

# Biographies of Discussants

**Navigating Boundaries: Immigration and Criminal Law  
Sixteenth Annual Liman Colloquium  
April 4-5, 2013  
Yale Law School**

## **Muneer Ahmad**

### **Clinical Professor of Law, Yale Law School**

Muneer Ahmad is a Clinical Professor of Law at Yale Law School, where he co-teaches in the Transnational Development Clinic and the Worker and Immigrant Rights Advocacy Clinic (WIRAC). In WIRAC, he and his students represent individuals, groups and organizations in both litigation and non-litigation matters related to immigration, immigrants' rights, and labor, and intersections among them. He has represented immigrants in a range of labor, immigration, and trafficking cases, and for three years represented a prisoner at Guantanamo Bay; he has written on these and related topics. In the Transnational Development Clinic, Ahmad and his students work on projects designed to identify productive sites for intervention for U.S.-based lawyers in global poverty work. The work included advocacy, the rights of street vendors in India, the barriers faced by immigrant communities in sending remittances to their home countries, access to essential medicines, institutional accountability among international financial institutions, and advocacy on behalf of workers displaced by changes in trade policy. His scholarship examines the intersections of immigration, race, and citizenship in both legal theory and legal practice, and includes *A Raged Shared By Law: Post-September 11 Racial Violence as Crimes of Passion*, 92 CAL. L. REV. 1259 (2004); *Interpreting Communities: Lawyering Across Language Difference*, 54 UCLA L. REV. 999 (2007); and *Resisting Guantánamo: Rights at the Brink of Dehumanization*, 103 NORTHWESTERN L. REV. 1683 (2009). Previously, Ahmad was Professor of Law at American University Washington College of Law. Prior to joining the faculty at American in 2001, he was a Skadden Fellow and staff attorney at the Asian Pacific American Legal Center in Los Angeles. He clerked for the Hon. William K. Sessions III on the U.S. District Court for the District of Vermont.

## **Jorge L. Barón**

### **Executive Director, Northwest Immigrants Rights Project, Seattle, WA**

Jorge L. Barón became the Executive Director of the Northwest Immigrant Rights Project (NWIRP) in April 2008, after serving as a staff attorney with the organization since 2006. Barón had previously served as a Liman Fellow at New Haven Legal Assistance Association in New Haven, Connecticut in 2005-06, before moving to the Pacific Northwest. During his fellowship, Barón worked on a project to train immigrants and criminal defense counsel on the consequences related to immigration that stem from criminal convictions. NWIRP is the only non-profit organization providing comprehensive immigration legal services to low-income individuals and families in Washington State. NWIRP also provides community education and

public policy advocacy on issues affecting immigrant and refugee communities. Barón's work since becoming Executive Director has been focused on maintaining the financial stability of the organization during a very challenging period in terms of funding. Currently, Barón is working on advocacy to challenge the problematic practices of the Border Patrol in several areas of Washington State and on legislative advocacy at the federal, state and local levels on a number of issues affecting immigrant and refugee communities, including the current debate on immigration reform. Barón holds a B.A. from Duke University in 1995 and a J.D. from Yale Law School in 2003, and he clerked in Seattle for Judge Betty B. Fletcher of the United States Court of Appeals for the Ninth Circuit.

### **Rebecca Bernhardt**

#### **Policy Director, Texas Defender Service, Austin, TX**

Rebecca Bernhardt is Policy Director for Texas Defender Service, where she advocates for due process and fairness reforms in the Texas criminal justice system. Her focus is on capital punishment. Her volunteer immigration work involves providing strategic and policy advocacy support for immigrant organizing efforts and coalitions around the state. As a Liman Fellow in 2000-01 at the Lawyers' Committee for Civil Rights of Texas, Bernhardt monitored the enforcement of U.S. immigration law. She served as a law clerk for Senior U.S. District Judge William Wayne Justice, Eastern District of Texas. She practiced federal civil rights, immigration and labor law in West Texas and South Texas until 2004. She then worked as a Senior Staff Attorney with the ACLU Foundation, where she litigated racial disparities and due process claims related to the enforcement of drug laws. Starting in 2006, she represented the ACLU of Texas at the Texas Legislature on immigration, border security, privacy, and police practices; from 2007 to 2010 she served as the Texas Policy Director for the ACLU.

