

GABRIEL “JACK” CHIN

University of Arizona James E. Rogers College of Law
Post Office Box 210176
Tucson, AZ 85721-0176
(520) 626-6004 / email: jack.chin@law.arizona.edu / www.jackchin.org

ACADEMIC APPOINTMENTS

University of Arizona James E. Rogers College of Law.

Chester H. Smith Professor of Law since July, 2004.

Professor of Public Administration and Policy, since September, 2004.

Professor of Law and Director, Program in Criminal Law and Policy, Since 2003.

University of Cincinnati College of Law

Rufus King Professor of Law, 2001-03.

Interim Associate Dean, Spring 2002.

Founder, Director, Urban Justice Institute (now Center for Law and Justice), 2001-03.

Professor of Law, Fall 1999 to June 2001.

Associate Professor of Law, Fall 1998 to Spring 1999.

New York University School of Law. *Visiting Professor of Law*, Spring 2001.

Western New England College School of Law, Springfield, Massachusetts.

Assistant Professor of Law, 1995-98.

Teaching/Research: Criminal Law, Criminal Procedure, White Collar Crime, Immigration Law, Race and Law.

PROFESSIONAL APPOINTMENTS

National Conference of Commissioners on Uniform State Laws

Reporter, Uniform Collateral Consequences of Conviction Act, 2005-Present.

American Bar Association

Reporter, ABA Criminal Justice Standards, Collateral Sanctions and Discretionary Disqualification of Convicted Persons, 2001-04.

Member, Criminal Justice Section Ad Hoc Committee on Innocence, 2002-06.

Co-Chair, Criminal Justice Section, Committee on Race and Racism, 2002-03.

U.S. Commission on Civil Rights, Arizona Advisory Committee, 2006-08.

Arizona Commission on Nomination, Appointment and Retention, Capital Defense

Commissioner, 2006-09

American Law Institute (Elected 2002)

Members' Consultative Group on the Model Penal Code.

AALS Committees: Executive Committee, Minority Law Teachers, 1997-2007,
Chair, 2005-06.

Executive Committee, Section on Criminal Justice, 1996-99, 2010-.
Recruitment and Retention of Minority Law Teachers, 2000-03.
Program Committee, Section on Constitutional Law, 1999-2000.
Executive Committee, Immigration Law Section, 2000-03.
Immigration Conference 2000, 2002 Planning Committee.
Scholarly Paper Selection Committee, 1998-99.

Conference of Asian Pacific American Law Faculty, Board of Directors, 2005-Present.
Hosted CAPALF 16 in March 2010.

EDUCATION

Yale Law School. Master of Laws, June 1995. Editor, YALE LAW & POLICY REVIEW.

Michigan Law School. Juris Doctor *cum laude*, May 1988. S.K. Yee Merit Scholar, 1985-88.
Co-founder, Vice-President, Asian American Law Students= Association.

Wesleyan University. Bachelor of Arts (History), June 1985.

AWARDS AND HONORS

Listed in Brian Leiter, *Most Cited Law Professors by Specialty, 2005-2009*, Criminal Law and Procedure, "Other highly-cited scholars who don't work exclusively in this area"
(http://www.leiterrankings.com/new/2010_scholarlyimpact.shtml)

Listed in Brian Leiter, *Most Cited Law Professors by Specialty, 2000-2007*, Criminal Law and Procedure, "Other highly-cited scholars who don't work exclusively in this area"
(http://www.leiterrankings.com/faculty/2007faculty_impact_areas.shtml)

Haywood Burns / Shanara Gilbert Scholar Activist Award,
North East People of Color Legal Scholarship Conference, 2005.

Distinguished Scholar Award, Second National People of Color Legal Scholarship Conference, 2004.

Certificate of Recognition, Ohio Senate, for participating in ratifying the Fourteenth Amendment in 2003.

Listed in the *50 Most Cited Faculty Who Entered Teaching Since 1992*, in the
NEW EDUCATIONAL QUALITY RANKINGS OF US LAW SCHOOLS
(http://www.leiterrankings.com/faculty/2002faculty_impact_newprofs.shtml).

The aList: The 25 Most Notable Asians in America, AMAGAZINE: INSIDE ASIAN AMERICA,
Dec. 2001/Jan. 2002, at 61.

Outstanding Scholarly Paper Award, Association of American Law Schools, 1998.

Thurgood Marshall Memorial Paper Prize, Southwest-Southeast People of Color Legal Scholarship Conference, 1996.

CONSTITUTIONAL LAW AND IMMIGRATION PUBLICATIONS

Reaching out to do Justice: The Rise and Fall of the Supreme Court's Special Docket,
48 HOUSTON LAW REVIEW ____ (forthcoming 2011) (with Sara Lindenbaum).

