Stephen Vladeck)

Detention of Fleeing Immigrants Isn't Worth the Price, Houston Chronicle, March 19, 2015.

It's Time for the House to Take Up Immigration, Baltimore Sun, June 13, 2014.

Book Review: Reflections on Judging by Richard A. Posner, London School of Economics Review of Books, <http://blogs.lse.ac.uk/lsereviewofbooks/>.

Honoring Your Oath in Political Times, Pound Civil Justice Institute Annual Forum for State Appellate Judges, <http://poundinstitute.org/docs/2013PoundForumFrostPaperAugust2013.pdf>.

Natural(ized) Enemies, Slate, January 17, 2013 (with Jayesh Rathod).

Power of Attorneys: Congress Must Begin to Fight for its Own Interests in Court, Slate, January 18, 2012.

Kagan's not camera-shy, Op-Ed, L.A. Times, July 9, 2010.

Only a Partial Win, Op-Ed, National Law Journal, June 15, 2009.

One Dollar for Every West Virginian: The Crazy Judicial Corruption Case the Supreme Court Should Hear, Slate, October 10, 2008.

Reforming the State Secrets Privilege, an issue brief published by the American Constitution Society (co-authored with Justin Florence), <http://www.acslaw.org/node/7523>.

Reforming the State Secrets Privilege, submitted to the Constitution Subcommittee of the U.S. Senate Judiciary Committee for its Hearing on Restoring the Rule of Law (co-authored with Justin Florence), <http://feingold.senate.gov/ruleoflaw/testimony/frost.pdf>.

Testimony Before the U.S. Senate Judiciary Committee on the Nomination of Judge Samuel A. Alito, Jr. to the U.S. Supreme Court, January 13, 2006, http://judiciary.senate.gov/hearings/testimony.cfm?id=1725&wit_id=4911.

SELECTED PRESENTATIONS

Faculty Workshops

Birthright Citizens and Paper Sons

Faculty Workshops at University of Virginia Law School, Feb. 26, 2021; NYU Legal History Colloquium, Sep. 15, 2021

In Defense of Nationwide Injunctions

Faculty workshop at Florida International University Law School (Oct. 16, 2018).

Cooperative Enforcement in Immigration Law

Faculty Workshops at Temple University Beasley School of Law (Feb. 2017); University of Georgia Law School (Jan. 2017), University of Maryland Law School (Mar. 2016).

Inferiority Complex: Should State Courts Follow Federal Court Precedent on the Meaning of Federal Law? Faculty Workshop at Vanderbilt Law School (Oct. 2015)

Intersystemic Stare Decisis

Faculty workshop at Fordham Law School (Apr. 2013).

Congress in Court

Faculty workshops at Richmond Law School (Feb. 2011), Vanderbilt Law School (Mar. 2011), Pepperdine Law School (Sep. 2011), UCLA Law School, DePaul Law School (Oct. 2011), and UC Irvine Law School (Nov. 2011).

The Limits of Advocacy

Faculty workshops at University of Georgia Law School (Oct. 2008), Notre Dame Law School (Nov. 2008), and University of Texas Law School (April 2009).

Overvaluing Uniformity

Faculty workshops at Monash Law School (Melbourne, Australia) (Aug. 2007), Boston University Law School (Oct. 2007), and Harvard Law School (Dec. 2007).

The State Secrets Privilege and Separation of Powers

Faculty workshop at Wake Forest Law School (Apr. 2007).

Certifying Questions to Congress

Faculty workshops at Nebraska Law School (Mar. 2006), Pace Law School (Apr. 2006), and Washington University Law School (Oct. 2006).

Selected Conferences, Book Talks, Podcasts & Guest Lectures

2022 Joseph and Rebecca Meyerhoff Annual Lecture, Mandel Center for Holocaust Studies, Mar. 31, 2022 (scheduled)

Speaker, Nation Museum of American History, Smithsonian Institute, Washington, DC, October 19, 2021 (scheduled)

Organizer & panelist, *Contested Boundaries: The Past, Present, and Future of US Citizenship*, American University Washington College of Law, October 1, 2021. (Colloquium in citizenship which brought together 19 interdisciplinary academics, NGO leaders, and government policymakers for day-long conversation about citizenship history and policies)

Panelist, *Dred Scott: Beyond Black and White*, Aoki Center for Race and Nation Studies, U.C. Davis Law School, Sept. 24, 2021.

