

KATHERINE L. EVANS
Duke University School of Law
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CURRENT APPOINTMENT

Duke University School of Law, Durham, NC

Clinical Professor of Law

Director, Immigrant Rights Clinic, July 2019 - present

Designed and created Duke's new immigration clinic, including launching its community partnerships, direct representation, and school-wide *pro bono* opportunities. Supervise students in their representation of immigrant clients in administrative, state, and federal courts with a focus on deportation defense. Develop research, and litigation and policy advocacy strategies with partner organizations. Teach lecture and seminar classes, including Crimmigration Law, Race & Immigration Policy, and U.S. Immigration and Nationality Law.

Select projects include:

- Secured a \$2.5 million gift to support the clinic's operations through the 2027 Fiscal Year;
- Launched a *Pro Se* Asylum Project to help 20 families file asylum applications in immigration court, in partnership with UNC's Immigration Clinic and the Charlotte Center for Legal Action;
- Launched a DACA renewal program in partnership with El Centro Hispano to represent more than 35 DACA recipients renewing their status;
- Led groups of students to counsel immigrants detained at the Alamance County Jail on credible fear interviews and avenues for release; approximately 80% of clients passed their interviews;
- Represented a detained client in habeas challenge to prolonged detention, resulting in U.S. district court decision requiring ICE to justify client's detention in hearing before a U.S. district judge;
- Developed model briefing on immigration consequences of state-controlled substance conviction; *amicus* support from criminal defense scholars, federal and state criminal defense offices, and national immigrant rights advocacy groups;
- Authored a model *amicus* brief for the Fourth Circuit on asylum eligibility based on gender;
- Developed an electronic toolkit for *pro se* asylum applicants to secure rights under national class action settlement; clinic students are presenting resource in a national CLE;
- Co-authored an *amicus* brief for the Fifth Circuit with the Harvard Immigration and Refugee Clinic regarding the proper interpretation of the persecutor bar in U.S. asylum law, resulting in A.G. certification of underlying agency decision;
- Co-authored the law scholars' brief with NYU's Immigrant Rights Clinic on legal significance of certain criminal court records following *Pereida v. Whitaker*.

PAST APPOINTMENTS

UNIVERSITY OF IDAHO COLLEGE OF LAW, Moscow, ID

Associate Professor of Law

Director, Immigration Litigation & Appellate Clinic, August 2016 – June 2019

Supervised students in their representation of immigrant clients before the Immigration and Citizenship Service, Immigration Courts, Board of Immigration Appeals, and U.S. Courts of Appeals. Led community outreach and education throughout the Northwest in partnership with service providers and immigrant organizers. Oversaw contract to provide immigration services and education to administrators and noncitizen students at Washington State University. Taught U.S. Immigration Law and Policy.

Select projects include:

- Participated in Ninth Circuit's *pro bono* law clinic program to represent clients in their petitions for review of final removal orders; students led drafting of the briefs and presented oral argument;
- Represented client in bond hearing to secure his release after 2.5 years of detention; won reversal of removal order before the Ninth Circuit, and won asylum in immigration court;
- Developed Emergency Planning Guide for Immigrant Families in Idaho in conjunction with local organizing groups and the Mexican Consulate; students drafted the guide and then participated in a series of trainings throughout the state; students won the local human rights award for their work;
- Developed white papers in partnership with the ACLU of Idaho on the potential consequences for local law enforcement agencies of engaging in federal immigration enforcement;
- Developed research and *amicus* briefing for challenges to enforcement of immigration detainers under Minnesota and Montana state law, leading to victories in both states;
- Co-authored *amicus* brief to the Board of Immigration Appeals on behalf of International Refugee Law Scholars regarding the proper interpretation of the persecutor bar in U.S. asylum law.

UNIVERSITY OF MINNESOTA SCHOOL OF LAW, Minneapolis, MN

Teaching Fellow, Binger Center for New Americans, October 2013 – July 2016

Co-taught the Detainee Rights Clinic, which focused on representing detained noncitizens in immigration court and in administrative appeals. Co-taught the Federal Immigration Litigation Clinic, which focused on appeals in the U.S. Courts of Appeals and the U.S. Supreme Court, and habeas and mandamus petitions in the U.S. District Courts. Supervised students working on asylum cases.

