

# UNITED STATES COURT OF APPEALS

## Immigration Law Training

March 24, 2016, San Francisco

### **Panelist Bios**

**Honorable Carlos T. Bea, Circuit Judge**, received his commission as a Ninth Circuit Judge on October 1, 2003. Judge Bea received both his B.A. and his J.D. from Stanford University, and he served as a Superior Court Judge for the County of San Francisco from 1990 to 2003 after a long and distinguished career in private practice.

**Honorable Marsh S. Berzon, Circuit Judge**, received her commission as a Ninth Circuit Judge on March 16, 2000. Judge Berzon received her B.A. from Radcliffe College and her J.D. from the University of California, Berkeley, Boalt Hall School of Law. She was a law clerk to Judge Browning of this Court and to Justice Brennan of the Supreme Court, and has lectured at Berkeley and Cornell, in addition to her extensive career in private practice.

**Honorable William A. Fletcher, Circuit Judge**, received his commission as a Ninth Circuit Judge on October 9, 1998. After graduating with B.A. degrees from both Harvard College and The University of Oxford, Judge Fletcher served in the Navy as a Lieutenant for two years before returning to obtain his J.D. from Yale Law School. He was a law clerk to Judge Weigel of the Northern District of California and to Justice Brennan of the Supreme Court. He then served for over 20 years as a Professor of Law at the University of California, Berkeley, Boalt Hall School of Law, where he has continued to teach since his appointment to this Court.

**Claudia Bernard** is the Chief Circuit Mediator for the Ninth Circuit Court of Appeals where she leads a staff of seven professional mediators and mediates cases on appeal. Prior to her appointment as Chief Circuit Mediator in 2007, she served as a Ninth Circuit Mediator for eighteen years. She has mediated over three thousand cases. She has taught mediation and negotiation at law schools throughout the U.S. and around the world. She has provided mediation and mediation advocacy training to judges and lawyers in India, Germany, Uganda, and the Pacific Islands; and nationally to judges and lawyers in state and federal courts in California, Arizona, the District of Columbia, Idaho, Washington, Oregon, Alaska and Guam; and for lawyers in the U.S. Department of Justice, the California Attorney General's Office, the Federal Judicial Center, the American Bar Association, and the Federal Bar Association. Ms. Bernard co-teaches an annual symposium for international judges and lawyers on designing and implementing court ADR programs, consults on court related ADR programs for the Federal Judicial Center, and is chair of the Federal Judicial Center's Advisory Committee on Executive Education. Ms. Bernard has a keen interest in neuroscience and its application to mediation and has presented on the topic widely, both nationally and internationally. She received the Mediation Society of San Francisco's 2011 Award for Outstanding Contribution to the Field of Mediation, and the Ninth Circuit Mediation Office received the 2014 Robert A Peckham Award for Excellence in Alternative Dispute Resolution. Before coming to the Ninth Circuit, Ms. Bernard practiced civil litigation in San Francisco and clerked for a federal judge.

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**John Blakeley**: A graduate of the U.S. Naval Academy and Notre Dame Law School, where he also earned an LL.M. in international human rights law, Mr. Blakeley joined the Office of Immigration Litigation at the Department of Justice in 2006. Prior to joining OIL, Mr. Blakeley spent more than seventeen years in government service, first with the U.S. Navy and later with the U.S. Commission on Civil Rights. He also operated his own immigration practice in South Bend, Indiana. In 2008, he became a Senior Litigation Counsel, serving most of that time on the Appellate team, where he handled rehearing petitions in the courts of appeals and immigration cases in the Supreme Court. Mr. Blakeley has been serving as Assistant Director since September 2014, managing a team of fifteen attorneys litigating immigration cases in the district courts and the courts of appeals.

**Kathy Brady** is Senior Staff Attorney at the Immigrant Legal Resource Center, a national non-profit back-up center in San Francisco. Since 1988, one of her specialties there has been the immigration consequences of criminal convictions. She is the primary author of *Defending Immigrants in the Ninth Circuit*, which in its current form and as the former *California Criminal Law and Immigration* has been a publication since 1990. With Norton Tooby, she is the co-author of the CEB publication *California Criminal Defense of Immigrants*, and for many years was co-author of the section on defending noncitizens in the CEB manual *California Criminal Law: Procedure and Practice*. She also is a co-author of the ILRC's *Special Immigrant Juvenile Status* and the *Immigration Benchbook for Juvenile and Family Courts*. She has helped found coalitions and projects to address these issues, including serving as a co-founder of the *Defending Immigrants Partnership* and the *Immigrant Justice Network*. She authored briefs in key Ninth Circuit cases on immigration and crimes. Kathy graduated from Stanford University and Boalt Hall School of Law. She taught immigration law as an adjunct professor at Santa Clara University and New College School of Law, and supervised students at the Stanford University Law School Immigration Clinic. In 2007, she received the Carol King award for advocacy from the National Immigration Project of the National Lawyers Guild, and she served as a Commissioner to the ABA Commission on Immigration from 2009-2012.