Speaker, “*By Accident of Birth*”: *The Battle Over Birthright Citizenship After United States v. Wong Kim Ark*, NYU Legal History Colloquium, Sept. 15, 2021.

Book Talk, *Democracy in Danger*, University of Virginia Media Lab, “Bittersweet Dreams,” May 11, 2021

Seminaire, “Le fait culturel and la citoyenneté,” Université d’Orléans, Apr. 28, 2021

“Evening With an Author,” American Library in Paris, Apr. 27, 2021, in conversation with New Yorker staff writer Lauren Collins.

Panelist, *L’assistance aux frontières*, Institut Convergences Migrations, Apr. 16, 2021

Panelist, *Pursuing Citizenship*, 29th Annual Rothgerger Conference, Colorado Law School, Apr. 9, 2021.

Book Talk, *You Are Not American: Citizenship Stripping from Dred Scott to the Dreamers*, Washington History Seminar Roundtable at the National History Center, Apr. 5, 2021

Interview, Good Law/Bad Law Podcast, ““Citizenship Stripping: A Conversation with Amanda Frost,” March 26, 2021.

Moderator & Convenor, *The Past, President, and Future of D.C. Statehood*, Program on Law & Government, American University, Mar. 18, 2021.

Book Talk: Citizenship Stripping and the Meaning of “American,” Loyola University, Chicago, IL, Mar. 18, 2021.

Book Talk: *You Are Not American: Citizenship Stripping from Dred Scott to the Dreamers*, Harvard Institute for Learning in Retirement, Mar. 5, 2021

Book Talk, *The Race for Citizenship in the Wake of the Civil War*, American Civil War Museum, Feb. 25, 2021

Book Talk, *Constitutional Limits on Citizenship Stripping*, Constitution 101: Robert H. Smith Center for the Constitution, James Madison’s Montpelier, Feb. 22, 2021.

Book Launch for *You Are Not American: Citizenship Stripping from Dred Scott to the Dreamers*, Politics & Prose, Jan. 28, 2021.

Convener & Moderator, *Citizenship & Suffrage: Race, Citizenship, and Women’s Right to Vote on the Nineteenth Amendment’s Centennial*, Program on Law & Government, American University, Oct. 6, 2020.

Panelist, *Rapid Response Teach-In: Justice Ruth Bader Ginsburg*, Program on Law & Government, American University, Sept. 24, 2020

Guest lecturer, *Nationwide Injunctions*, University of Virginia Law School, Sept. 15, 2020 (Prof. Richard Re).

Moderator, *Racial Justice and the Courts*, American University, Sept. 10, 2020.

Co-presenter, *Social and Political Inclusion as Determinants of Migrants Health*, Collegium de Lyon,

May 25, 2020 (with Prof. Maria De Jesus)

Presenter, *Crisis Within a Crisis: Immigration Law in the United States Following COVID-19*, European Law Students Association, Apr. 29, 2020 (by zoom)

Guest Lecturer, *Droit Constitutionnel*, Université Lyon 3 (Prof. Mathilde Philip-Gay), March 2020 (by zoom)

Guest, *Alienating Citizens & Denaturalization*, Below the Line podcast, Northwestern University Law Review, Feb. 15, 2020.

Guest Lecturer, *Droit des Étrangers*, Université Catholique de Lyon, February 11, 2020 (Prof. Carol Petit)

Guest Lecturer, *Crimmigration: The Intersection of Criminal and Immigration Law in the United States*, Université Catholique de Lyon, Feb. 6, 2020.

Presenter, *Citizenship and National Identity*, Collegium de Lyon, Jan. 20, 2020.

Presenter, *L'enferment comme un moyen de dissuasion illégal à la frontière États-Unis/Mexique*, École Normale Supérieure (ENS) de Lyon, Les detention des étrangers, séance spéciale du séminaire Enferment, Jan. 9, 2020.