### **Michelle Brané**

#### **Director, Migrant Rights and Justice Program, Women's Refugee Commission**

As the Director of the Migrant Rights and Justice program at the Women's Refugee Commission, Brané advocates for the critical protection needs of immigrant women, children, and other vulnerable migrant populations in the United States. In addition to frequently writing on immigration detention and reform, she authored the 2007 Women's Refugee Commission landmark report on family detention, *Locking Up Family Values*, and the 2009 report on unaccompanied migrant children, *Halfway Home*, and is the senior editor of all the Detention and Asylum Program's reports. Brané has more than 25 years of experience working on immigration and human rights issues. As an attorney advisor with the Department of Justice Board of Immigration Appeals, she specialized in asylum cases and assisted in developing relevant regulations and training programs for new staff. In her service as a labor negotiator at the National Treasury Employees Union (NTEU), she represented Customs and Border Protection (CBP) agents among her clients. While at Lutheran Immigration and Refugee Service,

she developed and coordinated the Detained Torture Survivor Legal Support Network, the Legal Orientation Program, and was the Director of the Access to Justice Unit. She has also worked internationally with human rights organizations in India and as a Human Rights Officer with the Organization for Security and Co-operation in Europe in Bosnia, where she also served as the Head of the Sarajevo Field Office. In her current capacity, Brané has testified before Congress and the Inter-American Human Rights Commission and appears frequently in national and local print and broadcast outlets. Brané holds a B.A from the University of Michigan, a J.D. from Georgetown University, and is a member of the New York Bar.

### **Stephen B. Bright**

**President and Senior Counsel, Southern Center for Human Rights**

**Visiting Lecturer, Yale Law School**

Stephen B. Bright is president and senior counsel of the Southern Center for Human Rights in Atlanta and teaches at the law schools at Yale and the University of Georgia. His litigation, teaching, and writing include legal representation for poor people accused of crimes, capital punishment, human rights violations in prisons and jails, and judicial independence. He has argued capital cases before juries and before the United States Supreme Court. The *Fulton Daily Law Report* named Bright “Newsmaker of the Year” in 2003 for his contribution to bringing about the creation of a public defender system in Georgia. He received the American Bar Association's Thurgood Marshall Award in 1998.

### **Brandon Buskey**

**Staff Attorney, American Civil Liberties Union Criminal Law Reform Project (CLRP)**

CLRP focuses on rights-based, race conscious means to end mass incarceration and the War on Drugs. Buskey's work involves impact litigation and policy advocacy to combat prosecutorial misconduct, inadequate indigent defense systems, racial disparities in criminal justice practices, and the excessive sentencing of youth. Prior to CLRP, Buskey worked for the Civil Rights Bureau of the New York State Attorney General's Office. At CRB, Buskey developed enforcement litigation to address discrimination against individuals with criminal backgrounds, immigration services fraud, and he was also a member of an inter-agency task force on human trafficking. Before the AG's office, Buskey was a staff attorney with the Equal Justice Initiative (EJI) in Montgomery, Alabama. At EJI, he represented indigent defendants on death row in Alabama and juveniles sentenced to life imprisonment without parole nationwide. Buskey is a 2006 graduate of New York University Law School. He was a law clerk for the Honorable Janet Hall of the United States District Court for the District of Connecticut.

## **Michael J. Churgin**

### **Raybourne Thompson Centennial Professor in Law, University of Texas**

Following graduation from Brown University, Churgin attended Yale Law School, where he helped found the Connecticut Valley Hospital Project, working in the Yale clinic each semester, and was an editor of the Yale Law Journal. Upon graduation he became Yale's first supervising attorney and teaching fellow, and in 1975 joined the Texas law faculty, where he has divided his time between clinical and traditional teaching. A specialist in criminal procedure (including juvenile justice), immigration, and mental health law, Churgin has numerous publications in these fields.

## **Justin Cox**

### **Staff Attorney, ACLU Immigrants Rights Project, Atlanta, Georgia**

At the ACLU's Immigrants' Rights Project, Cox is helping to develop and prosecute legal responses to anti-immigrant legislation and policies throughout the Southeast. Cox spent his Liman Fellowship year in 2008-09 at CASA de Maryland, where he worked on issues relating to local immigration enforcement. He helped localities develop immigration policies and assisted documented and undocumented individuals responding to local, state, and national immigration laws and practices. Cox clerked for the Honorable Mark Kravitz in the United States District Court for the District of Connecticut and the Honorable Marsha Berzon of the United States Court of Appeals for the Ninth Circuit. Cox graduated summa cum laude from Washington University in St. Louis in 2004, and he graduated from Yale Law School in 2008.

