

# César Cuauhtémoc García Hernández

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## Academic Appointments

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**Visiting Professor, University of Denver Sturm College of Law** 2013-present  
Courses: Immigration Law, Torts, and crImmigration (seminar)

**Associate Professor, Capital University Law School** 2013-present  
Courses: Immigration and Naturalization Law, Torts, Criminal Procedure, and crImmigration (seminar)

**Assistant Professor, Capital University Law School** 2010-2013  
Courses: Immigration and Naturalization Law, Torts, Criminal Procedure, and crImmigration (seminar)

**Visiting Assistant Professor, University of Tulsa College of Law** Spring 2010  
Courses: Immigration Law and Procedure and Criminal Law

## Education

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**Boston College Law School, J.D. 2007**  
Law Review: Boston College Third World Law Journal  
Honors: Public Service Scholar  
Graduate Student Award for Academic Achievement at the Law School  
Outside Honors: LatCrit Student Scholar

**Brown University, A.B., with Honors in American Civilization, and English, 2002**

## Book

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CrImmigration Law (American Bar Association Publishing forthcoming 2014)

## Scholarly Articles

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*Reconceptualizing Immigration Detention as Punishment* (in progress)

*Creating CrImmigration*, 2013 BRIGHAM YOUNG UNIVERSITY LAW REVIEW \_\_ (forthcoming 2013) (symposium contribution)

*Padilla's Two-Tiered Duty is Strickland-Lite for Noncitizens*, 72 MARYLAND LAW REVIEW 844 (2013)

*Criminal Defense After Padilla v. Kentucky*, 26 GEORGETOWN IMMIGRATION LAW JOURNAL 475 (2012)

*Due Process and Immigrant Detainee Prison Transfers: Moving LPRs to Isolated Prisons Violates Their Right to Counsel*, 21 BERKELEY LA RAZA LAW JOURNAL 17 (2011)

*When State Courts Meet Padilla: A Concerted Effort is Needed to Bring State Courts Up to Speed on Crime-Based Immigration Law Provisions*, 12 LOYOLA JOURNAL OF PUBLIC INTEREST LAW 299 (2011) (symposium contribution)

- Quoted in *Lopez-Penaloza v. State*, 804 N.W.2d 537 (Iowa Ct. App. 2011)

*La Migra in the Mirror: Immigration Enforcement and Racial Profiling on the Texas Border*, 23 NOTRE DAME JOURNAL OF LAW, ETHICS, AND PUBLIC POLICY 167 (2009)

*Of Inferior Stock: The Two-Pronged Repression of Radical Immigrant Birth Control Advocates at the Turn-of-the-Twentieth-Century*, 20 ST. THOMAS LAW REVIEW 513 (2008) (symposium contribution)

*Radical Environmentalism: The New Civil Disobedience?*, 6 SEATTLE JOURNAL FOR SOCIAL JUSTICE 289 (2007)

*Ready or Not, the Velorution Has Arrived: Critical Mass—An Experiment in Democracy*, 8 LOYOLA JOURNAL OF PUBLIC INTEREST LAW 101 (2007)

*Feeble, Circular, and Unpredictable: OSHA's Failure to Protect Temporary Workers*, 27 BOSTON COLLEGE THIRD WORLD LAW JOURNAL 193 (2007) (Note)

## Scholarly Essays

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*Book Review: Social Control and Justice: Crimmigration in the Age of Fear*, \_\_ CRIME, LAW, & SOCIAL CHANGE \_\_ (forthcoming 2013)

*Immigrant Outsider, Alien Invader: Immigration Policing Today* (LatCrit XVI Symposium Introduction), 48 CALIFORNIA WESTERN LAW REVIEW 231 (2012)

*The Perverse Logic of Immigration Detention: Unraveling the Rationality of Imprisoning Immigrants Based on Markers of Race and Class Otherness*, 1 COLUMBIA JOURNAL OF RACE AND

LAW 353 (2012)

*Padilla v. Kentucky's Inapplicability to Undocumented and Non-Immigrant Visitors*, 39 RUTGERS LAW RECORD 47 (2012)

