

ERIC S. FISH
UC Davis School of Law, 400 Mrak Hall Dr., Davis, CA 95616
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ACADEMIC APPOINTMENTS

University of California, Davis, *Acting Professor of Law* 2021-present
Courses: Criminal Law, Professional Responsibility, Immigration Crimes (seminar)

LEGAL EXPERIENCE

San Diego Federal Defenders, *Trial Attorney* 2017-2021

San Francisco Public Defender's Office, *Trial Attorney* 2016-2017

U.S. Court of Appeals for the Second Circuit, *Law Clerk to Hon. Guido Calabresi* 2014-2015

U.S. Court of Appeals for the Second Circuit, *Law Clerk to Hon. Pierre Leval* 2012-2013

EDUCATION

Yale University, Ph.D. in Law, 2017; Mary A. McCarthy Fellowship

Yale Law School, J.D., 2011; Articles Editor, Yale Law Journal; Joseph A. Chubb Prize; Judge William E. Miller Prize

Harvard College, B.A. in Social Studies, 2007; *Magna cum Laude*; *Phi Beta Kappa*; Citation in Spanish; Fulbright Fellowship in South Korea, 2007-2008

PUBLICATIONS & WORKS-IN-PROGRESS

Law Review Articles

Standardization and Routine in Criminal Justice, *forthcoming*, VANDERBILT LAW REVIEW.

Resisting Mass Immigrant Prosecutions, *forthcoming*, YALE LAW JOURNAL.

The Constitutional Limits of Criminal Supervision, 108 CORNELL LAW REVIEW 1375 (2023).

- Selected for the 2023 Harvard/Stanford/Yale Junior Faculty Forum.

Race, History, and Immigration Crimes, 107 IOWA LAW REVIEW 1051 (2022).

- Reprinted in the IMMIGRATION AND NATIONALITY LAW REVIEW, annual anthology of “exceptional immigration scholarship.”
- Response essay by Professor Ingrid Eagly, **The Racism of Immigration Crime**

Prosecution, 109 IOWA LAW REVIEW ONLINE 27 (2023).

The Paradox of Criminal History, 42 CARDOZO LAW REVIEW 1373 (2021).

Against Adversary Prosecution, 103 IOWA LAW REVIEW 1419 (2018).

- Awarded the Fred C. Zacharias prize, the section prize for Professional Responsibility at the 2019 Association of American Law Schools Conference.

Prosecutorial Constitutionalism, 90 SOUTHERN CALIFORNIA LAW REVIEW 237 (2017).

- Reviewed by Professor Rebecca Roiphe in *Jotwell*: **Can Prosecutors be both Coach and Referee?**.

Federalism and Moral Disagreement, 101 MINNESOTA LAW REVIEW 1 (2017) (with Judge Guido Calabresi).

Choosing Constitutional Remedies, 63 UCLA LAW REVIEW 322 (2016).

- Reprinted in Spanish by the Supreme Court of Mexico as **Elegir Remedios Constitucionales**, 11 REVISTA DEL CENTRO DE ESTUDIOS CONSTITUCIONALES 3 (2020).

Constitutional Avoidance as Interpretation and as Remedy, 114 MICHIGAN LAW REVIEW 1275 (2016).

Judicial Amendment of Statutes, 84 GEORGE WASHINGTON LAW REVIEW 563 (2016).

Sentencing and Interbranch Dialogue, 105 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 549 (2015).

Severability as Conditionality, 64 EMORY LAW JOURNAL 1293 (2015).

- Response essay by former Congressman Tom Campbell, **Conditionality as Opposed to Inseverability**, 64 EMORY LAW JOURNAL ONLINE 2099 (2015).

Originalism, Sex Discrimination, and Age Discrimination, 91 TEXAS LAW REVIEW 1 (2012).

The Twenty-Sixth Amendment Enforcement Power, 121 YALE LAW JOURNAL 1168 (2012) (student note).