## **Ruthie Epstein**

### **Senior Associate, Refugee Protection Program, Human Rights First**

As Senior Associate in the Refugee Protection Program at Human Rights First, Epstein's research and advocacy are currently focused on immigration detention. She has toured more than 20 immigration detention facilities across the country and works closely with a wide range of experts and advocates to press for meaningful reform of U.S. immigration detention practices. In 2012, Epstein organized a four-part public event series "Dialogues on Detention: Applying Lessons from Criminal Justice Reform to Immigration Detention," which took place in fall 2012, in partnership with universities in Austin, Irvine (CA), Tempe (AZ), and New Orleans. She is the author of *Jails and Jumpsuits: Transforming the U.S. Immigration Detention System – A Two-Year Review* (2011) and *Promises to the Persecuted: The Refugee Crisis in Iraq Act* (2009). Epstein holds a Master's of International Affairs from Columbia University in New York and an A.B. in history from Washington University in St. Louis.

## **Philip M. Genty**

### **Everett B. Birch Innovative Teaching Clinical Professor in Professional Responsibility, Columbia Law School**

Philip Genty joined the Columbia faculty in 1989. He teaches the Prisoners and Families Clinic and professional responsibility, and he directs and teaches in the first-year Moot Court program. His research interests are in prisoners' rights, family law, clinical education, and legal ethics. He has taught and consulted on clinical legal education and legal ethics in Central and Eastern Europe and Israel. He has developed legal resource materials for incarcerated parents and works with several organizations that assist women who are in prison. Prior to coming to Columbia, he taught at Brooklyn Law School, and worked as an attorney at Prisoners' Legal Services of New York, the New York City Department of Housing, Preservation and Development, and the Bedford-Stuyvesant Community Legal Services Corporation.

## **Lucas Guttentag**

### **Robina Foundation Distinguished Senior Fellow in Residence, Senior Research Scholar and Lecturer in Law at Yale Law School**

Lucas Guttentag is the founder and former national director of the ACLU Immigrants' Rights Project, which he led for more than twenty-five years, litigating complex civil rights, class action and constitutional cases in courts throughout the United States, including successful arguments in the United States Supreme Court. Under his leadership, the Immigrants' Rights Project became the largest litigation program in the country dedicated to enforcing and advancing the civil and constitutional rights of non-citizens. He has testified before Congress, often appeared in national media, served as ACLU spokesperson on immigration issues, and published a number of articles on immigration law and constitutional rights. Guttentag has received many awards for his litigation and leadership, and continues to serve as senior counsel to the Immigrants' Rights Project. He began teaching at Yale Law School in 2009 and is in residence each fall semester. His courses include immigration law, constitutional litigation and advanced topics on migration policy. In the spring, he teaches at Stanford Law School. He clerked for United States District Judge William Wayne Justice in the Eastern District of Texas and joined the ACLU in 1985 after practicing civil rights law in Los Angeles and teaching at Columbia Law School. He received his BA from UC Berkeley and his J.D. from Harvard Law School.

## **Raquiba Huq**

### **Supervising Attorney, Legal Services of New Jersey**

Raquiba Huq is the Supervising Attorney of the Immigration Representation Project ("IRP") at Legal Services of New Jersey, which she joined in 2007 as a Liman Fellow. The IRP is one of the leading providers of free legal advice and representation to low-income immigrants throughout the state of New Jersey. The project's work has a particular focus on serving the needs of

detained immigrants, victims of crime, unaccompanied minors, and individuals with physical or mental health disabilities. Huq's fellowship focused on outreach and direct representation related to gender-based immigration claims. She helped develop a unit specially focused on issues related to gender, specifically handling claims of victims of domestic abuse, female genital mutilation, rape, forced marriages, honor killing threats, and other forms of gender-related violence. Huq also serves on the Board of Directors for the Refugee Reunification Project, which raises and distributes funds to assist asylees with bringing their family members to the United States. Raquiba is a graduate of Yale Law School and Princeton University.