Why Senator John McCain Cannot Be President: Eleven Months and a Hundred Yards Short of Citizenship, 107 MICHIGAN LAW REVIEW FIRSTIMPRESSIONS 1 (Sept. 2008) (available online at <http://www.michiganlawreview.org/firstimpressions/vol107/mccain.htm>). Cited in *Hollander v. McCain*, 566 F. Supp.2d 63 (D.N.H. 2008) Featured in Adam Liptak, *A Hint of New Life to McCain Birth Issue*, N.Y. TIMES, July 11, 2008, at A11 (<http://www.nytimes.com/2008/07/11/us/politics/11mccain.html>), on CNN, and hundreds of other media outlets.

With responses/commentary from:

Lawrence Solum, Daniel Tokaji, Peter Spiro, Stephen Sachs

Unexplainable on Grounds of Race: Doubts About Yick Wo,
2008 UNIVERSITY OF ILLINOIS LAW REVIEW 1359.

With comments: David Bernstein (2008 ILLINOIS LAW REVIEW 1393), Darryl Brown (2008 ILLINOIS LAW REVIEW 1405), Lenese Herbert (2008 ILLINOIS LAW REVIEW 1415) and Tom Joo (2008 ILLINOIS LAW REVIEW 1427), *and my Reply* 2008 ILLINOIS LAW REVIEW 1441.

The Tyranny of the Minority: Jim Crow and the Counter-Majoritarian Difficulty,
43 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 65 (2008) (with Randy Wagner).

With response: Taunya Lovell Banks, *Trampling Whose Rights? Democratic Majority Rule and Racial Minorities: A Response to Chin and Wagner*, 43 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 127 (2008).

Beyond the Super-Majority: Post-Adoption Ratification of the Equality Amendments,
50 ARIZONA LAW REVIEW 25 (2009) (with Anjali Abraham) (invited faculty symposium).

Book Chapter, Chae Chan Ping and Fong Yue Ting: *The Origins of Plenary Power*, in IMMIGRATION LAW STORIES 7 (Foundation 2005).

Conference Paper, *Virtual Immigrants: The Evolution of the H-1B Program*, in CROSS-BORDER HUMAN RESOURCES, LABOR AND EMPLOYMENT ISSUES 137 (Andrew Moriss & Samuel Estreicher eds. 2005).

A War on Drugs or a War on Immigrants? Expanding the Definition of 'Drug Trafficking' in Determining Aggravated Felon Status for Non-Citizens, 64 MARYLAND LAW REVIEW 875 (2005) (with Jeff Yates and Todd Collins).

Jim Crow's Long Goodbye, 21 CONSTITUTIONAL COMMENTARY 107 (2004).

Reconstruction, Felon Disenfranchisement and the Right to Vote: Did the Fifteenth Amendment Repeal Section 2 of the Fourteenth?, 92 GEORGETOWN LAW JOURNAL 259 (2004), reprinted in 21 CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK Ch. 11 (Steven Saltzman, ed., 2005); cited in *Hayden v. Pataki*, 449 F.3d 305, 351 n.3 (2d Cir. 2006) (Parker, J., dissenting).

The "Voting Rights Act of 1867:" The Constitutionality of Federal Regulation of Suffrage During Reconstruction, 82 NORTH CAROLINA LAW REVIEW 1581 (2004).

Pledging Allegiance to the Constitution: The First Amendment and Loyalty Oaths for Faculty at Private Universities, 64 UNIVERSITY OF PITTSBURGH LAW REVIEW 431 (2003) (with Saira Rao (NYU Student)).

Rehabilitating Unconstitutional Statutes: A Case Study of Cotton v. Fordice, 71 UNIVERSITY OF CINCINNATI LAW REVIEW 421 (2003) (faculty symposium).

Preserving Racial Identity: Population Patterns and the Application of Anti-Miscegenation Laws to Asian Americans, 1910-1950, 9 ASIAN LAW JOURNAL 1 (2002) (with Hrishikesh Karthikeyan (NYU student)).

Regulating Race: Asian Exclusion and the Administrative State, 37 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 1 (2002).

Book Chapter, *Twenty Years on Trial: Takuji Yamashita's Struggle for Citizenship* 103, in RACE ON TRIAL: LAW AND JUSTICE IN AMERICAN HISTORY (Annette Gordon-Reed ed., Oxford University Press 2002).

Is There a Plenary Power Doctrine? A Tentative Apology and Prediction for Our Strange but Unexceptional Constitutional Immigration Law, 14 GEORGETOWN IMMIGRATION LAW JOURNAL 257 (2000) (symposium contribution).

With responses:

Kevin R. Johnson, *Race and Immigration Law and Enforcement: A Response To Is There A Plenary Power Doctrine?*, 14 GEORGETOWN IMMIGRATION LAW JOURNAL 289, 305 (2000);

Stephen H. Legomsky, *Immigration Exceptionalism: Commentary On Is There A Plenary Power Doctrine?*, 14 GEORGETOWN IMMIGRATION LAW JOURNAL 307 (2000).