*Fifteen Years of Reconstructing the World* (LatCrit XV Symposium Foreword), 14 HARVARD LATINO LAW REVIEW 243 (2011) (with Marc-Tizoc González)

## Blog

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Author and Founder, *crImmigration.com*, since January 2009

- Updated twice weekly with original content summarizing cutting-edge developments in the case law, academic literature, and policy debates
- More than 290 regular subscribers
- Featured on *ABA Journal's* Top 100 Blawgs of 2012, SCOTUSblog, Bender's Immigration Bulletin Daily, UCLA Law School Law Library's "Immigration Law Resource Guide," and Arizona State University Law Library's "Current Awareness" section, among other law-related web sites

## Practitioner Resources

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*Does Padilla v. Kentucky Apply Retroactively?*, 2012 Emerging Issues 6357 (LexisNexis May 2012)

*U.S. Supreme Court Holds BIA's Comparable-Grounds Requirement for § 212(c) Relief is Arbitrary and Capricious*, 2011 Emerging Issues 6164 (LexisNexis December 2011)

*Major Issues the Courts Have Been Dealing with Since Padilla v. Kentucky*, 2011 Emerging Issues 5882 (LexisNexis September 2011)

*Change to Pretrial Diversion Policy Could Lead to Deportation*, VOICE FOR THE DEFENSE (Texas Criminal Defense Lawyers Association magazine) (June 2011), reprinted in THE SUMMONS, the Hidalgo County, Texas Bar Association's newsletter (August 2011) (with Carlos Moctezuma García)

*Crime Provisions of House's DREAM Act*, Immigration Lawyers Weekly (December 10, 2010)

*SCOTUS: Second Simple Drug Possession Offense is Not Aggravated Felony Unless Prosecuted as Recidivist Offense*, Immigration Lawyers Weekly (June 16, 2010)

*SCOTUS: Defense Attorney Must Inform Client Whether Plea Carries Risk of Deportation*, Immigration Lawyers Weekly (April 7, 2010)

## Other Publications

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*Detention and Deportations*, OXFORD BIBLIOGRAPHIES IN LATINO STUDIES (forthcoming 2013)

*Plenary Power Doctrine*, ANTI-IMMIGRATION IN THE UNITED STATES: A HISTORICAL ENCYCLOPEDIA (Greenwood Press 2011)

*Race and Racism*, ANTI-IMMIGRATION IN THE UNITED STATES: A HISTORICAL ENCYCLOPEDIA (Greenwood Press 2011)

*Racial Profiling*, ANTI-IMMIGRATION IN THE UNITED STATES: A HISTORICAL ENCYCLOPEDIA (Greenwood Press 2011)

*La Migra in the Mirror: Immigration Enforcement, Racial Profiling, and the Psychology of One Mexican Chasing After Another*, 72 ALBANY LAW REVIEW 891 (2009) (published presentation)

*Flores Magón, Ricardo*, ENCYCLOPEDIA OF ACTIVISM AND SOCIAL JUSTICE (Sage Publications 2007)

*Labor Law*, ENCYCLOPEDIA OF ACTIVISM AND SOCIAL JUSTICE (Sage Publications 2007)

## Academic Presentations

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*Incentivizing Immigration Imprisonment*, Howard Law Journal Symposium (upcoming October 24, 2013)

*Reconceptualizing Immigration Detention as Punishment*, LatCrit 2013, Chicago, Illinois (upcoming October 4, 2013)

*Through the Looking Glass: Immigration Law's Securitized Past and Future*, Southeastern Association of Law Schools Annual Meeting, Palm Beach, Florida (August 6, 2013)

*Two Faces of Detention*, Law and Society Association Annual Meeting, Boston, Massachusetts (June 1, 2013)

*A Response to Presumed Incompetent: The Intersections of Race and Class for Women in Academia*, Berkeley Journal of Gender, Law, and Justice Symposium (March 8, 2013)

*Questioning Immigration Detention*, Valparaiso University School of Law (February 22, 2013)

*Padilla's Failing*, Constitutional Law Colloquium, University of Houston Law Center

(February 7, 2013)