**Holly Cooper** has extensive litigation experience defending the rights of immigrants and is a nationally recognized expert on immigration detention issues and on the immigration consequences of criminal convictions. Ms. Cooper joined the UC Davis law faculty in 2006 and is currently the Associate Director of the Immigration Law Clinic where she focuses on advocating for the rights of detained immigrants. In 2011, she was the recipient of the King Hall Legal Foundation's Outstanding Alumni Award and the Carol Weiss King award from the National Lawyers Guild. Ms. Cooper also trains lawyers on a national level and regularly speaks at academic conferences on appellate and detention issues. In the international domain, Ms. Cooper has worked on human rights issues in Haiti and has volunteered on multiple human rights delegations to Haiti since the earthquake.

**Jennifer J. Keeney**, Senior Litigation Counsel, joined the Department of Justice's Office of Immigration Litigation through the Honors Program in 2003. She received her Bachelor of Arts from Northern Arizona University in 1995 and received her law degree from the University of Maryland School of Law in 2003. While at OIL, Ms. Keeney has handled a variety of significant criminal immigration issues at the rehearing stage and before the Supreme Court, including *Kawashima v. Mukasey*, 530 F.3d 111 (9th Cir. 2008) and *Nijhawan v. Holder*, 129 S. Ct. 2294 (2009). Ms. Keeney currently serves as the office's subject matter expert for criminal immigration issues, including issues raised by *Descamps v. United States*, 133 S. Ct. 2276 (2013) and, in that capacity, is responsible for formulating and coordinating OIL's litigating positions, and assisting OIL attorneys with criminal immigration matters. Ms. Keeney has presented on criminal and other immigration related issues at the Executive Office of Immigration Review's Legal Training Program, the Department of Homeland Security Annual Conferences, the Federal Bar Association Immigration Law Seminar, OIL's Annual Immigration Law Seminar, the National Advocacy Center's Annual Immigration Litigation Conference, and OIL's Criminal Immigration Training.

**Zachary M. Nightingale** practices immigration law in San Francisco, California. A partner at Van Der Hout, Brigagliano & Nightingale, LLP, his immigration practice for the last 20 years has focused on deportation defense and litigation in immigration and federal courts. He received his J.D. and M.S. (mathematics) from Stanford and A.B. from U.C. Berkeley, and is certified by the State Bar of California as an expert in immigration law. Mr. Nightingale was honored with AILA's 2003 Jack Wasserman Memorial Award for excellence in litigation, and was the 2014 NIP/NLG member honoree for outstanding contributions to the cause of immigrant justice.

**Avantika Shastri** is the legal director for the San Francisco Immigrant Legal Defense Collaborative (SFILDC), a unique collaboration of 13 non-profit organizations dedicated to providing representation to unaccompanied children and families facing deportation on the expedited dockets at the San Francisco Immigration Court. She is also the legal director for immigration programs at The Bar Association of San Francisco. Prior to her current position, Avantika was in private practice for ten years at Van Der Hout, Brigagliano and Nightingale, LLP in San Francisco, where she represented many individuals and families before the immigration agencies, immigration courts, and federal courts. Most recently, she was lead counsel in *Singh v. Holder*, 771 F.3d 647 (9th Cir. 2014). She has also been co-counsel and counsel for amici curiae in many other cases before the Ninth Circuit and other Courts of Appeal. Avantika received her B.A. and J.D. from the University of California, Berkeley.

**Ilyce Shugall** is the Directing Attorney of the Immigration Program at Community Legal Services in East Palo Alto. Since she started the position in March of 2012, she has worked greatly to expand the services the immigration program provides to the community and has tripled the size of the staff. Under her leadership, CLSEPA's immigration attorneys were some of the first responders to the surge crisis in the immigration courts in 2014. Prior to joining CLSEPA, Ilyce was a partner at Van Der Hout, Brigagliano & Nightingale, LLP, where she worked for over 10 years. Before joining the private sector, Ilyce worked for two years at the South Texas Pro Bono Asylum Representation Project (ProBAR) as a National Association of Public Interest Law Equal Justice Fellow. Ilyce was recently appointed to the State Bar Commission on Immigration and

Nationality Law and received the Silicon Valley Business Journal's Women of Influence award in 2015. She also published articles in various AILA publications, in Immigration Briefings, and was the update editor of the treatise, Immigration Law and the Family from 2012 to 2015. Ilyce also serves as the AILA NorCal coordinator for the Volunteer Immigration Program. Ilyce has a JD from DePaul University College of Law and a BA from the University of Wisconsin, Madison

**Allison Taylor** has been a staff attorney in the Motions Unit of the Ninth Circuit since 2006. She is currently the lead attorney in Motions, and is responsible for handling a wide variety of matters as well as training new staff. Prior to joining the Ninth Circuit, she was a trial attorney for the Department of Homeland Security working primarily in the San Francisco immigration court.

