

GABRIEL “JACK” CHIN
University of California, Davis School of Law
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Davis, CA 95616
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ACADEMIC APPOINTMENTS

University of California, Davis School of Law since 2011
Director of Clinical Legal Education since Spring 2017.
Edward L. Barrett Chair in Law since Fall, 2016.
Martin Luther King Jr. Professor of Law, since 2015.
Professor of Law & Martin Luther King Jr. Hall Research Scholar, 2011-15.

Affiliated Faculty, Aoki Center for Critical Race and Nation Studies, UC Davis Temporary Migration Cluster, UC AAPI Multicampus Research Project.

University of Arizona James E. Rogers College of Law, 2003-11
Chester H. Smith Professor of Law, 2004-11.
Professor of Public Administration and Policy, 2004-11.
Professor of Law and Director, Program in Criminal Law and Policy.

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

University of Cincinnati College of Law, 1998-2003
Rufus King Professor of Law, from 2001.
Interim Associate Dean, Spring 2002.
Founder, Director, Urban Justice Institute (now Rosenthal Institute for Justice), 2001-03.
Professor of Law, 1999 to 2001.
Associate Professor of Law, 1998-99.

Western New England University School of Law, Springfield, Massachusetts.
Assistant Professor of Law, 1995-98.

Teaching/Research: Criminal Law, Criminal Procedure, Evidence, Immigration, Asian Pacific Americans and Law, Race and Law, Voting Rights.

PROFESSIONAL APPOINTMENTS

Collateral Consequences Resource Center
Co-Founder, Board Member, 2012-Present.

National Conference of Commissioners on Uniform State Laws
Reporter, Uniform Collateral Consequences of Conviction Act, 2005-10.
Enactment Committee Member, 2009-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.
Advisory Board Member, National Inventory of Collateral Consequences of Conviction Project, 2009-13.
Liaison from the Criminal Justice Section to the Commission on Immigration, 2010-11.
Co-Chair, Immigration Committee, Criminal Justice Section, 2010-11.

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.

Members' Consultative Group, Project on Sexual and Gender-Based Misconduct on Campus: Procedural Frameworks and Analysis

AALS Committees: Executive Committee, Minority Law Teachers, 1997-2007,
Chair, 2005-06.
Recruitment and Retention of Minority Law Teachers, 2000-03.
Program Committee, Section on Constitutional Law, 1999-2000.
Executive Committee, Section on Criminal Justice, 1996-99.
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, 2005-12.

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.

American Jurisprudence Awards (highest grade) Criminal Procedure, Legal Ethics;
Certificate of Merit (highest grade) Securities Regulation.

Co-founder, Vice-President, Asian American Law Students' Association.

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

Connecticut Scholar, 1981-85; Chew Association Scholar.

AWARDS

Individual Awards:

APA Bar Association of Los Angeles Award, 2016, for participating in posthumous admission to the California Bar of Hong Yen Chang, the first Chinese American lawyer in the United States. *In re Hong Yen Chang*, 60 Cal. 4th 1169, 344 P.3d 288 (2015), *overruling In re Hong Yen Chang*, 24 P. 156, 84 Cal. 163 (1890). See Gabriel J. Chin, *Hong Yen Chang, Lawyer and Symbol*, 21 UCLA ASIAN PACIFIC AMERICAN LAW JOURNAL 1 (2015-16). The story was covered in Maura Dolan, *Chinese Immigrant, Denied Law License in 1890, Gets One Posthumously*, L.A. TIMES, Mar. 16, 2015 <http://www.latimes.com/local/lanow/la-me-ln-chinese-lawyer-20150316-story.html>

Asian American Bar Association of Sacramento, Public Service Award, September, 2015, for participating in posthumous admission of Hong Yen Chang.

Keith Aoki Asian Pacific American Jurisprudence Award, Conference of Asian Pacific American Law Faculty, 2015.

Green Bag 2014 Exemplary Legal Writing Award (for *Getting Law Review Fans Out of the Closet: Liptak on Jacobs and Waxman*, [PrawfsBlawg](http://www.prawfsblawg.com), Oct. 21, 2013, *reprinted in* 4 JOURNAL OF LAW: PERIODICAL LABORATORY OF LEG. SCHOLARSHIP 85 (2014).

Outstanding Faculty Award, University of Arizona Asian American Faculty, Staff and Alumni Association, 2010.

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 ratification of the Fourteenth Amendment in 2003.