Segregation's Last Stronghold: Race Discrimination and the Constitutional Law of Immigration, 46 UCLA LAW REVIEW 1 (1998), reprinted in 19 IMMIGRATION & NATIONALITY LAW REVIEW 3 (1998).

AALS Outstanding Scholarly Paper Award, 1998.

The Plessy Myth: Justice Harlan and the Chinese Cases, 82 IOWA LAW REVIEW 151 (1996).

First Prize, Thurgood Marshall Memorial Paper Award,
S.W.-S.E. People of Color Legal Scholarship Conference, 1996.
A shorter version was published as *The Great Dissenter Had Limits*,
BALTIMORE SUN, May 12, 1996, at 6F (1996 WL 6618398).

The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965, 75 NORTH CAROLINA LAW REVIEW 273 (1996), reprinted in 17 IMMIGRATION & NATIONALITY LAW REVIEW 87 (1995-96).

Excerpted in TIMOTHY DAVIS, KEVIN R. JOHNSON & GEORGE A. MARTINEZ, A READER ON RACE, CIVIL RIGHTS AND AMERICAN LAW: A MULTI-RACIAL APPROACH 578 (2001); cited in *United States v. Mojica*, 970 F. Supp. 130, 143 (E.D.N.Y. 1997) (Jack B. Weinstein, J.).

Emerging from the Margins of Historical Consciousness: Chinese Immigrants and the History of American Law, 17 LAW & HISTORY REVIEW 325 (1999) (peer-reviewed journal) (with Richard P. Cole (Western New England)).

Bakke to the Wall: The Crisis of Bakkean Diversity,
4 WILLIAM & MARY BILL OF RIGHTS JOURNAL 881 (1996).

BEYOND SELF-INTEREST: ASIAN PACIFIC AMERICANS TOWARD A COMMUNITY OF JUSTICE, A POLICY ANALYSIS OF AFFIRMATIVE ACTION (1996) (<www.sscnet.ucla.edu/aasc/policy/txtonly/index.html>), reprinted in 4 UCLA ASIAN-PACIFIC AMERICAN LAW JOURNAL 129 (1996), and ASIAN WEEK, Oct. 25-31, 1996, at 7 (with Sumi Cho (DePaul), Jerry Kang (UCLA) and Frank Wu (Howard)).

UNITED STATES COMMISSION ON CIVIL RIGHTS: REPORTS ON VOTING
(William S. Hein & Co. 2005) (co-editor with Lori Wagner).

UNITED STATES COMMISSION ON CIVIL RIGHTS: REPORTS ON ASIAN PACIFIC AMERICANS
(William S. Hein & Co. 2005) (editor and author of introduction).

AFFIRMATIVE ACTION AND THE CONSTITUTION (Garland Publishing 1998) (three-volume anthology) (editor and author of introductions).

IMMIGRATION AND THE CONSTITUTION (Garland Publishing 2000) (anthology) (co-editor

with Victor Romero (Penn. State) and Michael Scaperlanda (Oklahoma)).

THE UNITED STATES COMMISSION ON IMMIGRATION REFORM: THE INTERIM AND FINAL REPORTS AND COMMENTARY (William S. Hein & Co. 2000) (editor, with the Editors of the *Immigration and Nationality Law Review*).

CRIMINAL LAW PUBLICATIONS

UNITED STATES COMMISSION ON CIVIL RIGHTS: REPORTS ON THE POLICE (William S. Hein & Co. 2005) (editor and author of introduction).

NEW YORK CITY POLICE CORRUPTION INVESTIGATION COMMISSIONS, 1894-1994 (William S. Hein & Co. 1997) (editor and author of introductions).

Reviewed by Paul Chevigny, Book Review, 21 WESTERN NEW ENGLAND LAW REVIEW 233 (1999); cited in *United States v. Doe*, 434 F. Supp.2d 377, 380 (E.D. Va. 2006).

Unjustified: The Practical Irrelevance of the Justification/Excuse Distinction, 43 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 79 (2009) (symposium contribution).

The Jena Six and the History of Racially Compromised Justice in Louisiana, 44 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 361 (2009) (symposium contribution).

Book Chapter, *The Story of Jacobson v. United States: Catching Criminals or Creating Crime*, CRIMINAL LAW STORIES (Robert Weisberg & Donna Coker eds., Foundation Press Forthcoming).

Are Collateral Sanctions Premised on Conduct or Conviction? The Case of Abortion Doctors, 30 FORDHAM URBAN LAW JOURNAL 1685 (2003) (symposium contribution).

Cited in *Simmons v. Galvin*, 575 F.3d 24, 58 n.38 (1st Cir. 2009) (Toruella J., dissenting)

Race, The War on Drugs, and the Collateral Consequences of Criminal Conviction, 6 IOWA JOURNAL OF GENDER, RACE & JUSTICE 253 (2003) (symposium contribution), reprinted in CHRISTOPHER MELE & TERESA MILLER, CIVIL PENALTIES, SOCIAL CONSEQUENCES 27 (Routledge 2005).