## **Ramzi Kassem**

### **Associate Professor of Law, City University of New York**

Ramzi Kassem is an Associate Professor of Law and directs the Immigrant & Non-Citizen Rights Clinic at the City University of New York. With his students, Kassem represents prisoners of various nationalities presently or formerly held at American facilities at Guantánamo Bay, Cuba, at Bagram Air Base, Afghanistan, at so-called "Black Sites," and at other detention sites worldwide. In connection with these cases, Kassem and his students have appeared as party counsel and submitted merits briefs before U.S. federal district and appellate courts, before the U.S. Supreme Court, as well as before the military commissions at Guantánamo. Kassem also supervises the Creating Law Enforcement Accountability & Responsibility (CLEAR) project, which primarily aims to address the legal needs of Muslim, Arab, South Asian, and other communities in the New York City area that are particularly affected by national security and counterterrorism policies and practices. Before joining the CUNY law faculty in 2009, Kassem was a Robert M. Cover Teaching Fellow and Lecturer in Law at Yale Law School, where he taught in the Civil Liberties & National Security Clinic as well as the Worker & Immigrant Rights & Advocacy Clinic. He was also an Adjunct Professor of Law at Fordham University School of Law, where he taught in the International Justice Clinic. Kassem was the Johnnie L. Cochran, Jr. Civil Rights Fellow at Cochran Neufeld & Scheck (now Neufeld Scheck & Brustin) and a legal consultant for the International Center for Transitional Justice. He is a graduate of Columbia College and holds law degrees from Columbia Law School, where he was a Senior Editor for the Columbia Law Review, and from the Sorbonne.

## **Valarie Kaur**

### **Director, Visual Law Project, Yale Law School**

Valarie Kaur (YLS '12) is an award-winning filmmaker, civil rights advocate, and interfaith organizer who centers her work around the power of storytelling. She founded the Yale Visual Law Project, where she has made films and trained law students in the art of visual advocacy at Yale Law School. She is also the founder and director of Groundswell, a non-profit initiative at Auburn Seminary that has more than 70,000 members and that equips people to mobilize for social action using 21st century tools. Kaur has combined storytelling and advocacy to respond

to issues such as hate crimes, racial profiling, immigration detention, LGBTQ inequality, and solitary confinement. She is a prolific public speaker and frequent political contributor to the Melissa Harris-Perry Show on MSNBC. Her opinion essays regularly appear on CNN Opinion, The Washington Post, The Huffington Post, Salon, and the New York Times. Her films include *Divided We Fall* (2008), *Alienation* (2011), *Stigma* (2011), *The Worst of the Worst: Portrait of a Supermax* (2012), and *Oak Creek: In Memorium* (2013). She holds degrees from Stanford University, Harvard Divinity School, and Yale Law School.

## **Allegra McLeod**

### **Associate Professor, Georgetown University Law Center, Washington DC**

Allegra McLeod is an Associate Professor at Georgetown University Law Center where she teaches, writes, and practices in the areas of criminal law, immigration law, and human rights. She graduated from Yale Law School in 2006, holds a Ph.D. and M.A. from Stanford University, and was awarded a Postdoctoral Fellowship in political theory also from Stanford. After law school, McLeod served as a law clerk to the Honorable M. Margaret McKeown of the U.S. Court of Appeals for the Ninth Circuit. Following her clerkship, McLeod practiced immigration and criminal law at the California-Mexico border as a 2008-09 Liman Fellow and staff attorney with the ABA Immigration Justice Project, an organization she helped to create. During her fellowship, McLeod addressed problems confronting detained indigent immigrants, trained criminal defense lawyers regarding the collateral immigration consequences of criminal convictions, provided pro bono representation and pro se assistance, wrote policy reports for the ABA Commission on Immigration, and worked on litigation aiming to respond to systemic violations. After her Liman Fellowship, McLeod taught in the Program on Global Justice at Stanford and worked with the Stanford Immigrants' Rights and Criminal Defense Clinics. McLeod's recent publications include *Decarceration Courts: Possibilities and Perils of a Shifting Criminal Law*, 100 GEORGETOWN LAW JOURNAL (2012), *The U.S. Criminal-Immigration Convergence and Its Possible Undoing*, 49 AMERICAN CRIMINAL LAW REVIEW (2012), and *Exporting U.S. Criminal Justice*, 29 YALE LAW & POLICY REVIEW 83 (2011).