Select projects include:

- Represented Sierra Leonean refugee in habeas challenge to prolonged detention with co-counsel from Dorsey & Whitney LLP and ACLU of Minnesota, securing his release; student argued in U.S. district court; case was the subject of *The Refugee Dilemma* in the NEW YORKER;
- Represented Tunisian client in merits briefing in *Mellouli v. Lynch* before the U.S. Supreme Court;
- Developed practice advisory in conjunction with the state's largest public defense office on the impact of certain charges and negotiating strategies for noncitizens; students presented the analysis at a CLE to over 100 practitioners;
- Led group of students to represent women and children in family detention center to challenge deportation and secure rights to seek asylum following immigration raids;
- Provided legal rights presentations and individual screenings in immigration detention centers.

ST. THOMAS UNIVERSITY SCHOOL OF LAW, Minneapolis, MN

Adjunct Clinical Professor, September 2012 – May 2013

Co-taught the Appellate Immigration Clinic. Supervised students' merits briefing to the Eighth Circuit, which resulted in a settlement with the U.S. Department of Justice. Supervised students in drafting *amicus* brief to the Fourth Circuit on behalf of the American Immigration Lawyers Association, which resulted in leading precedent on gang-based asylum claims.

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D., *magna cum laude*, May 2009

Honors: *Order of the Coif*

Root-Tilden-Kern Scholar, full tuition awarded for public service, leadership and academic merit;

Florence Allen Scholar, awarded to the top ten percent of students after four semesters;

Ann Petluck Poses Memorial Prize, Dean's award for exceptional work in Immigrant Rights Clinic;

Flora S. & Jacob L. Newman Prize, outstanding Note in N.Y.U. REV. OF LAW & SOCIAL CHANGE

BROWN UNIVERSITY, Providence, RI

B.A., International Development Studies, *honors, magna cum laude*, June 1999

JUDICIAL CLERKSHIPS

HON. DIANA MURPHY, U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT	2011 – 2012
HON. THOMAS KALITOWSKI, MINNESOTA COURT OF APPEALS	2010 – 2011
HON. HARRIET LANSING, MINNESOTA COURT OF APPEALS	2009 – 2010

PUBLICATIONS

ARTICLES

A.M. Stafford, A. Tanna, K. Moreno Bueno, G.A. Nagy, I.C. Felsman, S. de Marchi, R. Cholera, K. Evans, E. Posada, & R. Gonzalez-Guarda, *Documentation status and self-rated physical health among Latinx young adult immigrants: The mediating roles of immigration and healthcare stress*, J. OF RACIAL AND ETHNIC HEALTH DISPARITIES (Feb. 2022) (part of Bass Connections class)

Punishing with Impunity: The Legacy of Risk Classification Assessment in Immigration Detention, 36 GEO. IMMIGR. L.J. 1 (Fall 2021) (co-authored with Robert Koulish) (selected for republication by Bender's Immigration Bulletin)

Manipulating Risk: Immigration Detention Through Automation, 24 LEWIS & CLARK L. REV. 789 (2020) (co-authored with Robert Koulish) (selected for republication by Bender's Immigration Bulletin)

Detainers, Discretion, and State Law's Historical Constraints, 84 BROOK. L. REV. 1085 (2019)

Drawing Lines Among the Persecuted, 101 MINN. L. REV. 453 (2016)

The I.C.E. Storm in U.S. Homes: An Urgent Call for Policy Change, 33 N.Y.U. REV. L. & SOC. CHANGE 561 (2009)

LEGAL COMMENTARY:

SCOTUSblog: *Pereida v. Whitaker* (argued Oct. 14, 2020)

Decision analysis: *Strict consequences for some non-citizens seeking deportation relief*

Argument analysis: *Justices weigh mandatory deportations based on "thin reed" of minor crimes*

Case preview: *Harsh immigration consequences from ambiguous state criminal convictions*

NC Courts need the power to protect the state's immigrants from unlawful detention, NC Policy Watch (Nov. 2019)

Under Trump, ICE No Longer Recommends Release for Immigrants in Detention, crImmigration.com, July 26, 2018 (co-authored with Robert Koulish)