Effective Assistance of Counsel and the Consequences of Guilty Pleas, 87 CORNELL LAW REVIEW 697 (2002) (with Richard W. Holmes, Jr. (Cincinnati student)).

Cited in *Padilla v. Kentucky*, 559 U.S. *** (2010); *id.* at *** (Alito J., concurring); *Santos-Sanchez v. United States*, 548 F.3d 327, 334 n.4 (5th Cir. 2008); *Yong Wong Park v. United States*, 2005 U.S. Dist. LEXIS 19284, at 3 (S.D.N.Y. Aug. 9 2005); *People v. Moore*, 86 P.3d 635, 638 n.2 (N.M. App. 2004); *People v. McDonald*, 745 N.Y.S.2d 276, 281 n.4 (App. Div. 2002), *aff'd*, 802 N.E.2d 131 (N.Y. 2003); *People v. Becker*, 9

Misc.3d 720, 800 N.Y.S.2d 499, 502 (New York City Crim. Ct. 2005); *People v. Yanez*, 782 N.E.2d 146, 149 (Ohio App. 2002); *State v. Creamer*, 2007 WL 2812312, 2007-Ohio-5125, ¶ 8, n.7 (Ohio App. 2007); *Gonzalez v. State*, 134 P.3d 955, 958 (Or. 2006), *rev'g* 83 P.3d 921, 923 (Or. App. 2004); *Jackson v. State*, 139 S.W.3d 7, 15-16 (Tex. App. 2004); *United States v. Ramos*, 2004 WL 26772 (U.S.A.F. Ct. Crim. App. Dec. 10, 2003).

Can a Reasonable Doubt have an Unreasonable Price? Limitations on Attorney=s Fees in Criminal Cases, 41 BOSTON COLLEGE LAW REVIEW 1 (1999) (with Scott Wells (Western New England student)).

Cited in *State ex rel. Oklahoma Bar Ass'n v. Flaniken*, 83 P.3d 825, 828 n.4 (Okla. 2004).

The "Blue Wall of Silence" as Evidence of Bias or Motive to Lie: A New Approach to Police Perjury, 59 UNIVERSITY OF PITTSBURGH LAW REVIEW 233 (1998) (with Scott Wells).

Reviewed in Timothy P. O'Neill, *Tearing Down the Blue Wall of Silence*, CHICAGO DAILY LAW BULLETIN, Jan. 22, 1999, at 5 ("Chin and Wells article should be required reading for everyone interested in justice in America."); cited in *United States v. Doe*, 434 F.Supp.2d 377, 380 (E.D. Va. 2006); *People v. Ash*, 805 N.E.2d 649, 655 (Ill. App. 2004).

Identifying the Enemy in the War on Drugs: A Critique of the Developing Rule Permitting Visual Identification of Indescript White Powders as Narcotics at Trial, 47 AMERICAN UNIVERSITY LAW REVIEW 557 (1998) (with Michael Blanchard).

Cited in *Desai v. Mukasey*, 520 F.3d 762, 766 n.3 (7th Cir. 2008); *State v. Ward*, 681 S.E.2d 354, 370 (N.C. App. 2009); *State v. Llamas-Hernandez*, 659 S.E.2d 79, 83, 86 (N.C. App. 2008) (dissenting opinion), *rev'd per curiam on dissenting opinion below*, 673 S.E.2d 658 (N.C. 2009); *State v. Colquitt*, 137 P.3d 892, 897-98 (Wash. App. 2006); *Brooks v. State*, 762 So.2d 869, 894 (Fla. 2000); *Sinclair v. State*, 995 So.2d 552, 557 (Fla. App. 2008); *State v. McKee*, 744 N.E.2d 737, 740-41 (Oh. 2001); *State v. Nichols*, 541 S.E.2d 310, 317, 318 (W. Va. 1999).

Getting Out of Jail Free: Sentence Credit for Periods of Mistaken Liberty, 45 CATHOLIC UNIVERSITY LAW REVIEW 403 (1996).

Cited in *Espinoza v. Sabol*, 558 F.3d 83, 88 (1st Cir. 2009); *Hawkins v. Freeman*, 195 F.3d 732, 742-43 & nn. 2-3, 758 n.7 (4th Cir. 1999) (majority and dissent), *rev'g en banc* 166 F.3d 267, 283 (4th Cir. 1999); *Sanchez v. Warden, New Hampshire State Prison*, 329 F.Supp.2d 200, 203 (D.N.H. 2004); *People v. Levandoski*, 603 N.W.2d 831, 836 n.5 (Mich. App. 1999); *Anderson v. Houston*, 744 N.W.2d 410, 418 n.14 (Neb. 2008); *Commonwealth v. West*, 868 A.2d 1267, 1273 n.5 (Pa. Super. 2005), *rev'd*, 938 A.2d 1034 (Pa. 2007); *Commonwealth v. Blair*, 699 A.2d 738, 741 n.5 (Pa. Super. 1997); *Grajczyk v. State*, 666 N.W.2d 472, 2003 SD 74 (S.D. 2003); *In re Roach*, 74 P.3d 134, 136 (Wash. 2003). Provided the basis for release of Margaret Ansley, as described in *No More Prison For Her*, BATTLE CREEK (MI) ENQUIRER, Feb. 28, 1997, at A1.