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.

Citation Lists:

Scholar Rank Top 250 Scholars, William S. Hein & Co. (66th as of July 6, 2017) http://home.heinonline.org/top_authors/

Listed in Brian Leiter, *Twenty Most-cited Criminal Law and procedure faculty in the United States, 2010-2014*, <http://leiterlawschool.typepad.com/leiter/2016/05/twenty-most-cited->

[criminal-law-procedure-faculty-in-the-united-states-2010-2014-inclusive.html](http://www.leiterrankings.com/faculty/2014_scholarlyimpact.shtml)

Top Ten Law Faculty (By Area) in Scholarly Impact, 2009-2013
http://www.leiterrankings.com/faculty/2014_scholarlyimpact.shtml,

Top 25 Law Faculties in Scholarly Impact, 2005-2009
(and Highest Impact Faculty in 13 Areas of Specialization),
http://www.leiterrankings.com/new/2010_scholarlyimpact.shtml.

Most Cited Law Professors by Specialty, 2000-2007,
http://www.leiterrankings.com/faculty/2007faculty_impact_areas.shtml, and

50 Most Cited Faculty Who Entered Teaching Since 1992
http://www.leiterrankings.com/faculty/2002faculty_impact_newprofs.shtml).

LAW REVIEW ARTICLES (most available on SSRN: <http://ssrn.com/author=201529>)

Infamous Misdemeanors and the Grand Jury Clause, 102 MINNESOTA LAW REVIEW
(forthcoming 2018) (co-author with John Ormonde).

The War Against Chinese Restaurants, 67 DUKE LAW JOURNAL (forthcoming 2018) (co-author
with John Ormonde), excerpted in 40 REGULATION: THE CATO REVIEW OF BUSINESS AND
GOVERNMENT No. 2, 32 (Summer 2017).

Research featured in Kat Chow, *How the White Establishment Waged a “War” on
Chinese Restaurants in the U.S.*, NPR.org, June 16, 2017
[http://www.npr.org/sections/codeswitch/2017/06/16/532697303/how-american-unions-
tried-to-wage-a-war-against-chinese-restaurants-in-the-u-s](http://www.npr.org/sections/codeswitch/2017/06/16/532697303/how-american-unions-
tried-to-wage-a-war-against-chinese-restaurants-in-the-u-s)

Jurisdiction Over Quasi-Military Personnel Under UCMJ Article 2(A)(8),
AIR FORCE LAW REVIEW (forthcoming; co-author with Col. David J. Western, USAF).

Are JROTC And CAP On A Collision Course With CROC?,
77 AIR FORCE LAW REVIEW 65 (2017) (co-author with Col. David J. Western, USAF).

*Comprehensive Immigration Reform in the Jim Crow Era: Chinese Exclusion and the McCreary
Act of 1893*, 23 ASIAN AMERICAN LAW JOURNAL 39 (2016) (with Daniel K. Tu).

Pleading Guilty Without Client Consent, 57 WILLIAM & MARY LAW REVIEW 1309 (2016).

*Is Multicultural America the Product of A Mistake?: The 1965 Immigration Act and Evidence
From Roll Call Votes*, 2015 UNIVERSITY OF ILLINOIS LAW REVIEW 1239 (with Douglas M.
Spencer).

*Reasonable but Unconstitutional: Racial Profiling and the Radical Objectivity of Whren v.
United States*, 82 GEORGE WASHINGTON LAW REVIEW 882 (2015) (with Charles Vernon),

reprinted in 43 SEARCH & SEIZURE LAW REPORT 29 (2016).

With response L. Song Richardson, Response, *Implicit Racial Bias and the Perpetrator Perspective: A Response to "Reasonable but Unconstitutional"*, 83 GEORGE WASHINGTON LAW REVIEW 1008 (2015), and my reply Gabriel J. Chin, *Doctrine, Discretion, and Discrimination: A Response to Professor Richardson*, 83 GEORGE WASHINGTON LAW REVIEW 1023 (2015).

The Mistake of Law Defense and an Unconstitutional Provision of the Model Penal Code, 93 NORTH CAROLINA LAW REVIEW 139 (2015) (with Reid Fontaine, Nicholas Klingerman & Melody Gilkey).

Justifying a New Voting Rights Act: The Guarantee Clause and the Problem of Minority Rule, 94 BOSTON UNIVERSITY LAW REVIEW 1551 (2014).