Litigating Mellouli v. Lynch: Adventures in Team Whack-a-Mole, crImmigration.com, June 9, 2015

PRACTICE GUIDES:

Litigation Update in Negusie v. Holder: The Board of Immigration Appeals Nears Decision on the Persecutor Bar, 22 Bender's Immigr. Bull. 1383 (Dec. 1, 2017)

Matter of M-E-V-G- and the BIA's Confounding Legal Standard for "Membership in a Particular Social Group," 14-06 Immigr. Briefings 1 (June 2014) (co-authored)

BOOK CHAPTERS:

Field Guide to Appropriate Technology 125-129, 150-154 (Barrett Hazeltine & Christopher Bull eds., Harcourt Academic Press 2003) (chapters on NGO accountability and program evaluation)

PRESENTATIONS

Academic Presentations:

Southeastern Association of Law Schools, Annual Conference, July 2022

Panelist: *Immigration Systems Past & Present*

Immigration Law Teachers and Scholars' Workshop, June 2022

Invited Panelist: *Launching an Immigration Clinic*

American Association of Law Schools Conference on Clinical Legal Education, May 2022

Workshop Organizer and Panelist: *Advancing Advocacy, Access to Justice, and Learning Objectives Through Technology*

Border Criminologies, Global Borderlands Conference, September 2021

Presenting paper: *Legitimizing Unjust Detention Using Risk*

American Association of Law Schools Conference on Clinical Legal Education, May 2021

Hot Topics Panelist and Panel Organizer: *Navigating New Boundaries in Client-Centered Lawyering and Student Supervision*

Campbell University School of Law, March 2021

Immigration Nation, Part 2

William and Mary School of Law, JOURNAL OF RACE, GENDER, AND SOCIAL JUSTICE Symposium: *Justice Across Borders: Social Justice and Its Intersections with Law, Immigration, and Human Rights*, Feb. 2021

Panelist: Immigration Clinicians in the Trump Era

Campbell University School of Law, September 2020

Immigration Nation, Part 1

Southern Clinical Law Conference, October 2019

Panelist: *Teaching Client Interviewing*

Law and Society Annual Meeting, June 2019

Presenting paper: *Immigration Detention: Manipulating Risk in the Obama Era*

Denver University, *Crimmigration Law & Policy Event Series*, April 16, 2019

Panelist: *Upending Immigration Imprisonment: Immigration Detainer Challenges*

American Association of Law Schools Annual Meeting, January 2019

Presented *Detainers, Discretion, and State Law's Historical Constraints* at "New Voices in Immigration Law" session

American Association of Law Schools Conference on Clinical Legal Education, May 2018

Panelist: *Naming Our Core Values When Teaching and Lawyering in a Time of Crisis*

Renfrew Colloquium: *Teaching Immigration Detention and Due Process in the Trump Era*, February 2018

Midwest Clinical Legal Education Conference, October 2017

Panelist: *Beyond the traditional client/attorney paradigm: Modeling professional responsibility in an increasingly complex ethical world; guidance for clinicians and law students providing cause-driven legal services*

Law and Society Annual Meeting, May 2014

Presented paper in panel on “*Comparative Approaches to Refugee and Asylum Law*”

Robina Institute’s Crimmigration and Human Rights Workshop, October 2013

Commentator on Ana Aliverti’s paper, “*The Wrongs of Unlawful Immigration: an analysis of the criminalization of breaches to immigration regulation*”

Presentations to Professional Associations and Community Organizations:

Inaugural Fourth Circuit Asylum Law Conference, March 2022

Co-sponsored by William & Mary Law School Immigration Clinic, Immigrant Justice Corps, and William & Mary Center for Racial and Social Justice

Panelist, *Developments in Fourth Circuit Case Law*

American Immigration Counsel, March 2022

Panelist (with clinic students): Resources for Asylum Seekers under *Mendez-Rojas* Settlement

UndocuCarolina K12 Educator Training, February & March 2022

Presenter on immigration laws affecting students and their families

Duke Law Live: *Litigating Immigration Policy*, January 2022

Immigrant Defense Project & National Immigration Project of the National Lawyers Guild, Crimes & Immigration Seminar (February 2022)