Double Jeopardy Violations as "Plain Error" under Federal Rule of Criminal Procedure 52(b), 21 PEPPERDINE LAW REVIEW 1161 (1994).

Cited in *United States v. Gore*, 154 F.3d 34, 42 n.3 (2d Cir. 1998); *State v. Allah*, 787 A.2d 887, 900-01 (N.J. 2002).

Do You Really Want A Lawyer Who Doesn't Want You?, 20 WESTERN NEW ENGLAND LAW REVIEW 9 (1998) (symposium contribution).

REPORTS AND BRIEFS

BRIEF OF THE AMERICAN BAR ASSOCIATION AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER (co-author) (June 2009), in *Padilla v. Kentucky*, 559 U.S. ____ (2010) (No. 08-651) (available on line at <http://www.abanet.org/publiced/preview/briefs/oct09.shtml>).

AMERICAN BAR ASSOCIATION, STANDARDS FOR CRIMINAL JUSTICE: VOLUME 19: COLLATERAL SANCTIONS AND ADMINISTRATIVE DISQUALIFICATION OF CONVICTED PERSONS (3d ed. 2004) (reporter) (available on line at http://www.abanet.org/crimjust/standards/collateral_toc.html), discussed in *Old Wine in a New Skin: The ABA Standards on Collateral Sanctions and Discretionary Disqualification of Convicted Persons*, 16 FEDERAL SENTENCING REPORTER 232 (2004) (co-author with Margaret Colgate Love).

UNIFORM COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTION ACT, NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS (Approved July, 2009) (reporter) (available on line at <http://www.nccusl.org/Update/CommitteeSearchResults.aspx?committee=242>).

STILL ON THE BOOKS: JIM CROW AND SEGREGATION LAWS FIFTY YEARS AFTER *BROWN V. BOARD OF EDUCATION*, A REPORT ON LAWS REMAINING IN THE CODES OF ALABAMA, GEORGIA, LOUISIANA, MISSISSIPPI, MISSOURI, SOUTH CAROLINA, VIRGINIA AND WEST VIRGINIA (2004) (co-author) (available on line at <http://www.law.arizona.edu/jimcrow>), reprinted in 2006 MICHIGAN

STATE LAW REVIEW 457. This report led to legislation in Georgia, Louisiana, Missouri and West Virginia.

BRIEF OF THE SOCIETY OF AMERICAN LAW TEACHERS AS *AMICUS CURIAE* IN SUPPORT OF RESPONDENTS (The University of Michigan), February, 2003 (co-author) in *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241) (available on line at <http://www.saltlaw.org/gruttersaltbrief.pdf>).

REPORT TO THE GENERAL ASSEMBLY OF THE STATE OF OHIO RECOMMENDING PASSAGE OF TRINA'S LAW (July 2003) (co-author) (available on line at <http://www.law.uc.edu/clj/trina.pdf>), *reprinted in* 32 CAPITAL LAW REVIEW 351 (2003).

REPORT TO THE GENERAL ASSEMBLY OF THE STATE OF OHIO RECOMMENDING RATIFICATION OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION (Feb. 11, 2003) (co-author) (available on line at <http://www.law.uc.edu/clj/ohio14amend.pdf>), *reprinted in* 28 WESTERN NEW ENGLAND LAW REVIEW 197 (2006). The recommendation became law on March 12, 2003, when the House passed Senate Joint Resolution 2, which had already passed the Senate.

REPORT TO THE GOVERNOR, SENATE, AND HOUSE OF REPRESENTATIVES OF THE STATE OF KANSAS RECOMMENDING REPEAL OF THE RACIALLY DISCRIMINATORY ALIEN LAND PROVISION OF KANSAS LAW (June 2001) (co-author). The recommendation became law on May 17, 2002, when the governor of Kansas signed SB 400, 2002 Kansas Session Laws No. 135, § 6.

REPORT TO THE GOVERNOR, SENATE, AND HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA RECOMMENDING REPEAL OF THE RACIALLY DISCRIMINATORY ALIEN LAND PROVISION OF THE FLORIDA CONSTITUTION (Dec. 2000) (co-author), *reprinted in* 22 IMMIGRATION AND NATIONALITY LAW REVIEW 749 (2001). Repeal was on the ballot in Florida in 2008, and rejected.