**Stacy Tolchin** established the Law Offices of Stacy Tolchin in 2010 and practices exclusively in immigration law. Ms. Tolchin primarily litigates before the Courts of Appeals and U.S. District Courts, as well as the Board of Immigration Appeals and the immigration courts, and speaks regularly at conferences regarding federal court immigration litigation. Ms. Tolchin is the recipient of the American Immigration Lawyers Association's 2009 Jack Wasserman Award for Excellence in Immigration Litigation, the 2009 American Civil Liberties Union of Southern California Equal Justice Advocacy Award, the 2008 recipient of the National Immigration Law Center Annual Award, a 2007 Recipient of the "Unsung Hero" Award for the National Lawyers Guild of the Bay Area, and was recognized in 2003 by the Arab-American Anti-Discrimination Committee of San Francisco. She is a member of the Board of Directors of the National Immigration Project for the National Lawyers Guild, a member of the Advisory Committee of the Legal Action Center of the American Immigration Council, a member of the Advisory Committee of the Litigation Section of the American Immigration Lawyers Association, and a member of the National Lawyers Guild. Prior to establishing her practice, Ms. Tolchin was an attorney with Van Der Hout, Brigagliano & Nightingale, LLP from 2001 through 2010. Ms. Tolchin is a graduate of University of California at Los Angeles (JD).

**Marc Van Der Hout** is the founding member of Van Der Hout, Brigagliano & Nightingale, LLP, in San Francisco and a California State Bar Certified Specialist in Immigration and Nationality Law. Mr. Van Der Hout has been recognized by bar associations and other organizations throughout the country for his innovative and successful representation of immigrants. He has litigated many cases of national significance in the federal courts and is nationally recognized for taking on and winning difficult cases. He has twice received the American Immigration Lawyers Association premier award for outstanding litigation in the field of immigration law, and has received numerous other awards during the course of his 35 year career. In 2009 he received the Robert G. Sprouls Jr. Award from the San Francisco Lawyers Committee for Civil Rights in recognition of his commitment to civil rights and his outstanding support of pro bono legal services. In 2008, he received the California Lawyer Attorney of the Year award for outstanding achievement in his field, and in 2009 was chosen by the Los Angeles Daily Journal as one of the Top 100 Attorneys in California. He has been included on the list of *The Best Lawyers in America* under immigration law in San Francisco every year since 1995. Most recently, Mr. Van Der Hout was recognized as one of the 100 Top Attorneys in Northern California for 2015 by San Francisco Magazine, an honor he has received several times over the past decade.

Mr. Van Der Hout graduated from the University of Michigan in 1970 and from Golden Gate University School of Law in 1977. He was national president of the National Lawyers Guild in 1985-86, is a past chair of the National Immigration Project of the National Lawyers Guild and has served on its governing board for over 25 years. Mr. Van Der Hout is also an active member of the Board of Governors of the American Immigration Lawyers' Association (AILA) on which he has served for over 20 years. Mr. Van Der Hout has authored many articles over the years and has lectured extensively throughout the country on many aspects of immigration law with an emphasis on federal court litigation and deportation defense. In addition to his private practice, he has served as an adjunct professor of immigration law at Hastings College of the Law and Boalt Hall (now Berkeley) School of Law.

**Anne M. Voigts** is an Assistant United States Attorney in the Northern District of California, working in the Appellate Division. She joined the office after serving as an appellate AUSA in the Central District of California. Before that, Ms. Voigts worked at Munger, Tolles & Olson LLP, handling cases before state and federal appellate courts, as well as the United States and California Supreme Courts. She clerked for the Honorable Stephen Reinhardt on the United States Court of Appeals for the Ninth Circuit and Justice John Paul Stevens on the United States Supreme Court. Ms. Voigts has also taught appellate advocacy at USC law school and criminal procedure at Boalt Hall, and she has published a number of articles on legal issues. Ms. Voigts received her B.A. from Yale University and her J.D. from Columbia University, where she served as Executive Articles Editor of the Columbia Law Review. Prior to becoming a lawyer, she served as a Peace Corps Volunteer for nearly four years in West Africa. She currently serves as the chair of the appellate lawyer representatives and lead editor of the appellate lawyer representatives' practice guide, available at <http://cdn.ca9.uscourts.gov/datastore/uploads/guides/AppellatePracticeGuide.pdf>.

**Jonathan Westen** has been a Staff Attorney in the Research Unit of the Ninth Circuit Court of Appeals since 2004. He currently serves as the legal adviser of the Immigration-Asylum group, and for the past nine years Mr. Westen has trained new staff attorneys on immigration issues. Prior to joining the Ninth Circuit, Mr. Westen clerked for U.S. District Court Judge Bruce D. Black in Albuquerque, New Mexico, and subsequently served as a dedicated clerk to Chief U.S. District Court Judge James A. Parker for the espionage trial of Wen Ho Lee. Mr. Westen also spent several years as an associate at Heller Ehrman.