Panelist: *Advanced Divisibility Arguments*

Duke Law Board of Visitors, November 2021

Panelist: Teaching During the COVID-19 Pandemic

Immigrant Justice Idaho Fall Skills Conference, November 2021

Panelist: Crimes Screening: Identifying Potential Adverse Immigration Consequences of Crimes

National Immigration Project of the National Lawyers Guild, Annual Litigation Meeting, October 2021

Discussion Leader: Hot Topics in Crimmigration Law

Immigrant Justice Idaho’s 2021 Technical Skills Training Series, May 2021

Panelist: Categorical Analysis: A deep dive into divisibility analysis post-SCOTUS *Pereida* decision

Duke Law Supreme Court Faculty Discussion Series, June 2020

Discussant: *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*

American Immigration Council, Litigation Strategy Workshop, December 2020

Facilitator: Challenging Immigration Enforcement

Immigrant Justice Idaho Fall Skills Conference, November 2020

Moderator: Hot Topics in Federal Litigation

Immigrant Justice Idaho Fall Skills Conference, November 2020
Panelist: Petitions for Review at the Ninth Circuit

National Immigration Project of the National Lawyers Guild, Annual Conference, July 2020
Presenter: The Categorical Approach

El Poder, Securing Asylum Rights for Community Members (with law students), February 2020

Duke Hospital Neonatology Grand Rounds, January 2020
Presentation on New Public Charge Rule (with clinic student),

National Immigration Project of the National Lawyers Guild, Annual Meeting, October 2019
Hot Topics in Criminal-Immigration Law

Moscow Human Rights Commission: *Asylum, Sanctuary, Refugees*, March 2019

American Immigration Lawyers Association, Colorado Chapter, October 2018
Panelist: *Hot Topics in Crimmigration Law*

Federal Bar Association, E.D. Washington Annual Meeting, September 2018
Moderator: *Scaling the Wall – Developments in Immigration Law*

American Immigration Lawyers Association, Idaho Chapter, September 2018
Panelist: *Analyzing the Immigration Consequences of Crimes*
Intro to the Categorical and Modified Categorical Approach Crimes
Recent Trends/Hot Topics in the Crim/Imm World

League of Women Voters: *DACA, Dreamers, and Congressional Inaction*, April 2018

American Immigration Lawyers Association, Minnesota-Dakotas Chapter, March 2018
Featured National Speaker: *Challenges to Immigration Detention*

17th Annual Whitman County STOP Training, October 2016
Panelist, *Resources for Immigrant Victims of Crime on the Palouse*

American Immigration Lawyers Association, National Annual Conference, June 2016
Panelist, *Emerging Issues in Criminal Grounds of Removability*

American Immigration Lawyers Association, Iowa-Nebraska Chapter Annual Conference:
Moderator, *Federal Immigration Litigation*

American Immigration Lawyers Association, 2015 Fall CLE Conference: “The Absolute Waivers Conference—In the Land of 10,000 Lakes”
Panelist, “*Eligible for 212(h)? ‘You Betcha’—All the Good Stuff*”

William B. Lockhart Club Annual Dinner for Major Donors to the Univ. of Minn. Law School, Sept. 2015,
Featured Faculty Address, “*How Impact Litigation Impacts Legal Education: Taking Mellouli v. Lynch to the U.S. Supreme Court*”

Hennepin County Public Defenders, September 29, 2015
Panelist, “*Defending Noncitizens Charged with Terroristic Threats and Other Common Minnesota Offenses*”

American Immigration Lawyers Association, Minnesota-Dakotas Chapter, September 2015, Presenter,
“Navigating the Categorical Approach in Mellouli v. Lynch”

American Immigration Lawyers Association, Minnesota-Dakotas Chapter, May 2015
Roundtable Host, *“Preparing Your Case for Appellate Review”*

American Immigration Lawyers Association, Minnesota-Dakotas Chapter, January 2015
Panelist and Program Organizer, *“Immigration Litigation in Federal Court”*

Immigration Advocates Network (IAN) webinar, May 2014
Panelist, *“Persecutor or Persecuted: Navigating the Asylum Bar”*

The Advocates for Human Rights 2013 Asylum Conference
Panelist, *“Name that Social Group”*