REPORT TO THE GOVERNOR, SENATE, AND HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO RECOMMENDING REPEAL OF THE RACIALLY DISCRIMINATORY ALIEN LAND PROVISION OF THE NEW MEXICO CONSTITUTION (Nov. 2000) (co-author). The recommendation passed the New Mexico legislature (Senate Joint Resolution 22, 45th Legislature, 1st Sess. (2001), and was rejected by the electors in November, 2002; it was reintroduced and passed in November 2006.

REPORT TO THE GOVERNOR, SENATE, AND HOUSE OF REPRESENTATIVES OF THE STATE OF WYOMING RECOMMENDING REPEAL OF THE RACIALLY DISCRIMINATORY ALIEN LAND PROVISION OF THE WYOMING STATUTES (Nov. 2000) (co-author). The recommendation became law on February 22, 2001, 2001 Session Laws of Wyoming Chapter No. 0093.

BOOK REVIEWS, SPEECHES, ENCYCLOPEDIA ENTRIES AND OTHER SHORTER PUBLICATIONS

Felon Disenfranchisement and Democracy in the Late Jim Crow Era, 5 OHIO STATE JOURNAL OF CRIMINAL LAW 329 (2007) (review of JEFF MANZA & CHRISTOPHER UGGEN, *LOCKED OUT* (Oxford 2006)).

Chinese Exclusion Act of 1882, in MAJOR ACTS OF CONGRESS (with Diana Yoon (NYU student)).

Chinese Exclusion Act and The Insular Cases in DICTIONARY OF AMERICAN HISTORY (Scribner's 3d ed.) (with Diana Yoon (NYU student)).

Citizenship and Exclusion: Wyoming's Anti-Asian Alien Land Law in Context, 1 WYOMING LAW REVIEW 497 (2001) (symposium).

Affirmative Action & Immigration and Naturalization: Law and Policy, in THE ENCYCLOPEDIA OF AMERICAN POLITICAL HISTORY (CQ Press, 2001) (Affirmative Action with Michael Blanchard).

Cocoanut Grove Fire, in THE ENCYCLOPEDIA OF NEW ENGLAND, 913 (Yale University Press 2005).

Immigration Policy and Law, in THE ENCYCLOPEDIA OF THE UNITED STATES IN THE NINETEENTH CENTURY (Charles Scribner's Sons 2001).

Book Review, Peter Schuck, *Citizens, Strangers and In-Betweens*, 18 LAW & HISTORY REVIEW 247 (2000).

Book Review, Gerald Neuman, *Strangers to the Constitution*, 42 AMERICAN JOURNAL OF LEGAL HISTORY 64 (1999).

Lau v. Nichols, in 2 CIVIL RIGHTS IN THE UNITED STATES 420 (Macmillan 1999) (with Chris K. Iijima (University of Hawaii)).

The First Justice Harlan By The Numbers: Just How Great was the Great Dissenter?, 33 AKRON LAW REVIEW 629 (1999).

Rethinking Racial Divides: Asian Pacific Americans and the Law Panel on Affirmative Action, 4 MICHIGAN JOURNAL OF RACE & LAW 187 (1998).

Coolies, in 2 MACMILLAN ENCYCLOPEDIA OF WORLD SLAVERY 463 (Macmillan 1998).

PRINT AND INTERNET EDITORIAL POSITIONS

Contributing Editor, Criminal Law, JOTWELL (<http://jotwell.org>), since 2009.

Associate Editor, ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (MacMillan 2008)

Associate Editor, ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge 2006).

Co-editor and contributor, *Breaking Into the Academy: The MICHIGAN JOURNAL OF RACE AND LAW Guide for Aspiring Law Professors*, 7 MICHIGAN JOURNAL OF RACE & LAW 457 (4th ed. 2002); 5 MICHIGAN JOURNAL OF RACE & LAW 727 (3d ed. 2000); 3 MICHIGAN JOURNAL OF RACE & LAW 559 (2d ed. 1998); 1 MICHIGAN JOURNAL OF RACE & LAW 551 (1996) (with Denise Morgan (New York Law School)).

Editor, IMMIGRATION AND NATIONALITY LAW REVIEW (William S. Hein & Co.), 1998-Present (beginning with 1997 volume) (<<http://www.law.uc.edu/inlr>>).

Editor, IMMIGRATION, REFUGEE AND CITIZENSHIP LAW ABSTRACTS, 1999-2006 (E-journal) (<<http://www.ssrn.com/lsn>>) (Legal Scholarship Network/Social Science Research Network). (co-editor with Bernard Trujillo). Advisory Board Member, since 2007.

LAW PRACTICE EXPERIENCE

Office of the Arizona Attorney General, Tucson.

Summer, 2005-Present. Criminal Division, Criminal Prosecution Section.