*Immigration Mass Imprisonment: Its Origins and Impact*, Discretion and Deference: Immigrants, Citizens, and the Law Symposium, Brigham Young University Law School (January 24, 2013)

*Strickland-Lite: Padilla's Two-Tiered Duty for Noncitizens*, Third Annual Constitutional Law Colloquium, Loyola University Chicago School of Law (November 2, 2012)

*Strickland-Lite: Padilla's Two-Tiered Duty for Noncitizens*, Northeast People of Color Legal Scholarship Conference, Suffolk University Law School (October 26, 2012)

*Strickland-Lite: Padilla's Two-Tiered Duty for Noncitizens*, University of Akron Faculty Colloquium (October 9, 2012)

*Padilla's Two-Tiered Duty is Strickland-Lite for Noncitizens*, Cleveland-Marshall Faculty Colloquium (September 11, 2012)

*Padilla's Two-Tiered Duty is Strickland-Lite for Noncitizens*, Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (August 1, 2012)

Discussion Group Participant: *Social Justice Scholarship*, Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (August 1, 2012)

*Padilla's Two-Tiered Duty is Strickland-Lite for Noncitizens*, Law and Society Association Annual Meeting, Honolulu, Hawaii (June 7, 2012)

*Padilla's Two-Tiered Duty is Strickland-Lite for Noncitizens*, Immigration Law Teachers Workshop, Hofstra University School of Law (June 1, 2012)

*Padilla's Two-Tiered Duty is Strickland-Lite for Noncitizens*, Midwest People of Color Legal Scholarship Conference, Marquette University Law School (April 14, 2012)

*Immigration Mass Imprisonment: A Genealogy*, Border Patrols: The Legal, Racial, Social, and Economic Implications of United States Immigration Policy Symposium, St. John's University School of Law (March 16, 2012)

*Criminal Defense After Padilla v. Kentucky*, Capital University Faculty Colloquium (December 8, 2011)

*Criminal Defense After Padilla v. Kentucky*, Cleveland-Marshall Faculty Colloquium (November 2, 2011)

*Criminal Defense After Padilla v. Kentucky*, Central States Law Schools Association Conference, University of Toledo College of Law (October 29, 2011)

*Notes from the Classroom*, LatCrit XVI Annual Conference, San Diego, California (October 8, 2011)

*Criminal Defense After Padilla*, LatCrit XVI Annual Conference, San Diego, California (October 7, 2011)

*Adopting Policing Techniques of the War on Drugs to the New Immigration Policing*, ClassCrits IV, American University Washington College of Law (September 23, 2011)

*Criminal Defense After Padilla*, Emerging Immigration Law Scholars and Teachers Conference, American University Washington College of Law (May 20, 2011)

*When State Courts Meet Padilla: Unrealistic Burden, Mandate for Specialization, or the Supreme Court's (Inadvertent) Way of Throwing Immigrants Under the Bus?*, Federalism at Work: State Criminal Law, Immigrants, and Immigration-Related Activity Symposium, Loyola University New Orleans College of Law (November 5, 2010)

Panelist: *Outsider's Theory Inside: The Next Generation*, LatCrit XV Annual Conference, Denver, Colorado (October 8, 2010)

*The Perverse Logic of Immigration Detention*, Third National People of Color Legal Scholarship Conference, Seton Hall University School of Law (September 10, 2010)

*Fundamentally Unfair: The Due Process Implications of the Department of Homeland Security's Transfer Policy for Detained Lawful Permanent Residents*, Northern Kentucky University Faculty Colloquium (September 7, 2010)

*Fundamentally Unfair: The Due Process Implications of the Department of Homeland Security's Transfer Policy for Detained Lawful Permanent Residents*, Ohio Legal Scholarship Workshop, University of Toledo College of Law (June 25, 2010)

*Fundamentally Unfair: The Due Process Implications of the Department of Homeland Security's Transfer Policy for Detained Lawful Permanent Residents*, Midwest People of Color Legal Scholarship Conference, The John Marshall Law School (April 17, 2010)

*Fundamentally Unfair: The Due Process Implications of the Department of Homeland Security's Transfer Policy for Detained Lawful Permanent Residents*, University of Tulsa Faculty Colloquium (February 17, 2010)