American Immigration Lawyers Association, Annual Conference, June 2013
Panelist and Author, *“Motions to Suppress & Immigration Court Challenges to Illegal Government Action”*

American Immigration Lawyers Association, Minnesota-Dakotas Chapter, June 2013
Panelist, *“Recap of AILA National Conference”*

Minnesota Bar Association, Immigration Section, February 2013
Panelist, *“Big Impact Litigation: How to Successfully Prepare Immigration Impact Litigation”*

Immigrant Rights Center of Minnesota, December 2012
Panelist, *“Eighth Circuit and Supreme Court Immigration Litigation: A Year in Review, the Year Ahead”*

American Immigration Lawyers Association, Minnesota-Dakotas Chapter, November 2012
Panelist, *“Qualifying Asylum Ground - Membership in a Particular Social Group”*

SERVICE

Duke University School of Law:

Chair, Hiring Committee for Criminal Defense Clinic Director, December 2021 – present
Member, Public Interest and Pro Bono Committee, September 2019 – present
Member, Teaching and Learning Committee, September 2021 – present
Faculty Advisor, Duke Immigrant & Refugee Project, July 2019 – present
Supervising Attorney, Duke Immigrant & Refugee Project, Pro Bono Projects, July 2019 – present
Presenter for Define American Chapter at Duke on issues affecting DACAmented and undocumented students

University of Idaho:

Member, University of Idaho College of Law Curriculum Committee, 2018–2019
Member, University of Idaho Assessment Committee, 2018-2019
Faculty Advisor, American Constitution Society Student Chapter, 2018–2019
Faculty Advisor, Othello Project, 2017–2019
Coach, National Latino Law Student Association Moot Court Team, 2017
Faculty Advisor, Multicultural Student Association, 2017-2018
Faculty Advisor, Latino/a Law Caucus, Present

Community Outreach:

Advisory Board Member, Durham Immigrant Defense Fund, Durham, NC

Founding Board Member, Immigrant Justice Idaho, Boise, ID

Honors:

Faculty Mentor, Alumni Award of Excellence, University of Idaho, 2018

Diversity and Human Rights Award, University of Idaho College of Law, 2016 – 2017

Minnesota Lawyer of the Year, 2015

SELECT PAST EXPERIENCE

CASPER & EVANS, P.A., Minneapolis, MN

Partner, August 2012 – October 2013

Represented clients before immigration court, Board of Immigration Appeals, USCIS, and federal courts. Represented Immigrant Law Center of Minnesota as *amicus curiae* before Minnesota Court of Appeals in support of petitioner mother's successful challenge of adverse child custody order based on her undocumented immigration status. Successfully challenged the local policy of denying incarcerated U.S. citizens the right to obtain immigrant visas for their noncitizen spouses and children in U.S. District Court.

DOCTORS WITHOUT BORDERS/MÉDECINS SANS FRONTIÈRES (MSF), New York, NY

U.S. Coordinator, Campaign for Access to Essential Medicines, December 2005 – August 2006

Program Associate, Campaign for Access to Essential Medicines, March 2003 – November 2004

Developed advocacy strategies to increase access to medicines in developing countries. Briefed congressional staff on impact of U.S. trade policy on access to treatment in poor countries. Drafted advocacy material for media and policy-makers. Negotiated with pharmaceutical company executives. Coordinated handover event of HIV/AIDS treatment project in rural Uganda to the Ugandan Ministry of Health.

Media briefings: *Time*, *Newsweek*, *The New York Times*, *Chicago Tribune*, *Chicago Sun-Times*, *LA Times*.

DOCTORS WITHOUT BORDERS/MÉDECINS SANS FRONTIÈRES (MSF), Guatemala City, Guatemala

Financial and Human Resources Administrator, December 2004 – September 2005

Managed \$2 million budget for HIV/AIDS clinic, project for street children, and headquarters.

Developed cost comparison of AIDS treatment in MSF projects, national hospital, and the Global Fund for HIV/AIDS to facilitate transfer of HIV/AIDS treatment project to Guatemalan government.

ADMISSIONS

- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Eighth, and Ninth Circuits
- U.S. District Court for the District of Minnesota
- Minnesota (inactive) and Idaho (active)

LANGUAGE

- Proficient in Spanish