"A Chinaman's Chance" in Court: Asian Pacific Americans and Racial Rules of Evidence, 3 UNIVERSITY OF CALIFORNIA IRVINE LAW REVIEW 965 (2013).

Race and the Disappointing Right to Counsel, 122 YALE LAW JOURNAL 2236 (2013).

The Lost Brown v. Board of Education of Immigration Law, 91 NORTH CAROLINA LAW REVIEW 1657 (2013) (with Shirley Chiang Park & Cindy Hwang).

Book Chapter, *The Story of Jacobson v. United States: Catching Criminals or Creating Crime* 299, in CRIMINAL LAW STORIES (Robert Weisberg & Donna Coker eds., Foundation Press, 2012).

Double Trouble: Double Jeopardy's Dual Sovereignty Exception and State Immigration Statutes, 28 ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 353 (2012) (with Gregory S. Schneider).

The New Civil Death: Rethinking Punishment in the Era of Mass Conviction, 160 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1789 (2012), reprinted in a modified form as *Collateral Consequences of Criminal Conviction*, in THE CONSTITUTION AND THE FUTURE OF CRIMINAL JUSTICE IN AMERICA 205 (Cambridge University Press 2013).

Cited in *Utah v. Strieff*, 136 S. Ct. 2056, 2070 (2016) (Sotomayor J., dissenting), and three other federal and state court decisions. Discussed research and case citing it in Benjamin Weiser, *U.S. Judge's Striking Move in Felony Drug Case: Probation, Not Prison*, N.Y. TIMES, May 25, 2016 <https://www.nytimes.com/2016/05/26/nyregion/in-a-striking-move-brooklyn-judge-orders-probation-over-prison-in-felony-drug-case.html>

The Unconstitutionality of State Regulation of Immigration Through Criminal Law, 61 DUKE LAW JOURNAL 251 (2011) (with Marc Miller), reprinted in a modified form as *Broken Mirror: The Unconstitutional Foundations of New State Immigration Enforcement*, in STRANGE NEIGHBORS: STATE AND LOCAL REGULATIONS OF IMMIGRATION POLICY (Carissa Hessick & Gabriel J. Chin eds., NYU Press 2014).

Cited in *State v. Martinez*, 896 N.W.2d 737, 759 (Iowa 2017) (Cady C.J., concurring).

Quasi-Crime and Quasi-Punishment: Criminal Process Effects of Immigration Status,
58 UCLA LAW REVIEW 1417 (2011).

Reaching out to do Justice: The Rise and Fall of the U.S. Supreme Court's Special Docket,
48 HOUSTON LAW REVIEW 197 (2011) (with Sara Lindenbaum).

A Legal Labyrinth: Issues Raised by Arizona Senate Bill SB1070, 25 GEORGETOWN
IMMIGRATION LAW JOURNAL 47 (2010) (with Carissa Byrne Hessick, Toni M. Massaro & Marc
L. Miller), reprinted in a modified form as [The Constitutionality of Arizona SB 1070 and Other
State Immigration Laws](#), American Constitution Society Issue Brief, (Nov. 2010) (with Massaro
and Miller), and in *Arizona Senate Bill 1070: Politics Through Immigration Law* (with Hessick
and Miller), in ARIZONA FIRESTORM: GLOBAL IMMIGRATION REALITIES NATIONAL MEDIA AND
PROVINCIAL POLITICS 73 (Otto Santa Ana & Celeste Gonzalez de Bustamante eds. 2012).

Discussed this research in *The New York Times*, *Talk of the Nation*, *Los Angeles Times*,
USA Today, and many other venues.

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

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

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

*Why Senator John McCain Cannot Be President: Eleven Months and a Hundred Yards Short of
Citizenship*, 107 MICHIGAN LAW REVIEW FIRSTIMPRESSIONS 1 (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.

Cited in *Hollander v. McCain*, 566 F. Supp. 2d 63, 66 (D.N.H. 2008) & *Elliott v. Cruz*,
137 A.3d 646, 653 (Pa. Commw. Ct.), *aff'd*, 134 A.3d 51 (Pa. 2016).

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).

Book Chapter, Chae Chan Ping and Fong Yue Ting: *The Origins of Plenary Power*, in IMMIGRATION LAW STORIES 7 (David Martin & Peter Schuck, eds., Foundation 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).

Cited in *United States v. Valdovinos*, 760 F.3d 322, 333 (4th Cir. 2014) (Davis J., dissenting).