Appointed Special Assistant Attorney General in February, 2006. Prosecute white collar crime with clinical students.

Hamilton County Prosecuting Attorney=s Office, Cincinnati, Ohio.

Special Assistant Prosecuting Attorney, Spring 1999-Spring, 2003.

Prosecuted homicides on appeal with students, including serial killer Joseph Paul Franklin and murderer Melissa Vanover. *State v. Vanover*, 2000 WL 1434161 (Ohio App. Sept. 29, 2000).

Office of the District Attorney, Appeals Bureau, Cambridge and Springfield, Massachusetts.

Special Assistant District Attorney, August 1991; January 1996 to April 1998.

1996 appointment in connection with Appellate Advocacy course.

The Legal Aid Society of New York.

Volunteer Counsel, Alabama Capital Representation Project, 1997-98.

Associate Appellate Counsel, Criminal Appeals Bureau, January 1992 to July 1994.

Volunteer Division, Summer, 1987 (represented Social Security Disability applicant).

Skadden, Arps, Slate, Meagher & Flom, New York and Boston.

Associate, Fall 1988; February 1990 to November 1991; *Summer Associate*, 1987.

The Honorable Richard P. Matsch, Judge, U.S. District Court, District of Colorado.
Law Clerk, January to December 1989.

Professor Jerold Israel, Michigan Law School.
Research Assistant, Fall 1986 to Spring 1987.

Office of the Mayor, City of New York.
Summer Graduate Intern, 1986. Assigned to Criminal Justice Coordinator.

ACADEMIC AND PROFESSIONAL PRESENTATIONS/PANELS

Reaching Out to do Justice, Conference of Asian Pacific American Law Faculty, UC Davis College of Law, March, 2009.

Commentator, Work in Progress Session, Conference of Asian Pacific American Law Faculty, UC Davis College of Law, March, 2009.

Becoming an Adjunct Professor, Arizona Minority Bar Conference, March 2009.

Louisiana's Racially Compromised Justice System, Harvard Civil Rights-Civil Liberties Law Review, March 2009.

Why John McCain Cannot be President, SMU Citizenship Colloquium, 2008, FSU School of Law, October, 2008.

Collateral Consequences and Effective Assistance of Counsel, State Bar of Arizona Appellate CLE, March, 2008; Arizona Attorneys for Criminal Justice, September, 2007.

Collateral Consequences and Local Governments, Seasongood Lecture, University of Cincinnati College of Law, March, 2008.

Asian Americans and the Law, Guest Lecturer, Introduction to Asian Pacific American Studies (EAS 195A), February, 2008; Leadership Opportunities Targeting Undergraduate Students (LOTUS) Leadership Workshop Series, U of A, October, 2007, Leadership Conference for Asian Pacific Americans, March, 2006.

Implementing Scholarship, AALS Annual Meeting, January, 2008.

Unexplainable on Grounds of Race: Doubts About Yick Wo v. Hopkins, Conference of Asian Pacific American Law Faculty, University of Denver College of Law, April, 2008; Mid-Atlantic People of Color Legal Scholarship Conference, University of Maryland School of Law, January, 2008; Florida State University School of Law, October, 2007, Criminal Justice Roundtable, Yale Law School, April 2007.

Supreme Court Review: Bowles v. Russell, University of Arizona Homecoming CLE, September, 2007.

Commentator, Work in Progress Session, Conference of Asian Pacific American Law Faculty, William Mitchell College of Law, April, 2007.

Lawrence v. Texas, U of A Office of Lifetime Learning Initiatives, Trials of the Century, February, 2007.

The Tyranny of the Minority, St. Louis U. School of Law, September, 2007, Syracuse Law School, September, 2006; University of Cincinnati, July, 2006; University of Arizona, Summer 2006; Thomas Jefferson School of Law, January, 2006.

Collateral Sanctions in Arizona, Arizona Public Defenders' Association, Summer, 2006.

Developing a Scholarly Program, Southwestern University School of Law, February, 2006.

Panelist, *Litigation Campaigns*, Annual Meeting, Association of American Law Schools, January, 2006.

Korematsu Panel, Arizona Bar Convention, June, 2005 (Panelist with Ninth Chief Judge Mary Schroeder and John Tateishi, JAAC).

Panelist on Criminal Law, Law School for Legislators, Phoenix, January, 2005.

Affirmative Action, AALS Midyear Meeting, June, 2004.

Jim Crow's Long Goodbye, University of Arizona, April 28, 2004.

Brown and Asian Americans, University of Texas, April, 2004.

Reconstruction, Felon Disenfranchisement, and the Right to Vote, Faculty Workshop, University of Arizona, August, 2003, Arizona State University, November, 2003, University of Nevada Las Vegas, November, 2003, University of Alabama, February, 2004, University of Houston, March, 2004.

The Voting Rights Act of 1867, Conference on Law, Loyalty and Treason, University of North Carolina School of Law, October, 2003.

