

# BIJAL SHAH

Arizona State University, Sandra Day O'Connor College of Law  
(480) 965-4151, bijal.shah@asu.edu

## ACADEMIC APPOINTMENTS

### **SANDRA DAY O'CONNOR COLLEGE OF LAW, ARIZONA STATE UNIVERSITY (ASU)**

*Associate Professor*, August 2016 – present

Courses: Administrative Law, Advanced Administrative Law Seminar, Criminal Law

Service: Association of American Law Schools (AALS) Executive Committee on Legislation and Law of the Political Process (2019-present); Co-Managing Editor of the *Administrative & Regulatory Law News*, published quarterly by the American Bar Association (ABA) (2018-present); ASU Law Colloquium Committee (2016-2018); Named “Excellent Faculty Mentor” by ASU International Students and Scholars Center (2016-2017); Peer reviewer (including flagship law journals at Harvard, Yale, Stanford and Columbia, among others) (2016-present)

### **NEW YORK UNIVERSITY (NYU) SCHOOL OF LAW**

*Acting Assistant Professor*, June 2013 – May 2016

Course: Lawyering (full-year legal skills course based in experiential learning theory)

Service: Oral Argument Exercise Committee (2013-2016), Committee Chair (2014-2015); Lawyering Hiring Committee (2014-2015); NYU Law Women of Color Collective Faculty Mentor (2013-2015); Coalition on Law & Representation, named top faculty on issues of bias in classroom (2015)

## GRADUATE EDUCATION

### **YALE LAW SCHOOL**

*Juris Doctor*, June 2007

Law Review: *Yale Law Journal*—Senior Editor; *Yale Journal of International Law*—Submissions Editor; *Yale Journal of Law & Feminism*—Editor

Other: Yale University Kirby Human Rights Fellow (awarded twice); Lowenstein Human Rights Clinic; Research Assistant to Professor Ian Ayres

### **HARVARD UNIVERSITY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT**

*Master of Public Administration*, A-Level courses (highest tier of core requirements), June 2007

Fellowships: Harvard University Jerome R. Rappaport Fellow (public law / governance); Harvard University Sinclair Kennedy Fellow (international law / human rights); University nominee for Presidential Management Fellowship (awarded)

## LAW REVIEW PUBLICATIONS

*Executive (Agency) Administration*, 72 STANFORD LAW REVIEW (forthcoming)

*Congress's Agency Coordination*, 103 MINNESOTA LAW REVIEW 1961 (2019)

*Civil Servant Alarm*, 94 CHICAGO-KENT LAW REVIEW 101 (2019) (invited symposium / invited response to Professor Jennifer Nou)

*Interagency Transfers of Adjudication Authority*, 34 YALE JOURNAL ON REGULATION 279 (2017)

*Toward an Intra-Agency Separation of Powers*, 92 N.Y.U. LAW REVIEW ONLINE 101 (2017) (invited response to Professor Jon D. Michaels)

*The Attorney General's Disruptive Immigration Power*, 102 IOWA LAW REVIEW ONLINE 129 (2017) (invited response to former U.S. Attorney General Alberto Gonzales)

*Uncovering Coordinated Interagency Adjudication*, 128 HARVARD LAW REVIEW 805 (2015)

*LGBT Identity in Immigration*, 45 COLUMBIA HUMAN RIGHTS LAW REVIEW 100 (2013)

*Gay American "Deviance,"* 26 WISCONSIN INTERNATIONAL LAW JOURNAL 1 (2008)

*Blood, Land, and Sex,* 7 YALE HUMAN RIGHTS AND DEVELOPMENT LAW JOURNAL 192 (2004) (book review)

### SHORTER WORK

*Heckler v. Chaney*, in Leading Cases in Administrative Law (ABA Section of Administrative Law, ed., forthcoming) (entries by administrative law scholars)

*Putting the Public Administration Back into Administrative Law*, JOTWELL (June 2018) (reviewing Professors Gillian E. Metzger & Kevin M. Stack, *Internal Administrative Law*, 115 MICH. L. REV. 1239 (2017))

*Encouraging Legislative Expertise-Forcing*, TAKE CARE (August 2017) (invited symposium on Professor Josh Chafetz, Congress's Constitution: Legislative Authority and the Separation of Powers (2017))

*Brand X Developments in the Ninth Circuit and Beyond*, 3 IMMIGRATION LAW ADVISOR 7 (September 2009)

### BLOGS

*Presidential Administration via Litigation*, YALE JOURNAL ON REGULATION, NOTICE & COMMENT (June 2019)

*Reliance Interests & the DACA Rescission*, AMERICAN CONSTITUTION SOCIETY (ACS) (April 2018)

*Arizona's Problems with Immigration Federalism*, TAKE CARE (August 2017)

*Domestic Adherence to the Gender Binary*, TAKE CARE (July 2017)