## **David Menschel**

### **Director, Vital Projects Fund, New York, NY**

David Menschel is a criminal defense lawyer and a director of the Vital Projects Fund, a charitable foundation with an interest in human rights and criminal justice reform – including issues such as death penalty abolition, drug policy reform, prosecutorial accountability, and prison reform. Through the Vital Projects Fund, Menschel has helped to fund several documentary films that advance progressive messages, including “No Impact Man” (2009), about a New York City family's year-long experiment in carbon neutral living; and “War Don Don” (2010), about a war crimes trial in Sierra Leone. Formerly, Menschel was an attorney and, in 2002-03, an Arthur Liman Fellow at the Innocence Project in New York City. Thereafter, he

was the legal director of the Innocence Project of Florida in Tallahassee, where he helped expand its systematic efforts to insure that wrongly convicted individuals have meaningful opportunities to raise their innocence. He is the author of *Abolition Without Deliverance: The Law of Connecticut Slavery, 1784-1848* (2001), published in the Yale Law Journal. Before attending law school, Menschel taught American history to high school students for five years. He received a B.A. from Princeton University ('93) and a J.D. from Yale Law School ('02). He lives in Brooklyn, NY.

## **Hope Metcalf**

### **Liman Director and Lecturer in Law, Yale Law School**

Hope Metcalf is Director of the Arthur Liman Public Interest Program and co-teaches the Lowenstein International Human Rights Clinic. Her focus is on criminal justice reform and U.S.-based human rights violations. Recent projects, with students in the Lowenstein Clinic and Liman Practicum, include a report on children serving long sentences in Connecticut, a report on abuses by U.S. cities of homeless residents, administrative advocacy to reform the use of long-term isolation in Connecticut prisons and elsewhere, a study of the effects of child support payment system on recidivism in Connecticut, and a guidebook on family law for incarcerated people in Connecticut. Metcalf formerly directed the National Litigation Project of the Allard K. Lowenstein International Human Rights Clinic, which was founded in 2002 to respond to infringements on civil liberties and human rights arising out of U.S. counterterrorism policy. Current research interests include prisoners' rights, accountability for torture, and using human rights laws and strategies domestically. She is co-chair of the ABA Subcommittee on Solitary Confinement and a board member of Junta for Progressive Action, a New Haven-based immigrants' rights organization. Metcalf is a graduate of Yale College and New York University School of Law, and she clerked for the Honorable Virginia Long of the New Jersey Supreme Court.

## **Nina Rabin**

### **Senior Liman Fellow in Residence, Yale Law School, and Associate Clinical Professor of Law, James E. Rogers College of Law, University of Arizona**

Nina Rabin is visiting Yale Law School as the Senior Liman Fellow in Residence. She co-teaches the Liman Workshop and supervises immigration-related student projects. At the University of Arizona, Rabin has a joint affiliation with the law school and the women's studies department, and directs the interdisciplinary Bacon Immigration Law & Policy Program. Her work focuses on the impact of immigration and border policies on women and families. Rabin supervises projects that provide legal and social services to low-wage immigrant workers and women in immigration detention facilities. At the same time, she undertakes policy research to study the impact of immigration enforcement on women and families. Recently, she has authored articles and reports on immigrants' parental rights and the treatment of domestic violence

victims at the border. Rabin has spoken extensively on immigration policy issues in a variety of venues, including academic conferences, community forums, and a Congressional briefing. She has also participated in trainings on immigration for attorneys and community leaders. Prior to her work in Arizona, she clerked for the Honorable Dorothy Nelson on the Ninth Circuit Court of Appeals and practiced in a civil rights law firm in California. She graduated from Yale Law School in 2003 and Harvard College in 1998.

