

## EISHA JAIN

Henry P. Brandis Distinguished Professor, University of North Carolina School  
of Law

[ejain@email.unc.edu](mailto:ejain@email.unc.edu)

### ACADEMIC APPOINTMENTS

**University of North Carolina School of Law**, Chapel Hill, NC.

*Henry P. Brandis Distinguished Professor of Law*, February 2023-current

*Associate Professor, Henry P. Brandis Distinguished Scholar*, July 2022-January 2023.

*Assistant Professor*, 2016-2022.

**Harvard Law School**, Cambridge, Massachusetts.

*Louis A. Horvitz Visiting Professor of Law*, Spring 2023.

**Duke University School of Law**, Durham, NC.

*Visiting Professor of Law*, 2019-2020.

**Georgetown University Law Center**, Washington, D.C.

*Law Research Fellow*, 2014-2016.

### PUBLICATIONS

*Policing the Polity*, 131 YALE LAW JOURNAL 1719 (2022).

- Selected for re-publication in Bender's Immigration Bulletin
- Recognized by the Chadbourn Award for Excellence in Scholarship

*Jailhouse Immigration Screening*, 70 DUKE LAW JOURNAL 1703 (2021)

*The Mark of Policing: Race and Criminal Records*, 73 STANFORD LAW REVIEW ONLINE 162 (2021)  
(invited symposium contribution)

*The Interior Structure of Immigration Enforcement*, 167 UNIVERSITY OF PENNSYLVANIA LAW  
REVIEW 1463 (2019).

- Selected as "Immigration Article of the Year" by the Immigration Law Professors' Blog
- Selected for re-publication in Bender's Immigration Bulletin
- Selected for re-publication in the Immigration & Nationality Law Review

*Proportionality & Other Misdemeanor Myths*, 98 BOSTON UNIVERSITY LAW REVIEW 953 (2018)  
(invited symposium contribution).

*Capitalizing on Criminal Justice*, 67 DUKE LAW JOURNAL 1381 (2018).

- Excerpted in LOCAL GOVERNMENT LAW: CASES AND MATERIALS (7<sup>th</sup> ed., 2022)
- Selected for the ACS Junior Scholars Roundtable (2018).

*Understanding Immigrant Protective Policies in Criminal Justice*, 95 TEXAS LAW REVIEW SEE ALSO 161 (2017) (invited response)

*Prosecuting Collateral Consequences*, 104 GEORGETOWN LAW JOURNAL 1197 (2016).

- Selected as a “Must Read” by the National Association for Criminal Defense Lawyers

*Arrests as Regulation*, 67 STANFORD LAW REVIEW 809 (2015)

- Cited by *Dempsey v. Bucknell Univ.*, 834 F.3d 457, 469 (3d. Cir. 2016)

- Reviewed by Susan Bandes, JOTWELL: The Journal of Things We Like (Lots) (July 13, 2015)

*Immigration Enforcement and Harboring Doctrine*, 24 GEORGETOWN IMMIGRATION LAW JOURNAL 147 (2010).

*Realizing the Potential of the Joint Harassment/Retaliation Claim*, 117 YALE LAW JOURNAL 120 (2007) (Note)

### SHORTER WORKS

*The Myth of Race Neutrality in Jailhouse Immigration Screening*, in HANDBOOK ON RACE, RACISM, AND THE LAW (eds. Aziza Ahmed & Guy-Uriel Charles) (forthcoming)

Maryland Journal of International Law, Symposium on Race, Sovereignty, and Immigrant Justice, “How Criminal Arrests Set Immigration Enforcement Priorities” 37 Md. J. Int’l L. 10 (2022) (invited symposium contribution).

“Beyond Deportation: How Immigration Enforcement Erodes Civil Liberties and Legitimizes Unjustified Surveillance” (October 2022), available at <https://www.lawfareblog.com/beyond-deportation>

Yale Journal of Regulation, Book Symposium on THE PRESIDENT AND IMMIGRATION LAW, “The President, Immigration, and Criminal Law” (April 2021), available at <https://www.yalejreg.com/topic/symposium-on-adam-cox-and-cristina-rodriguez-the-president-and-immigration-law/>

### COURSES TAUGHT

Criminal Law, Immigration Law, Criminal Procedure, Evidence, Immigration Enforcement

### EDUCATION

#### Yale Law School

J.D. May 2007

*Honors:* Michael Egger Prize for the best student contribution to the Yale Law Journal on a social problem (awarded for *Realizing the Potential of the Joint Harassment/Retaliation Claim*).