Guest Lecturer, *Terrorism & Human Rights: Constitutional Dimensions*, Queen Mary University of London, December 6, 2019 (Prof. Elspeth Guild)

Commentator, *The Value of Citizenship for Individuals and States*, at the European University Institute's annual GLOBALCIT conference, Florence, Italy, November 22, 2019.

Guest, France 24, *Perspectives*, Paris, Nov. 19, 2019.

Presenter, *Alienating Citizens*, University of London Institute in Paris, Nov. 14, 2019.

Presenter, *Alienating Citizens*, Université de Nantes, Nationalités multiples, appartenances plurielles, September 26-27, 2019.

Guest, *When Should Judges Issue Nationwide Injunctions?*, We the People podcast, National Constitution Center, Sept. 5, 2019

Invited Testimony, *The Federal Judiciary in the 21st Century: Ethics, Accountability, and Transparency*. Testimony before the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on the Courts, Intellectual Property, and the Internet, Jun. 21, 2019.

Presenter, *Alienating Citizens*, European University Institute's Annual GLOBALCIT Conference, *Rights and Status. The Role of Citizenship in Immigrant Integration and Diaspora Building*, Florence, Italy, Nov. 29-30, 2018.

Presenter, *Nationwide Injunctions: Are They Good Law? Are They Good Policy?*, AJEI Summit, Bolch Judicial Institute, Atlanta, Georgia, Nov. 9, 2018.

Participant, *Reforming the Court*, American Constitutional Society & New America, Washington, D.C., Oct. 25, 2018.

Guest Lecturer, *Supreme Court Seminar*, Georgetown University Law Center, Washington, D.C., Oct. 22, 2018.

Presenter, *Unmaking Americans: Forced Expatriation in the United States*, Loyola University of Chicago School of Law, Constitutional Law Colloquium, Chicago, IL, Nov. 2, 2018.

Presenter, *Alienating Citizens*, "IV CINETS Conference, Mobility and Security in an Era of Globalization: Crimmigration at a Crossroads?", Queen Mary University, London, England, Oct. 5-6, 2018.

Debate participant, *Can Federal Courts Issue Nationwide Injunctions?*, Florida International University Law School, Miami, Florida, Oct. 15, 2018.

Presenter, *Nationwide Injunctions: A Valuable and Necessary Remedy or an Inappropriate Aggrandizement of Judicial Power?*, 2018 National Association of Attorneys General State Solicitors General and Appellate Chiefs Conference, Portland, Oregon, Jun. 22, 2018.

Presenter and Co-Organizer, *Unmaking Americans: Forced Expatriation in the United States*, Biennial Immigration Law Scholars & Teachers Workshop, Drexel University, May 24-26, 2018.

Participant, *Permanence and Change: The United States Constitution and the Amendment Process*, Cato Institute-Liberty Fund, Washington, DC, Apr. 19-20.

Presenter, *The Immigration Nexus: Law, Politics, and Constitutional Identity*, Lewis & Clark Law Review Symposium, Lewis & Clark Law School, Portland, Oregon, Mar. 9, 2018.

Panelist, *In Defense of Nationwide Injunctions*, 2018 Annual Meeting of the Association of American Law Schools, Federal Courts & Remedies Sections, Jan. 5, 2018.

Panelist, *Cooperative Enforcement in Immigration Law*, Queen Mary School of Law, London, England, Jun. 23, 2017.

Panelist, *Migration Crisis—Europe and the US*, Sciences Po, Paris, France, Jun. 21, 2017.

Speaker, *Presidential Power and the Politics of Immigration*, University of London Institute in Paris, Paris, France, Jun. 19, 2017.

Panelist, *Public Trust in the Judiciary and High Profile Litigation*, Fourth Circuit Federal Judicial Center Workshop, Baltimore, MD, Jun. 13, 2017.

Panelist, *From the 'Pen and Phone' to the Federal Register: Executive Orders and the Rulemaking Process*, ABA Administrative Law Section's Annual Administrative Law Institute, May 19, 2017.