## **Judith Resnik**

### **Arthur Liman Professor of Law, Yale Law School**

Judith Resnik is the Arthur Liman Professor of Law at Yale Law School, where she teaches about federalism, procedure, courts, equality, and citizenship. She holds an appointment for a five-year term as an Honorary Professor, Faculty of Laws, University College London. Recent books include *REPRESENTING JUSTICE: INVENTION, CONTROVERSY, AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTROOMS* (with Dennis Curtis) (Yale University Press, 2011) (winner of the 2011 PROSE award for social sciences and for law /legal services) and *MIGRATIONS AND MOBILITIES: CITIZENSHIP, BORDERS, AND GENDER* (co-edited with Seyla Benhabib, N.Y.U. Press, 2009). Her recent essays include *Fairness in Numbers: A Comment on AT&T v. Concepcion, Wal-Mart v. Dukes, and Turner v. Rogers*, 125 HARV. L. REV. 78 (2011) and *Detention, the War on Terror, and the Federal Courts* (Columbia Law Review, 2010). Resnik is an occasional litigator; she argued *Mohawk Industries, Inc. v. Carpenter*, decided by the United States Supreme Court in December of 2009. In addition, she has many times testified before congressional and judicial committees. Resnik is a Managerial Trustee of the International Association of Women Judges and has chaired the Sections on Procedure, on Federal Courts, and on Women in Legal Education of the American Association of Law Schools. Resnik graduated from Bryn Mawr and New York University School of Law, where she was a Hays Fellow.

## **Sia Sanneh**

### **Senior Liman Fellow in Residence and Lecturer in Law, Yale Law School**

Sia Sanneh is a Senior Liman Fellow in Residence and Lecturer in Law at Yale Law School. Since 2008, she has been an attorney with the Equal Justice Initiative in Montgomery, Alabama, representing people facing the death penalty and juveniles sentenced to life without parole. From 2007 to 2008, Sanneh was a Liman Fellow at the Legal Action Center in New York City, where she worked on a project focused on the rights of young people who are arrested in schools. She holds a J.D. from Yale Law School, where she served as student director of the Allard K. Lowenstein International Human Rights Clinic. She also earned her B.A. and M.A. degrees from Columbia.

## **McGregor Smyth**

### **Executive Director of New York Lawyers for the Public Interest (NYLPI)**

Smyth recently became Executive Director of NYLPI, whose mission is to advance equality and civil rights for New Yorkers in the face of the urban challenges related to race and poverty. Through community lawyering and partnerships with the private bar, NYLPI's work with client communities currently focuses on disability justice, immigrant rights, health justice, and environmental justice. For the previous 13 years, Smyth was the Managing Attorney of the Civil Action Practice and the Director of Reentry Net at The Bronx Defenders, where he pioneered the integration of civil and criminal defense services for indigent people in the criminal and family justice systems. A graduate of Yale Law School and the University of North Carolina at Chapel Hill, Smyth clerked for Chief Judge Charles Sifton, U.S. District Court, E.D.N.Y. He was then awarded the Skadden Fellowship to join The Bronx Defenders in 2000 and to establish the civil practice, work he continued as a Liman Fellow in 2003-04. A recipient of the Kutak-Dodds Prize from the National Legal Aid and Defender Association and the Legal Aid Society Pro Bono Award, Smyth has published numerous articles on the so-called "collateral" consequences of criminal justice involvement and the integration of civil legal services into criminal defense representation. He is a member of the American Bar Association's Task Force on Comprehensive Representation, the ABA *Padilla* Task Force, the New York State Bar Association Special Committee on Reentry, and the Steering Committee of Communities United for Police Reform, and he is a Lecturer-in-Law at Columbia Law School.

## **Holly Thomas**

### **Senior Attorney, United States Department of Justice, Civil Rights Division, Washington, DC**

Holly Thomas is a senior attorney with the Civil Rights Division of the United States Department of Justice, in the Appellate Section. She represents the United States in federal civil rights cases in the courts of appeal, including filing amicus curiae briefs in civil rights cases in which the United States is not a party. Working in cooperation with the Solicitor General's Office, Thomas also drafts briefs for civil rights cases in the Supreme Court. After graduating from Yale Law School in 2004, she clerked for the Honorable Kim Wardlaw on the United States Court of Appeals for the Ninth Circuit. Thomas was a Liman Fellow in 2005-06 at the NAACP Legal Defense Fund, where she focused on the issue of juveniles serving sentences of life without the possibility of parole (LWOP). She wrote a report regarding the sentencing of juveniles to LWOP in Mississippi, and she collaborated with other practitioners to formulate litigation strategies to challenge such sentencing.