*Activities:* Immigration Legal Services Clinic (student director); Child Advocacy Clinic (student director); Yale Journal of International Law; Yale Human Rights &

Development Law Journal; Temporary Restraining Order Project; Schell Fellow (awarded grant to conduct international human rights work during 1L summer).

**University of Virginia**

B.A., Government & Foreign Affairs, 2003

*Honors:* Honors Program in Government & Foreign Affairs (graduated with High Honors)  
Lawn Resident (selected by classmates for public service and leadership).

**SELECTED PRESENTATIONS**

University of North Carolina School of Law, Faculty Workshop (September 2023)

Cardozo Law School, Faculty Workshop, Tethered Punishment (February 2023).

Northeastern Law School, Faculty Workshop, Tethered Punishment (February 2023).

University of North Carolina, Law & Inequality Roundtable, The Hidden Criminal Record, November 2022 (organizer and presenter).

University of North Carolina, Symposium on “Families, Crisis and Economic Security: Rethinking the Role of Government,” October 2022 (moderator).

Stanford Law School, Criminal Law Roundtable, May 2022 (invited).

ACS Scholar Schmooze, *Jailhouse Immigration Screening*, May 2022.

University of Maryland, Maryland Journal of International Law, Symposium on “Race, Sovereignty, and Immigrant Justice,” February 2022 (panelist)

U.C. Davis School of Law, “Policing the Polity,” January 2022

Yale Law School, Yale Law Journal Legal Scholarship Workshop, “Immigration Through a Policing Lens,” September 2021

Crimmigration in Global Borderlands, University of Leiden, “Crimmigration, Borders, and Domestic Policing,” September 2021

University of North Carolina, U.S. Supreme Court Roundtable, September 2021

University of Chicago School of Law, Culp Colloquium, “Policing the Polity,” September 2021

University of Kentucky School of Law, “Policing the Polity,” September 2021

Texas A&M School of Law, “Policing the Polity,” August 2021

University of Virginia School of Law, Criminal Law Roundtable, “Immigration Through a Policing Lens” May 2021

Stanford Law School, Faculty Workshop, “Jailhouse Immigration Screening” January 2021

Seton Hall Faculty Workshop, “The Mark of Policing: Race & Criminal Records” January 2021

Race, Racism, & the Law, Handbook Symposium, (January 2021) (Presenter)

Stanford Law School, Policing, Race, and Power Symposium, December 2020 (Presenter)

Penn State Faculty Workshop, “Jailhouse Immigration Screening” October 2020

Yale Law School, Race & Inequality Seminar, September 2020 (Presenter)

Stanford Criminal Law Roundtable, June 2020 [invited]

Stanford Law School, Culp Colloquium, June 2020 (Presenter)

University of Houston School of Law, Faculty Workshop, “Jailhouse Immigration Screening” April 2020

AALS Annual Meeting, “Intersectional Perspectives in Immigration Law,” January 2020 (Panelist)

AALS Annual Meeting, “New Voices in Immigration Law” Workshop, January 2020 (Presenter)

Vanderbilt Law School, Criminal Law Roundtable, November 2019 (Presenter)

Duke University, “Provost Forum: Immigration in a Divided World,” November 2019 (advisory committee member)

- Panelist, “Immigration and the University”
- Moderator, break-out session with keynote speaker Nicholas Kristof

Duke Law School, “The Future of Latinos in the United States,” November 2019 (organizing committee member)

Duke Law School, “Immigration Enforcement in North Carolina,” October 2019 (Panelist)

University of Chicago School of Law, Public Law & Legal Theory Workshop, October 2019

Harvard Law School, “Progressing Reform of Fines & Fees,” September 2019 (Panelist)

William & Mary School of Law, Faculty Workshop, September 2019

Law & Society Conference, Washington, D.C., “Theorizing the Interior of Immigration Law” June 2019 (Panelist)

Culp Colloquium, Duke Law School, “Policing Immigration Status,” May 2019

University of North Carolina School of Law, Neighborhood Criminal Law Roundtable, May 2019 (Commentator)

University of Pennsylvania School of Law, “The Interior Structure of Immigration Enforcement,” March 2019.

American Constitution Society, Junior Scholars’ Public Law Workshop, “The Interior Structure of Immigration Enforcement,” January 2019.