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

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) (symposium).

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).

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

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

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), reprinted in CIVIL PENALTIES, SOCIAL CONSEQUENCES 27 (Christopher Mele & Teresa Miller eds., Routledge 2005).

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

Cited in *Chaidez v. United States*, 133 S. Ct. 1103, 1109 (2013) (Kagan J., for the Court); *id.* at 1120 n.7 (Sotomayor J., dissenting); in *Padilla v. Kentucky*, 130 S. Ct. 1473, 1482 (2010) (Stevens J., for the Court); *id.* at 1487, 1488, 1491 (Alito J., concurring in the judgment), and in the 3d, 4th, 5th, 7th, 10th Circuits, and appellate courts in Illinois, Iowa, Kansas, Maryland, Minnesota, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Texas, and Washington.

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).

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 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).

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).

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).

Cited in *State ex rel. Oklahoma Bar Ass'n v. Flaniken*, 2004 OK 6, 85 P.3d 824, 828 n.4 (Opala V.C.J., concurring).

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).

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 11 federal and state court decisions.

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), excerpted in ALEX KREIT, CONTROLLED SUBSTANCES: CRIME, REGULATION AND POLICY 297 (2013).

Cited in eight federal and state court decisions.

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.
Excerpted in F. MICHAEL HIGGINBOTHAM, RACE LAW: CASES,
COMMENTARY, AND QUESTIONS 327 (Carolina 2001). 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).

Research featured on *Here and Now* (NPR), July 19, 2010
(<http://www.hereandnow.org/2010/07/rundown-719/>)

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 *Mojica v. Reno*, 970 F. Supp. 130, 143
(E.D.N.Y. 1997), *aff'd in part, dismissed in part sub nom.* Henderson v.
I.N.S., 157 F.3d 106 (2d Cir. 1998).

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), reprinted in 4 UCLA ASIAN-PACIFIC
AMERICAN LAW JOURNAL 129 (1996), and ASIAN WEEK, Oct. 25-31, 1996, at 7 (with Sumi Cho,
Jerry Kang, and Frank Wu).

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

Cited in 12 federal and state court decisions.

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 (N.J. 2002).

UNIFORM LAWS AND SUPREME COURT *AMICUS* BRIEFS

BRIEF OF GABRIEL J. CHIN ET AL. IN SUPPORT OF RESPONDENTS, in *Shelby County v. Holder*, 133 S. Ct. 2612 (2013) (U.S. No. 12-96) (available on line at http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs-v2/12-96_resp_amcu_gcae-et-al.authcheckdam.pdf).

BRIEF OF THE AMERICAN BAR ASSOCIATION AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER (co-author) (June 2009), in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010) (U.S. No. 08-651) (available on line at http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/08-651_PetitionerAmCuABA.pdf).

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

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>).

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).

JIM CROW REPEAL PROJECT

These reports represent work with students to publicize and repeal Jim Crow laws still on the books; they resulted in legislation in Georgia, Kansas, Louisiana, Missouri, New Mexico, Ohio, West Virginia and Wyoming, and ratification of the Fourteenth Amendment in Ohio. *See, e.g., Jim Crow Laws Remain on the Books*, USA TODAY MAG., Aug. 1, 2004, at 11 (2004 WNLR 22286209); Kristin Roberts, *La. Scrapping Jim Crow Laws*, PHILADELPHIA INQUIRER, June 20, 2004 at A04 (2004 WLNR 19353671); Ernie Suggs, *Jim Crow Laws Live On; Georgia Code Retains Measures Designed to Defeat School Integration*, ATLANTA JOURNAL-CONSTITUTION,

June 17, 2004, at D1 (2004 WLNR 6353513); *Racist Land Laws*, MORNING EDITION (NPR), July 1, 2002 (<http://www.npr.org/templates/story/story.php?storyId=1145933>); *14th Amendment Ratification Ceremony*, C-SPAN, Sept. 17, 2003 (<http://www.c-spanvideo.org/program/id/122636>).

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), *reprinted in* 2006 MICHIGAN STATE LAW REVIEW 457.

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), *reprinted in* 28 WESTERN NEW ENGLAND LAW REVIEW 197 (2006), cited in *Citizens in Charge, Inc. v. Husted*, 810 F.3d 437, 442 (6th Cir. 2016). 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 rejected by the voters in Florida in 2008.

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.

