

## CURRENT POSITION

**University of Alabama School of Law**, Tuscaloosa, AL

*Director of Faculty Research*

*Associate Professor* (with tenure)

*Associate Professor*

*Assistant Professor*

Effective Jan. 1, 2024

Effective Aug. 16, 2023

2021 – 2023

2019 – 2021

Courses taught: Administrative Law, Legislation & Regulation, Immigration Law, Professional Responsibility, and citizenship seminar.

## EDUCATION

**Harvard Law School**, Cambridge, MA

*Juris Doctorate*

2004

**Stanford University**, Palo Alto, CA

*Bachelor of Arts*, Economics, with Honors in Ethics in Society

2000

## JUDICIAL CLERKSHIP

**The Honorable Anita B. Brody (E.D. Pa.)**, Philadelphia, PA

*Law Clerk*

2006-2007

## SELECT PUBLICATIONS

*Eroding Immigrants' Rights Through the "New" New Textualism*, 2021-22 ACS SUP. CT. REV. (2023).

*Citizenship and Racial Subordination*, 3 AM. J. L. & EQUALITY 319 (2023) (peer-reviewed journal).

*Noncitizen Harboring and the Freedom of Association*, 101 N.C. L. REV. 677 (2023).

- Selected for republication in *Bender's Immigration Law Bulletin* (LexisNexis).

*The Contested "Bright Line" of Territorial Presence*, 56 GA. L. REV. 1511 (2022) (symposium).

*Immigration Law's Arbitrariness Problem*, 121 COLUM. L. REV. 2049 (2021).

- Selected for the 2021 AALS Administrative Law and Legislation New Voices Program.
- Selected for the 2021 [Administrative Law New Scholarship Roundtable](#).
- Reviewed in JOTWELL by [Mila Sohoni](#) (Nov. 29, 2021) and [Juliet Stumpf](#) (July 8, 2022).
- Selected for republication in the *Bender's Immigration Law Bulletin* (LexisNexis).
- Selected for republication in Vol. 42 of the *Immigration and Nationality Law Review* (compendium of premier immigration law scholarship)

*Abdication Through Enforcement*, 96 IND. L. J. 1325 (2021).

- Selected for the 2020 [Administrative Law New Scholarship Roundtable](#).

## SELECT PUBLICATIONS, CONT'D

[\*The Emerging Lessons of Trump v. Hawaii\*](#), 29 WM. & MARY BILL RTS. J. 775 (2021) (symposium).

[\*The Law of Rescue\*](#), 108 CALIF. L. REV. 619 (2020).

- Selected for the 2019 AALS Immigration Law New Voices Program and the American Constitution Society's competitive Junior Scholars Public Law Workshop at the 2020 AALS meeting.
- Reviewed by [Jill Family](#) in JOTWELL (Nov. 11, 2020).

[\*Plenary Power and Animus in Immigration Law\*](#), 80 OHIO ST. L. J. 13 (2019).

[\*Saving Lives\*](#), 58 B.C. L. REV. 1225 (2017).

- Selected from a call for papers for presentation at the 2017 AALS Immigration Law Section workshop.

[\*Applying the U.S. Constitution to Foreign Asylum-Seekers: Exposing a Curious, Inconsistent Practice in the Federal Courts\*](#), 100 MARQ. L. REV. 137 (2016).

[\*Optimal Asylum\*](#), 46 VAND. J. TRANSNAT'L L. 1215 (2013).

- Cited extensively in Congressional Research Service (CRS) report, [\*The Law of Asylum Procedure at the Border: Statutes and Agency Implementation\*](#) (Apr. 9, 2021).

## SELECT CONFERENCE & PANEL PRESENTATIONS

Panel organizer, *Policymaking Through Enforcement* (anticipated) 2024  
ABA Administrative Law Section Spring Conference

AALS, Washington, DC  
• Commentator, New Voices in Administrative Law and Legislation 2024

Commentator, Southeastern Junior/Senior Conference 2023  
University of Florida Levin College of Law, Gainesville, FL

Presenter, Cardozo Immigration Enforcement Workshop 2023  
Cardozo School of Law, New York, NY

Panelist, Agency Adjudication 101 2023  
ABA Administrative Law Section Spring Conference

Faculty workshop, TOURO LAW CENTER (virtual) 2023

Faculty workshop, WILLIAM & MARY SCHOOL OF LAW 2023

AALS, San Diego, CA 2023

- Panelist, *Biden v. Texas and the Federal-State Battle over Immigration Law*  
Hot Topics
- Presenter & Commentator, New Voices in Administrative Law and Legislation

Organizer and moderator, *Judicial Review of Agency Guidance in Immigration Law and Beyond*  
ABA Administrative Law Section Fall Conference  
(Panelists: Brad Banias, Benjamin Eidelson, Shruti Rana, Bijal Shah, and Shoba Wadhia) 2022