- Awarded the Judge William E. Miller Prize for best law student paper concerning the Bill of Rights.

LITIGATION

Amicus Briefs

United States v. Carrillo-Lopez, No. 21-10233 (9th Cir.) (amicus brief on behalf of the UCLA Center for Immigration Policy, the UC Davis Aoki Center for Critical Race and Nation Studies, and the

Southern Poverty Law Center in an Equal Protection challenge to federal reentry after deportation crimes)

United States v. Suquilanda, No. 22-1197 (2d Cir.) (same)

U.S. v. Wence, No. 22-2618 (3d Cir.) (same)

U.S. v. Alvarez Rodriguez, No. 21-4563 (4th Cir.) (same)

United States v. Sanchez-Garcia et al., No. 22-4072 (4th Cir.) (same)

United States v. Viveros-Chavez, No. 22-3285 (7th Cir.) (same)

U.S. v. Sargento-Cruz, No. 23-1670 (7th Cir.) (same)

United States v. Rodrigues-Barios, No. 21-50145 (9th Cir.) (same)

United States v. Amador-Bonilla, No. 22-6036 (10th Cir.) (same)

United States v. Ferretiz-Hernandez et al., Nos. 22-13038; 22-13039; 22-13307 (11th Cir.) (same)

Tully v. Okeson, No. 20-1244 (Supreme Court) (amicus brief of Twenty-Sixth Amendment scholars in support of certiorari in constitutional challenge to Indiana law giving only voters 65 and older the right to vote absentee)

United States v. Bowers, No. 23-902 (9th Cir.) (amicus brief of criminal law and criminal procedure scholars in support of defendant in constitutional challenge to the denial of Fifth and Sixth Amendment rights in supervised release revocation hearings)

Expert Witness Cases

United States v. Vera, No. 22-cr-43, 2022 WL 3716503 (D. N.H.) (served as expert witness concerning the racist enactment history of 8 U.S.C. 1326, the federal crime of reentering the United States after deportation)

United States v. Jimenez Joachin, 22-CR-10101 (D. Mass.) (same)

United States v. Santos-Reynoso, No. 21-CR-268, 2022 WL 2274470 (S.D.N.Y.) (same)

United States v. Maldonado-Guzman, No. 21-CR-448, 2022 WL 2704036 (S.D.N.Y.) (same)

United States v. Maldonado, 18-CR-308 (E.D.N.Y.) (same)

United States v. Ramos, 18-CR-00112 (E.D. Va.) (same)

Criminal and Immigration Cases in the Media

Professor Fish, Aoki Center File Brief in Racial Justice Case, UC DAVIS LAW WEBSITE (April 25, 2022).

Southern Poverty Law Center Urges 9th Circ. To Back Judge's Rebuke To 'Racist' Law, LAW360 (April 18, 2022).

We Fled the Gangs in Honduras. Then the U.S. Government Took My Baby., NEW YORK TIMES (April 3, 2019).

An Asylum Seeker's Quest to Get Her Toddler Back, NEW YORKER (January 29, 2019).

Mother's Agonizing Wait Ends in SF, SAN FRANCISCO CHRONICLE (January 29, 2019).

This Isn't the First Migrant Caravan to Approach the U.S., NEW YORK TIMES (Oct. 23, 2018).

Overwhelmed With Zero Tolerance Cases, Prosecutors Have Accidentally Brought Juveniles to Adult Court, VOICE OF SAN DIEGO (July 12, 2018).

Moms Seeking Asylum Wait to Reunite With Kids, ANDERSON COOPER 360 (June 2, 2018).

Woman in Possible 'Caravan' Case Accuses Sessions of Discrimination, CNN (May 19, 2018).

Are Federal Prosecutors Targeting Central Americans Who Cross the Border Illegally?, LOS ANGELES TIMES (May 19, 2018).

Trump Administration To Divide Immigrant Families To Prosecute Parents For Illegal Entry, HUFFINGTON POST (May 7, 2018).