Panelist, *Unmaking Unauthorized Immigrants*, Carhart Symposium in Legal Ethics, Ohio Northern University, Mar. 24, 2017.

Panelist, *Obama's Court, Recent Changes in U.S. Constitutional Law in Transatlantic Perspective*, Humboldt University, Berlin, Germany, Oct. 28 & 29, 2016

Speaker *Immigration Law in the Obama Era*, Universidad Pontificia Comillas, Madrid, Spain, Oct. 26, 2016.

Speaker, *Race for the Top: Skilled Migration in the US and EU*, ESCP Europe, Paris, France, Jun. 8, 2016.

Workshop, *Unmaking Unauthorized Immigrants*, Bi-Annual Immigration Law Professor Conference, Michigan State University Law School, May 21, 2016.

Panelist, *Reenactment of Morrison v. Olson*, D.C. Circuit Historical Society, Oct. 28, 2015.

Moderator, *Japanese Internment Camps 70 Years Later*, American University Washington College of Law, Oct. 27, 2015.

Participant, *Historical Practice and Federal Judicial Power Roundtable*, Duke Law School, Durham, NC, Oct. 23, 2015.

Discussion Leader, *Mid-Career Seminar for U.S. District Court Judges*, Vanderbilt Law School, Oct. 7, 2015.

Panelist, *The Constitutionality of President Obama's Executive Action in Immigration*, Maryland State Bar Association Immigration Law Spring Conference, Baltimore Law School, May 21, 2015.

Panelist, *Alleged Abuses of Presidential Power*, George Washington University Law School, Apr. 30, 2015.

Presenter, *Immigration and Independence*, National Constitution Center, Philadelphia, PA, Apr. 14, 2015.

Panelist, *CrImmigration: Crossing the Border Between Criminal Law and Immigration Law*, Denver Law School, Denver, CO, Feb. 7, 2015.

Presenter, *Immigration and Independence*, Immigration Law Professor Workshop, University of California Irvine School of Law, Irvine, California, May 23-24, 2014.

Participant, John Templeton Foundation's Coalition of Freedom Workshop, National Constitution Center, Philadelphia, PA, Mar. 27, 2014.

Presenter, *Honoring Your Oath in Political Times*, Pound Civil Justice Institute Annual Forum for State Appellate Court Judges, Jul. 20, 2013.

Presenter, *Judicial Independence Symposium*, DePaul Law School, Oct. 20, 2011.

Presenter, Commentator, & Co-Organizer, *Junior/Senior Faculty Workshop on Judges and Judging*, American University Washington College of Law, Sep. 15, 2011.

Panelist, *Popular Constitutionalism: Examination and Critique*, Lavender Law, Los Angeles, CA, Sep. 9, 2011.

Commentator, *Fifth Annual Potomac Foreign Relations Law Roundtable*, George Washington University Law School, Washington, DC, Apr. 29, 2011.

Speaker, *Judicial Ethics*, Columbia Law School, Apr. 14, 2011.

Commentator & Co-Organizer, *Junior/Senior Faculty Workshop on Judges and Judging*, American University Washington College of Law, Washington, DC, Sep. 24, 2010.

Moderator, *Discussion of Elena Kagan's Nomination to the U.S. Supreme Court*, sponsored by the American Constitution Society. Washington, DC, Jun. 8, 2010.

Presenter, *Responding to the Will of the People: A Symposium Responding to Barry Friedman's book THE WILL OF THE PEOPLE*, Michigan State University College of Law, Lansing, MI, Apr. 9, 2010.

Presenter, *Countering the Majoritarian Difficulty*, Second Annual Junior Faculty Federal Courts Workshop. Michigan State University College of Law, Lansing, MI, Oct. 23, 2009.

Presenter, *Competing Judicial Philosophies*, Supreme Court Summer Institute for Teachers, Washington, DC, Jun. 29, 2009.

Panelist, *Caperton v. Massey: Judicial Elections and Due Process*, sponsored by the American Constitution Society. Washington, DC, Feb. 26, 2009.

Moderator, *A Debate on the Dirty Dozen: The Worst Supreme Court Cases in Modern History?* Co-sponsored by the American Constitution Society and the Cato Institute, Washington, DC, Jul. 31, 2008.