OP-EDS, BOOK REVIEWS, AND OTHER SHORTER PUBLICATIONS

The Problematic Prosecution of an Asian American Police Officer: Notes From a Participant in People v. Peter Liang, GEORGIA LAW REVIEW (forthcoming).

Policy, Preemption, and Pot: Extra-Territorial Citizen Jurisdiction, 58 BOSTON COLLEGE LAW REVIEW 929 (2017).

Controlling the Criminal Justice System: Colorado as a Case Study,

94 DENVER LAW REVIEW 497 (2017).

The Korematsu Supreme Court ruling upholding internment is still a 'loaded weapon' for discrimination, LOS ANGELES TIMES, Dec. 22, 2016. <http://www.latimes.com/opinion/op-ed/la-oe-chin-korematsu-20161222-story.html>

Book Review, *Taming the Presumption of Innocence*, CRIMINAL JUSTICE ETHICS.

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THE IMMIGRATION AND NATIONALITY ACT OF 1965: LEGISLATING A NEW AMERICA
(Cambridge University Press, 2015) (Co-editor and author of introduction with Rose
Cuison Villazor, author of chapter).

STRANGE NEIGHBORS: STATE AND LOCAL REGULATION OF IMMIGRATION POLICY (NYU Press
2014) (co-editor and co-author of introduction with Carissa B. Hessick).

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

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 and Michael Scaperlanda).

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).

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

PRINT AND INTERNET EDITORIAL POSITIONS

Occasional guest blogger on Prawfsblawg, Immprof, ACS Blog.

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

Consultant, 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).

Editor, IMMIGRATION AND NATIONALITY LAW REVIEW (William S. Hein & Co.),
1998-Present (beginning with 1997 volume).

Co-Editor, IMMIGRATION, REFUGEE AND CITIZENSHIP LAW ABSTRACTS (SSRN), 1999-2006
(with Bernard Trujillo). Advisory Board Member, since 2007.

LAW PRACTICE EXPERIENCE

U.S. Air Force Judge Advocate General's Corps

Legal Services Volunteer, 60th Air Mobility Wing, Office of the Judge Advocate,
Travis AFB, 2014-present.

Aoki Federal Defender Clinic

Work with students on Ninth Circuit appeals, 2012-present.

Office of the Arizona Attorney General, Criminal Division, Criminal Prosecution Section.

Special Assistant Attorney General, Summer, 2005-11.

Supervised clinic investigating and prosecuting white collar cases with students. Appointed
Special Deputy Pima County Attorney for purposes of making grand jury appearances.

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.
Pro bono clients: Minority Business Development Legal Defense and Education Fund, *amicus curiae* in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); New York State Commission on Government Integrity. Also represented criminal defendants in the First Circuit.

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.

UC DAVIS ACADEMIC SERVICE

University:

Vice Chair, Police Accountability Board, 2014-16, Alternate, 2016-17, Member, 2017-18.

Special Title IX Hearing Officer, Fall, 2015.

Participant, UC President's Law Forum, Procedures for the Implementation of the Title IX Student Adjudication Model, Sept. 30, 2015.

Member, Academic Senate Freedom of Expression Special Committee, 2012-13.

Chair, Interdisciplinary Frontiers in the Humanities and Arts, RFP Drafting Committee, 2011-12.

Law School:

Chair, Admissions Committee, 2017-18; Member, 2011-12.

Chair, Brian Soucek Tenure Committee, 2013-18.

Chair, Faculty Executive Committee, 2015-17.

Member, Faculty Personnel Committee 2015-17.

Member, Educational Policy Committee, Spring, 2016.

Member, AALS Site Evaluation Self-Study Committee, 2016-17.

Member, David Horton Tenure Committee, 2013-14.

Member, School of Law Website Redesign Committee, 2013-14.

Chair, Faculty Appointments Committee, 2012-13; Member, 2014-15.

Chair, Ad Hoc Committee for Continuing Appointment Review for Holly Cooper, 2011-12.

PROFESSIONAL AFFILIATIONS

Bar Admission: New York (1989), Massachusetts (1988 “retired”)
 Arizona, 2005-2011 (Law Professor Admission)
 U.S. Supreme Court
 U.S. Court of Appeals (1st, 6th, 9th, 10th Circuits, Armed Forces)
 U.S. Air Force Court of Criminal Appeals
 U.S. District Court (D. Mass., S.D.N.Y., E.D.N.Y.)

Other: American Society for Legal History (Life)
 NAACP (Life)