*Vagueness in "Aggravated Felony,"* TAKE CARE (June 2017)

*Passing the Buck in Agency Adjudication*, YALE JOURNAL ON REGULATION, NOTICE & COMMENT (June 2017)

*Limiting Citizenship Inequality*, TAKE CARE (June 2017)

*Agency Power in Immigration*, YALE JOURNAL ON REGULATION, NOTICE & COMMENT (February 2016)

### SELECTED PRESENTATIONS

#### *Executive Administration*

University of Wisconsin Law School / Fourth Annual Administrative Law New Scholarship Roundtable (June 2019) (selected)

Duke University School of Law / Culp Colloquium (May 2019) (invited)

ASU Sandra Day O'Connor College of Law / Faculty Colloquium (April 2019)

Boston College Law School / Regulation and Markets Faculty Colloquium (Jan. 2019) (invited)

AALS Annual Meeting / New Voices in Administrative Law (Jan. 2019) (selected)

ACS Junior Scholars Public Law Workshop (Jan. 2019) (selected)

#### *Litigation as a Mechanism of Presidential Administration*

Yale Law School / Regulatory Change & the Trump Administrative State (March 2019) (invited)

#### *Bureaucratic Disobedience in Immigration*

UCLA Center for the Study of International Migration / Emerging Immigration Scholars Conference (Feb. 2019) (selected)

Chicago-Kent College of Law / The Trump Administration and Administrative Law (Nov. 2018) (invited)

#### *Emancipating Immigration Judges*

ACS / Reimagining Regulatory Reform (Dec. 2018) (invited)

*Executive Litigation Against the Fourth Branch*

University of Utah, Quinney College of Law / Rocky Mountain Junior Scholars Forum (Oct. 2018)  
Loyola Law School / Faculty Colloquium (Sept. 2018) (invited)

*Department of Justice v. The Administrative State*

Law and Society Association Junior Scholars Conference (June 2018) (selected)  
Drexel University, Kline School of Law / Immigration Law Scholars and Teachers Workshop (May 2018)

*Interagency Disruption of the Executive Hierarchy*

ACS Junior Scholars Public Law Workshop (Jan. 2018) (selected)  
AALS Annual Meeting / New Voices in Legislation (Jan. 2018) (selected)

*Interagency Disruption of the Executive Branch*

University of Utah, Quinney College of Law / Rocky Mountain Junior Scholars Forum (Nov. 2017)

*Immigration Adjudication by Enforcement*

ABA Annual Administrative Law Conference / Agency Adjudication Outside of the Administrative  
Procedure Act (Oct. 2017) (invited)

*Non-Delegation, Chevron and the “Dangers” of the Administrative State*

ASU, Sandra Day O’Connor College of Law / Federalist Society Panel (Sep. 2017) (invited)

*Can Backlogged Immigration Courts Handle Trump's Policy Change?*

Phoenix National Public Radio (KJZZ) / The Show (Aug. 2017) (invited)

*Independent Executive Agencies*

Ohio State, Moritz College of Law / Second Annual Administrative Law New Scholarship Roundtable  
(June 2017) (selected)

*The New Legislative Empowerment of Agencies*

Texas A&M University School of Law / Emerging Immigration Scholars Conference (May 2017)

*The New Legislative Fortification of the Fourth Branch*

University of Richmond School of Law / Mid-Atlantic Junior Faculty Forum (May 2017)

*Future of American Immigration*

ASU / Bipartisan Policy Center Panel (Nov. 2016) (invited)

*Interagency Transfers of Adjudication Authority*

Northeastern University School of Law / Faculty Colloquium (April 2016) (invited)

*Administrative Process and the Attorney General's Immigration Review*

NYU Lawyering Scholarship Colloquium (April 2016)

*Process, Politics and the Attorney General's Immigration Review*

NYU Lawyering Scholarship Colloquium (Jan. 2016)

*What Immigration Tells Us About Bureaucratic Power*

AALS Annual Meeting / Is Immigration Law Administrative Law? (Jan. 2016) (invited)

*When Agencies Pass the Buck*

AALS Annual Meeting / New Voices in Administrative Law (Jan. 2016) (selected)  
AALS Annual Meeting / Legislation: Works in Progress (Jan. 2016) (selected)  
NYU Lawyering Scholarship Colloquium (Sept. 2015)

Shah C.V.