Roundtable Participant: *The Crisis of the Latina/o (Legal?) Intellectual*, LatCrit XIV Annual Conference, Washington, D.C. (October 2, 2009)

*La Migra in the Mirror: Immigration Enforcement, Racial Profiling, and the Psychology of One Mexican Chasing After Another*, Defining Race Symposium, Albany Law School (November 14, 2008)

*An Insurgent Model of Latina/o Legal Intellectualism*, LatCrit XIII Annual Conference, Seattle University School of Law (October 4, 2008)

*Of Inferior Stock: The Two-Pronged Repression of Radical Immigrant Birth Control Advocates at the Turn-of-the-Century*, LatCrit XII Annual Conference, Miami, Florida (October 6, 2007)

*Of Inferior Stock: The Two-Pronged Repression of Radical Immigrant Birth Control Advocates at the Turn-of-the-Century*, Citizenship, Identity, and Social Justice Conference, University of Windsor, Ontario, Canada (May 18, 2007)

*The Velorution Has Arrived: Critical Mass and Direct Democracy*, LatCrit XI Annual Conference, University of Nevada–Las Vegas School of Law (October 7, 2006)

## **Other Presentations**

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*crImmigration Law Update*, University of Texas School of Law 2013 Conference on Immigration and Nationality Law, Austin, Texas (forthcoming October 25, 2013)

*Understanding crImmigration Law*, Mexican American Bar Association of Texas Continuing Legal Education Seminar, South Padre Island, Texas (August 2, 2013)

*Comprehensive Immigration Reform 2013*, John Marshall Law School Immigration Law Society, Chicago, Illinois (March 25, 2013)

*The New Administration and Immigration: The National Scene and Ohio*, Methodist Theological School, Delaware, Ohio (February 18, 2013)

*Latest Developments in crImmigration Law*, American Immigration Lawyers Association of Ohio, Columbus, Ohio (November 16, 2012)

*The Constitutional Rights of Immigrants After Arizona and Padilla*, National Latina/o Law Students Association National Conference, UCLA Law School (October 6, 2012)

*Immigration Mass Incarceration and Privatization*, American Civil Liberties Union of Ohio Biennial Conference, Columbus, Ohio (July 28, 2012)

*Understanding Immigration Imprisonment*, Immigration Law Society and American Civil Liberties Union Student Chapter Event, Ohio State University College of Law (April 10, 2012)

*crImmigration Expansion and Policing*, National Lawyers Guild Midwest Regional Conference, Chicago-Kent College of Law (March 24, 2012)

*The Immigrant's Right to Counsel*, National Latina/o Law Students Association Central Region *Encuentro*, Chicago-Kent College of Law (March 3, 2012)

*Sin Papeles (Undocumented): A Symposium on Immigration*, National Museum of Mexican Art, Chicago, Illinois (July 19, 2008)

## **Service**

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### **Capital University Law School Faculty Committees**

Chair, Technology Committee (2012-2013)

Member, Honor Code Violation Committee (2011-2013)

Member, Social Media Team (2011-present)

Member, Strategic Planning Process Committee (2010-2011)

Member, Innovation Awards Committee (2011)

### **Capital University Law School Presentations and Events**

American Constitution Society Student Chapter Presentations

- *New Rule or Old Rule? The Supreme Court's 2012 Immigration Cases* (November 15, 2012)
- *What's at Stake in Arizona v. United States* (April 17, 2012)
- *Bugging the Fourth Amendment: A Preview of United States v. Jones* (November 18, 2011)
- *The Noncitizen's Right to Counsel in Criminal Proceedings* (January 31, 2011)

Organizer and Moderator: *Becoming an Immigration Attorney: A Panel Discussion Featuring Three Local Immigration Attorneys* (March 26, 2012)

Organizer and Moderator: *A Conversation About AT&T Mobility v. Concepcion Featuring Deepak Gupta, Counsel for Respondents Before the U.S. Supreme Court* (March 11, 2011)

Capital University Martin Luther King, Jr. Day of Learning: *Immigration Law in 2011: Where Are We and Where Might We Go?* (January 17, 2011)