Co-Organizer, *Federal Courts Junior Faculty Workshop*, American University Washington College of Law, Washington, DC, Apr. 3 & 4, 2008.

Moderator, *District of Columbia v. Heller: The Advocates Speak*, sponsored by the American Constitution Society. Washington, DC, Mar. 18, 2008.

Presenter, *Constitutional Updates*, National Association of Administrative Law Judiciary's Annual Meeting, panel on recent constitutional cases of relevance to ALJs, Washington, DC, Oct. 18, 2007.

Presenter, "The State Secrets Privilege and Separation of Powers," Law & Society Conference, Panel on Government Secrecy, Humboldt University, Berlin, Germany, Jul. 25, 2007.

Moderator, *Panel on Davenport v. Washington Education Association*, National Press Club, Washington, DC, Jan. 4, 2007.

APPOINTMENTS & AFFILIATIONS

- Consultative Group, “Nationwide Injunctions and Federal Regulatory Programs,” Administrative Conference of the United States
- Border Criminologies, Oxford University Centre for Criminology, Affiliated Researcher & Editorial Board Member
- Pound Civil Justice Institute Academic Fellow
- National Constitution Center’s Coalition of Freedom Advisory Board
- American Immigration Lawyers Association

SELECTED MEDIA APPEARANCES

- Guest, *Biden’s Immigration Policies*, France24, Mar. 24, 2021
- Guest, *The American History of Denying Citizenship*, The Jefferson Exchange, Jefferson Public Radio, Feb. 3, 2021.
- Guest, *Why Millions of U.S. Citizens Risk Being Deported Over Technicalities*, Perspectives, France24, Nov. 19, 2019 (<https://www.france24.com/en/americas/20191119-why-millions-of-us-citizens-risk-being-deported-over-technicalities>).
- Interview, *The US is using an expanded fingerprint database to review the citizenship of thousands of Americans*, The World, Public Radio International, July 10, 2018.
- Guest, *King v. Burwell and the Future of Obamacare*, The Diane Rehm Show, National Public Radio, Mar. 3, 2015.
- Guest, *Inside Story*, Al Jazeera America, Jul. 2, 2014.
- Commentator, *C-Span Radio’s Supreme Court Historic Oral Argument: Elena Kagan, before she joined the Court*, Dec. 26, 2012.
- Guest, *The Constitution Today – Separation of Powers*, THE DIANE REHM SHOW, NATIONAL PUBLIC RADIO, Oct. 19, 2010.
- Guest, *Roundtable on Judicial Decisions of Judge Sonia Sotomayor*, C-SPAN, July 1, 2009.
- Quoted, *New Administration Backs Bush Secrecy Policy*, MORNING EDITION, NATIONAL PUBLIC RADIO, Feb. 10, 2009.
- Quoted in articles in the N.Y. Times, Washington Post, L.A. Times, Baltimore Sun, National Law Journal, Congressional Quarterly, and the Hollywood Reporter.

SELECTED LITIGATION

- *Keeley v. Whitaker*, 910 F.3d 878 (6th Cir. 2018): Argued that conviction under Ohio criminal law did not constitute an aggravated felony under the Immigration and Nationality Act of 1965. (Supervising Attorney).
- *Nakhla v. Johnson*, No. 14-1198 (E.D. Va. 2017): Argued that noncitizens were eligible for naturalization. Case successfully settled. (Lead counsel).
- *Yanez-Marquez v. Lynch*, 789 F.3d 434 (4th Cir. 2015): Argued that the Fourth Amendment requires excluding evidence obtained during immigration officials’ pre-dawn raid on Ms. Yanez-Marquez’s home. (Lead counsel).
- *Funes v. Hercules Real Estate*, 2010 LTB 10127: Trial counsel for tenant in landlord-tenant dispute

in D.C. Superior Court through a referral from D.C. Legal Aid's pro bono assistance project.