Faculty workshop, CARDOZO LAW SCHOOL 2022

## SELECT CONFERENCE & PANEL PRESENTATIONS, CONT'D

Presenter, <i>The Challenge of Self-Regulation in the Immigration Enforcement Bureaucracy</i> Administrative Law New Scholarship Roundtable, UNIVERSITY OF MINNESOTA LAW SCHOOL	2022
Panelist, <a href="#">Agency Adjudication 101</a> , ABA Administrative Law Section Spring Conference (virtual)	2022
Organizer and moderator, ABA Administrative Law Section <a href="#">webinar</a> , “ <a href="#">Understanding Agency Self-Regulation</a> ”	2022
Speaker, <a href="#">symposium</a> on “Immigrants and the First Amendment” UNIVERSITY OF GEORGIA SCHOOL OF LAW	2022
Presenter, <i>Noncitizen Harboring and the Freedom of Association</i> CINETs (annual crimmigration conference), UNIVERSITY OF LEIDEN (virtual)	2021
Presenter, <i>Immigration Law’s Arbitrariness Problem</i> Administrative Law New Scholarship Roundtable, YALE LAW SCHOOL (virtual)	2021
Workshop, Center on Law and Economy, TULANE LAW SCHOOL (virtual)	2021
Presenter, <i>Immigration Law’s Arbitrariness Problem</i> (previously titled <i>Shadow Graduated Sanctions</i> ) AALS New Voices in Administrative Law and Legislation (virtual)	2021
Panelist, “Recent Developments in Arbitrary & Capricious Review: Lessons from Immigration Law” ABA Administrative Law Section Conference (virtual)	2020
Speaker, <a href="#">Supreme Court Roundup</a> Immigration Law Society, UNIV. OF VIRGINIA SCHOOL OF LAW (virtual)	2020
Presenter, <i>Abdication Through Enforcement</i> , Administrative Law New Scholarship Roundtable, YALE LAW SCHOOL (virtual)	2020

## ADDITIONAL TEACHING EXPERIENCE

<b>University of Alabama School of Law</b> , Tuscaloosa, AL <i>Visiting Lecturer</i> Taught courses including Legislation & Regulation, Immigration Law, and Professional Responsibility.	2017-2019
<b>University of Florida Levin College of Law</b> , Gainesville, FL <i>Visiting Lecturer; Lecturer; Senior Lecturer</i> Taught courses including Legal Writing, Appellate Advocacy, and Asylum & Refugee Law.	2009-2017
<b>Harvard University</b> , Cambridge, MA <i>Teaching Fellow</i> , Justice (Professor Michael J. Sandel)	2002-2003

## PROFESSIONAL EXPERIENCE

**Administrative Conference of the United States** 2023-2024  
*Consultant*, project on individualized guidance

**U.S. Court of Appeals for the Third Circuit**, Philadelphia, PA 2007-2009  
*Staff Attorney*

**Morrison & Foerster LLP**, San Francisco, CA June-July 2003; 2004-06  
*Litigation Associate and previously Summer Associate*

## MEDIA AND SHORTER WORKS

[United v. Texas, Explained](#), LAWFARE, July 14, 2023.

[Open Questions and Legal Hurdles for Biden's New Border Rule](#), LAWFARE, May 16, 2023.

[Immigration Enforcement Priorities and Presidential Duty](#), LAWFARE, Aug. 23, 2022.

[An important week for immigration law](#), SCOTUSTalk, June 21, 2022 (biweekly podcast hosted by Amy Howe).

[The demise of rights-protective statutory interpretation for detained immigrants and the rise of "piecemeal" textualism](#), SCOTUSblog, June 14, 2022 (opinion analysis).

[D.C. Circuit Rules That Public Health Law Empowers Government to Expel Asylum-Seekers – But Not to Countries Where They Face Persecution or Torture](#), LAWFARE, Mar. 31, 2022.

[Shadow Sanctions for Immigration Violations](#), LAWFARE, Feb. 2, 2022.

[Justices grapple with the legacy of a 2001 immigration detention case](#), SCOTUSblog, Jan. 12, 2022 (argument analysis).

[Justices will revisit whether certain noncitizens in lengthy detention are entitled to bond hearings](#), SCOTUSblog, Jan. 10, 2022 (argument preview).

[Supervision, Line-Drawing, and Faithful Execution](#), YALE J. ON REGUL., NOTICE & COMMENT, Mar. 30, 2021 (online symposium contribution).

[Criminal Liability for Migrant Rescue](#), Border Criminologies, UNIV. OF OXFORD, Jan. 5, 2021 (contribution to digital teaching resources collaborative).

Sarah Whites-Koditschek, [Supreme Court ends 'sleepless nights' for thousands of Dreamers in Alabama](#), AL.COM, June 18, 2020 (quoted).

[The Captain's Story: A Bond of Brotherhood Forged in War](#), NAT'L GEOGRAPHIC, Feb. 19, 2016 (interviewed for documentary on Iraqi captain and U.S. ally ineligible for a Special Immigrant Visa).

## **ACADEMIC SERVICE**

Referee: YALE LAW JOURNAL, LAW & SOCIAL INQUIRY, LAW & SOCIETY REVIEW

Co-organizer, *Power in the Administrative State* (2022-23)

[Council Member](#), ABA Administrative Law and Regulatory Practice Section (three-year term starting Fall 2022)

Faculty Advisor, JOURNAL OF THE LEGAL PROFESSION

Law School Committees: Colloquium, 2020-21, 2021-24 (Chair); Faculty Appointments, Fall 2020, Fall 2023; Curriculum, 2019-20.

## **BAR MEMBERSHIP**

California (inactive)