*Coordinated Interagency Adjudication and Separation of Powers*

University of Miami School of Law / Emerging Immigration Scholars Conference (June 2015)  
AALS Annual Meeting / Congressional Dysfunction and Executive Lawmaking (Jan. 2015) (invited)

*Coordinated Administrative Adjudication in Immigration and Beyond*

NYU Lawyering Scholarship Colloquium (March 2014)

*Coordinated Administrative Adjudication and Multi-Authority Interagency Processes*

New England School of Law / Regional Law Faculty Scholarship Forum (Feb. 2014)

*Coordinated Agency Adjudication: Typology, Deference and Oversight*

AALS Annual Meeting / New Voices in Administrative Law (Jan. 2014) (selected)

*LGBT Identity in Immigration*

AALS Annual Meeting / Panel on Family and Immigration Law (Jan. 2014) (invited)  
Columbia Law School / Society for Immigrant Rights Symposium (Oct. 2013) (invited)

*LGBTQ Communities in International Development*

Peace Corps Headquarters (May 2013) (invited)

*LGBT Refugee Adjudication and Resettlement: Legal and Socio-Political Considerations*

Dept. of State / Bureau of Population, Refugees and Migration (Nov. 2011, Nov. 2010)  
Dept. of Homeland Security / U.S. Citizenship and Immigration Services (June 2010, April 2009)

*Developments in LGBT Law and Agency Priorities*

Dept. of Justice, with Attorney General Eric Holder and EEOC Commissioner Chai Feldblum (June 2012)  
(invited)  
Dept. of Homeland Security, with Deputy Secretary Alejandro Mayorkas (June 2010) (invited)

*Structure and Function of the U.S. Citizenship and Immigration Services*

Dept. of Justice / Executive Office for Immigration Review (Aug. 2009)

*Comparing Transgender Immigrants, Visiting Same-Sex Partners in the United States, and LGBT Asylees*

Department of Homeland Security / U.S. Citizenship and Immigration Services (June 2009)

**EXPERIENCE**

**DEPT. OF JUSTICE / Executive Office for Immigration Review**

Washington, D.C.

*Associate General Counsel*, 2011 – 2013

Worked with the General Counsel, the Director's Office, and Congress on legal and policy matters. Wrote immigration regulations, legislation, materials for litigation and national policies. Areas of expertise include protections for unaccompanied minors, due process safeguards for detainees, noncitizen survivors of domestic violence, access to counsel for mentally incompetent individuals, the effects of the national prosecutorial discretion initiative, and the impact of the Defense of Marriage Act. Litigated cases under the Federal Tort Claims Act.

**DEPT. OF HOMELAND SECURITY / U.S. Citizenship and Immigration Services**

Washington, D.C.

*Headquarters Quality Assurance Officer*, 2010 – 2011

Oversaw asylum adjudications of unusual asylum cases nationwide, including those pertaining to LGBT communities, domestic violence survivors, gang members and other particular social groups, unaccompanied minors, national security, and Congressional/other highly publicized matters. Wrote official LGBT asylum training. Served on Director's LGBT immigration working group and drafted new transgender guidance.

**DEPT. OF HOMELAND SECURITY / Presidential Management Fellowship**

Washington, D.C.

*Presidential Management Fellow (nominated for appointment by Harvard University), 2008 – 2010*

Adjudicated asylum cases domestically across all substantive areas of protection. Duties included gathering evidence, conducting interviews and making decisions on approximately 10-20 cases per week. Communicated with immigration judges and higher officials. Adjudicated Iraqi refugee cases in Syria.

Detailed to Dept. of Justice / Civil Division, Office of Immigration Litigation

Litigated criminal and other immigration matters in federal courts of appeal. Drafted Comprehensive Immigration Reform legislation. Worked with Assistant Attorney General on high-profile matters, including the development of particular social group regulations.

Detailed to Dept. of Justice / Executive Office for Immigration Review / Board of Immigration Appeals

Wrote Board decisions on criminal law, administrative deference, due process, asylum, and voluntary departure. Wrote lessons for national Immigration Judge trainings.

Detailed to Dept. of State / Office to Monitor and Combat Trafficking in Persons

Oversaw U.S.-sponsored anti-trafficking programs in the Middle East and South Asia.

Detailed to the Dept. of Homeland Security / Office of the Chief Financial Officer / Program Analysis and Execution Department

Guided Dept. of Homeland Security components through Congressional appropriations process.

**GOVERNMENT OF MAURITIUS / Ministry of Finance and Development**

Port Louis, Mauritius

*Harvard University Sinclair Kennedy Fellow, 2007 – 2008*

Transferred agency to outcome-based budget that increased benefits for women covered under national social services and education plans. Created women's civic education and political empowerment curriculum for national distribution.

**UBS PAINWEBBER**

New York, NY

*Investment Banker: Municipal Securities Group, 2001 – 2002*

Structured and underwrote unique assets/equity/liabilities for student loans and municipal projects for over 100 corporations and authorities. Helped increase market share to 60% of total industry.

UNDERGRADUATE EDUCATION

**BRANDEIS UNIVERSITY**

B.A., Philosophy and Psychology (dual degree) with honors, May 2001

Justice Brandeis Scholar (merit-based four-year scholarship)

*Psi Chi*: National Honor Society in Psychology

BAR ADMISSIONS:

Commonwealth of Massachusetts

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Ninth Circuit