### **Other Service to the Legal Academy**

Co-Chair, Tenth Annual Society of American Law Teachers-Latina/o Critical Theory, Inc. Junior Faculty Development Workshop, University of Maryland School of Law (October 4-5, 2012)

Planning Committee Member, Ninth Annual SALT-LatCrit Junior Faculty Development Workshops, San Diego, California (October 6-7, 2011)

Planning Committee Member, Eighth Annual SALT-LatCrit Junior Faculty Development Workshop, Denver, Colorado (October 7-8, 2010)

## **Legal Experience**

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Associate Attorney, García & García Attorneys at Law, McAllen, Texas 2008-2009

Law Clerk, Rhode Island Superior Court, Providence, Rhode Island 2007-2008

## **Other Teaching Experience**

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Teacher, Bishop McVinney Regional School, Providence, Rhode Island 2002-2003

Teacher/Program Facilitator, English for Action, Providence, Rhode Island 2001-2002

## **Media Interviews**

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Quoted in Martin Michaels, *Immigration Reform Bill Could Be Dead on Arrival in the House*, Mint Press News (June 26, 2013)

Quoted in Martin Michaels, *Despite Drop in Immigration and Violence, Congress Ups Border Security*, Mint Press News (May 7, 2013)

Quoted in Jude Joffe-Block, *Some Arizona Immigrants May Not Be Eligible for Immigration Reform*, Fronteras Desk public radio (May 6, 2013)

Quoted in Jude Joffe-Block, *DACA Challengers' Arguments Resonate with Judge*, Fronteras Desk public radio (April 25, 2013)

Quoted in Miriam Jordan, *Bill is Tougher on Crossings*, Wall Street Journal (April 24, 2013)

Interviewed on *Politics Tonight*, Chicagoland TV (April 23, 2013) (discussed immigration reform proposal then being debated in Senate)

Quoted in Daisy Becerra, *Girl, Undocumented*, Jerk Magazine (March 25, 2013)

Quoted in Martin Michaels, *DHS To Release Detainees Amid Budget Cuts, Reducing Immigrant Population Behind Bars*, Mint Press News (February 27, 2013)

Quoted in Álvaro Ortiz, *Record en Texas de Deportación de Padres*, La Voz de Houston, Houston Spanish language-newspaper (January 5, 2013) (translation: *Record Number of Parents Deported from Texas*)

Interviewed on 10TV, television station in Columbus, Ohio (November 21, 2012) (discussed criminal activity by immigrants and high stakes that unauthorized individuals face when encountering police officers)

Quoted in María Zamudio, *Undocumented Life: Making Chicago the Most “Immigrant Friendly” City*, Chicago Reporter’s Muckrakers blog (August 27, 2012)

Quoted in Carlos H. Lozano, *Salud Sin Límites Para Millones*, EL MUNDO, Austin/San Antonio Spanish-language newspaper (July 5, 2012) (translation: *Universal Health Care For Millions*)

Quoted in Michael O. Loatman, *Eighth Circuit Grapples with New ‘Crimes Involving Moral Turpitude’ Test*, U.S. Law Week (June 5, 2012)

Quoted in Octavio López, *Los ‘Dreamers’ Pasan de Ser la Excepción y Son Ahora la Constante*, VÍVELO HOY, Chicago Spanish-language newspaper (June 2, 2012) (translation: *DREAMers: Formerly the Exception, Now They Are the Rule*)

Interviewed on KGBT, television station in Río Grande Valley, Texas (December 23, 2008) (about Department of Homeland Security’s planned expansion of US-VISIT program fingerprinting to include all lawful permanent residents)

Interviewed on KGBT, television station in Río Grande Valley, Texas (October 13, 2008) (addressed enactment of legislation to decrease processing time for naturalization applications submitted by members of the military)

Interviewed on KGBT, television station in Río Grande Valley, Texas (September 30, 2008) (discussed changes to naturalization examination and provided suggestions for viewers considering applying for naturalization)

## **Bar and Professional Association Memberships**

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- State Bar of Texas
- American Bar Association
- Columbus Bar Association
- American Immigration Lawyers Association
- Society of American Law Teachers
- National Lawyers Guild