Collateral Sanctions, Fordham Law School, February 2003.

Rehabilitating Unconstitutional Statutes, Faculty Workshop, University of Kansas, Nov. 2002.

Loyalty Oaths, Faculty Workshop, Salmon P. Chase College of Law, Northern Kentucky University, November 2002.

Collateral Sanctions, University at Buffalo School of Law, Baldy Center for Law and Social Policy, October, 2002.

Developments in Procedure, CLE Program for the Judges and Clerks of the

Ohio Court of Appeals, First District, February 2002.

Race, The War on Drugs and the Collateral Consequences of Criminal Conviction, Iowa Journal of Race, Gender & Law Symposium, October 2001.

H-1B Visas, 54th NYU Annual Conference on Labor Law, May 2001.

Asians in Wyoming, University of Wyoming College of Law, April 2001.

Regulating Race: Asian Exclusion and the Administrative State, NYU School of Law, April 2001; Boston College Law School, University of Connecticut School of Law, Villanova Law School, St. John's University School of Law, March 2001; Conference of Asian Pacific American Law Faculty, University of Hawai'i, June 2000; Wayne State University Law School Workshop, Detroit, March 2000; Immigration Law Professors= Conference, San Antonio, May 2000.

Collateral Consequences of Guilty Pleas, NYU School of Law, April 2001.

Teaching Asian American Jurisprudence, Columbia Law School, March 2001.

Immigration Law, Midwest People of Color Legal Scholarship Conference, Penn. State University, February 2001.

Immigration Law: It isn't as Bad as it Could Be, MICHIGAN JOURNAL OF RACE & LAW symposium, Michigan Law School, March 2000.

Asian American Immigration, APALSA, Michigan Law School, February 2000.

Panel on Tenure, AALS Annual Meeting, Washington, D.C., January 2000.

Discussion Leader, Panel on Entering the Legal Profession, AALS Faculty Recruitment Conference, Washington, D.C., November 1999.

A Tentative Apology and Prediction for our Strange but Unexceptional Constitutional Immigration Law, Workshop on the Supreme Court and Immigration and Refugee Law, Georgetown University Law Center, October 1999.

Immigration Law and The Constitution, The Carnegie Endowment for International Peace, October 1999.

Harlan by the Numbers, First Annual Charles R. Grant Lecture, University of Akron School of Law, February 1999.

Can a Reasonable Doubt have an Unreasonable Price?, Penn. State, Dickinson School of Law Faculty Scholarship Workshop, February 1999.

The Changing Demographics of Immigration, Workshop on Work, Workers and Law in

the 21st Century, AALS Annual Meeting, New Orleans, January 1999.

The Blue Wall of Silence, National Conference on Wrongful Convictions and the Death Penalty, Northwestern University School of Law, November 1998.

Scholarship and Publishing, Opening the Doors of the Legal Academy: A Conference for Minority Law Professors, October 1998.

Immigration Law and Policy, Hampshire College, May 1998.

Welfare Reform, Third Annual Northeast People of Color Legal Scholarship Conference, Touro Law School, Huntington, New York, March 1998.

Affirmative Action in the 1990s, Symposium on Asian Pacific Americans and the Law, Michigan Law School, February 1998.

Segregation's Last Stronghold: Race Discrimination and the Constitutional Law of Immigration, AALS Annual Meeting, San Francisco, January 1998; AALS Immigration Law Workshop, University of Colorado School of Law, Boulder, 1996; Conference of Asian Pacific American Law Faculty, UCLA School of Law, 1996.

So You Want to Be a Law Professor, Conference of Asian Pacific American Law Faculty, CUNY Law School, October 1997.

The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965, Annual Meeting, American Society for Legal History, Minneapolis, October 1997; National Asian Pacific American Bar Association Meeting, Philadelphia, 1997; Northeastern People of Color Legal Scholarship Conference, Western New England College School of Law, Springfield, 1995.

I'm Losing as Fast as I Can: Litigating Affirmative Action Cases in the >90s, Second Annual Northeast People of Color Legal Scholarship Conference, New England School of Law, Boston, 1997.

Debating Affirmative Action, 8th Annual Harvard-Radcliffe Asian American Student Conference, Cambridge, 1997.

Debating Affirmative Action, Syracuse University School of Law, 1996.

Developments in Immigration Law, Northeastern Students of Color Conference, Western New England College School of Law, Springfield, 1996.

PROFESSIONAL AFFILIATIONS

Bar Admission: Arizona
New York
Massachusetts (“retired”)
U.S. Supreme Court
U.S. Court of Appeals (1st, 6th, 9th and 10th Circuits)
U.S. District Court (D. Mass., S.D.N.Y., E.D.N.Y.)

Other: American Society for Legal History (Life)
Arizona Asian American Bar Association
Arizona Minority Bar Association

May 15, 2010 (10:40PM)