- *Shady Grove Orthopedic Associates, P.A. v. Allstate Insurance Co.*, 559 U.S. 393 (2010): Submitted amicus brief on behalf of public interest law firm arguing that state law cannot bar class actions in federal court.
- *Peoples v. Corrections Corporation of America*, 422 F.3d 1090 (10th Cir. 2005), *rev'd in part, aff'd in part by an equally divided court en banc*, 449 F.3d 1097 (10th Cir. 2006): Argued that prisoner may bring a *Bivens* action against private prison guards for violating prisoners' Eighth Amendment rights. (Lead counsel).
- *Clark v. Colorado Dep't of Corrections*, No. 05-816 (U.S.), *granted, vacated, and remanded to the Tenth Circuit*: Argued that the Prison Litigation Reform Act did not require dismissing prisoner's case on the ground that one of the claims brought had not been exhausted. (Lead counsel)
- *Roell v. Withrow*, 538 U.S. 580 (2003): Argued that Federal Magistrates Act requires explicit consent of all parties before a magistrate may issue a dispositive ruling. (Lead counsel).
- *Virginia v. Hicks*, 539 U.S. 113 (2003): Challenged constitutionality of City of Richmond's law prohibiting non-residents from walking on streets and sidewalks surrounding Richmond's public housing projects. (Co-counsel).
- *Public Citizen v. U.S. Department of Health and Human Services*, 332 F.3d 654 (D.C. Cir. 2003): Challenged HHS policy barring Medicare beneficiaries from obtaining results of investigations into their complaints about the quality of Medicare services. (Lead counsel).
- *James Miles v. S.C. Johnson & Son*, No. 00-C-3278 (N.D. Ill. 2002): Challenged claim that state-law claims are preempted by Federal Hazardous Substance Act and the Poison Prevention Packaging Act. (Lead counsel).
- *In re Teletronics Pacing Systems, Inc.*, 221 F.3d 870 (6th Cir. 2000): Challenged approval of limited fund class action settlement. (Lead counsel).
- *Public Citizen Health Research Group v. FDA*, No. 99-177 (D.D.C. 1999): Challenged under the Federal Advisory Committee Act FDA's practice of failing to make advisory committee materials available to the public before or at advisory committee meetings. (Lead Counsel).
- *Public Citizen Health Research Group v. FDA*, 185 F.3d 898 (D.C. Cir. 1999): Sought access under Freedom of Information Act to information in Investigational New Drug applications concerning drugs abandoned because of health and safety concerns. (Lead counsel).

ACADEMIC SERVICE

Curriculum Committee (2020-21; 2021-22 as chair)
Student Experience Committee (2021-22)
Appointments Committee (2005-06; 2010-11; 2014-15; 2017-18 as chair)
Career Development Committee (2013-14; 2015-16 as Chair; 2017-18)
Equal Justice Foundation Grant Selection Committee (2005, 2006, 2007, 2008, 2009)
Moot Court Committee (Spring 2008)
Myers Scholarship Selection Committee (2008, 2009)
Public Interest Committee (2006-07)
Public Interest/Public Service Fellowship Selection Committee (2005, 2006, 2007, 2008, 2009)
Self-Study Committee (2008-10)
S.J.D. Selection Committee (2008, 2009, 2011, 2015, 2016, 2017, 2018)
Speakers Committee (2009)
Special Projects Committee (2004-05)

J.D. Dual Degree Program Liaison, Université Paris X Nanterre (2013-present)
Advisor, American University Law Review (2010-present)
Advisor, Administrative Law Review (2015-present)

REFERENCES

Richard Fallon, Jr.
Story Professor of Law
Harvard Law School
(617) 495-3215
rfallon@law.harvard.edu

Samuel Bray
Professor of Law
Notre Dame Law School
(574) 631-2306
sbray@nd.edu

Gabriel “Jack” Chin
Edward L. Barrett Jr. Chair of Law
UC Davis School of Law
(530) 752-3112
gjchin@ucdavis.edu

Alexandra Lahav
Ellen Ash Peters Professor of Law
University of Connecticut Law School
(860) 570-5216
Alexandra.lahav@uconn.edu

Jenny Roberts
Professor of Law
American University Washington College of Law
(202) 274-4298
Jenny@wcl.american.edu

*additional references available upon request