University of North Carolina School of Law, Faculty Workshop, “Rethinking Immigration Enforcement,” August 2018.

Duke University School of Law, Summer Faculty Workshop, “The Deportation Dragnet,” June 2018.

Culp Colloquium, Stanford Law School, “The Deportation Dragnet,” June 2018 (Presenter)  
Immigration Law Professors Workshop, Drexel Law School, “The Deportation Dragnet,” May 2018 (Presenter)

University of Richmond School of Law, Neighborhood Criminal Law Roundtable, May 2018 (Commentator).

UCLA School of Law, Faculty Colloquium, “Capitalizing on Criminal Justice,” November 2017.

Boston University School of Law, Symposium for the Boston University Law Review, “Misdemeanor Machinery: The Hidden Heart of the American Criminal Justice System,” November 2017 (Presenter).

Charles Koch Institute, “Advancing Justice: An Agenda for Human Dignity and Public Safety,” October 2017 (Invited Panelist).

AALS Criminal Justice Section Mid-Year Meeting, American University Washington College of Law, June 2017.

- Plenary Panelist, “Misdemeanors”
- Moderator, Panel on Policing

Duke University School of Law, Summer Faculty Workshop, “Capitalizing on Criminal Justice,” June 2017.

Columbia Law School, Criminal Law Roundtable, “Capitalizing on Criminal Justice,” May 2017 (Invited Presenter).

University of Virginia School of Law, Neighborhood Criminal Law Roundtable, “Capitalizing on Criminal Justice,” May 2017.

Culp Colloquium, Duke University School of Law, “Capitalizing on Criminal Justice,” May 2017.

University of North Carolina School of Law, Rights & Remedies in Criminal Procedure, April 2017 (Invited Presenter).

New York University School of Law, National Prosecutors’ Reentry Roundtable, December 2016 (Invited Presenter) (roundtable with head prosecutors to discuss reentry).

Wake Forest University School of Law, Faculty Workshop, “Institutions and Misdemeanors,” November 2016.

Conference on Empirical Legal Studies, Duke University School of Law, November 2016 (Commentator).

Culp Colloquium, Duke University School of Law, “Prosecuting Collateral Consequences,” May 2015.

“Current Issues in U.S. Criminal Procedure,” United States Department of Justice, Georgetown University Law Center, September 2014 (invited presentation before visiting international prosecutors).

Immigration Law Professors Workshop, U.C. Irvine School of Law, “Arrests as Regulation,” May 2014.

## **PROFESSIONAL EXPERIENCE**

Emery Celli Brinckerhoff & Abady LLP, New York, NY. *Associate*, Jan. 2010-Dec. 2013. Engaged in civil rights and criminal defense practice. Recognized as a Public Justice Trial Lawyer of the Year Finalist.

Honorable Walter K. Stapleton, U.S. Court of Appeals for the Third Circuit, Wilmington, DE. *Law Clerk*, Fall 2008-Fall 2009

Bredhoff & Kaiser, P.L.L.C., Washington, D.C. *Attorney*, Fall 2007-Summer 2008. Engaged in labor and employment litigation

## **SERVICE**

University of North Carolina School of Law

- Carolina Law Scholarship Roundtable (develop and lead annual gathering focused on workshopping book manuscripts beginning in 2022)
- Chancellor’s Scholars Faculty Advisor (2023-current) (advisor for academic merit scholarship recipients)
- Academic Affairs Committee (2023-current)
- Co-Chair, Federal Clerkships Committee (2018-2019)
- Faculty Scholarship Committee (2018-2019) (2020-2021) (2021-2022)

- Student Academic Awards Committee (2017-2018) (2018-2019) (2020-2021) (2021-2022)
- Admissions Committee (2018-2019)
- Faculty Speakers Committee (2016-2017)
- Professional Standards Task Force (2021-2022)
- Criminal Law Roundtable (co-organizer of an annual regional conference that was hosted by UNC Law) (2019)
- Diversity, Equity, and Inclusion Committee (2022-2023)

American Bar Foundation, The Future of Latinos in the United States, Southern Summit, Co-Organizer (Nov. 2019) (discussing legal/social issues relating to the Latino community in the South).

Duke University, Provost's Forum: "Immigration in a Divided World," Advisory Committee Member (2019)

### **ADMISSIONS**

U.S. Supreme Court, U.S. Court of Appeals for the Second Circuit, U.S. Court of Appeals for the Third Circuit, Southern District of New York, Eastern District of New York, New York.