

# BIJAL SHAH

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## ACADEMIC APPOINTMENTS

### **BOSTON COLLEGE LAW SCHOOL**

*Associate Professor of Law, Provost Faculty Fellow, and Dean's Distinguished Scholar*, Fall 2022 – present

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

Professional Service: Co-Creator, Workshop Series on Critical Public Law (2022-present); Co-Organizer, Power in the Administrative State Workshop (2022-present); Academic Consultant, Administrative Conference of the United States (ACUS) Council on Federal Agency Adjudication (2020-present); Chair Emeritus, Chair, Chair-Elect & Member, Assoc. of American Law Schools (AALS) Executive Committee on Legislation & Law of the Political Process (2019-present); Co-Managing Editor, ADMINISTRATIVE & REGULATORY LAW NEWS, published quarterly by the American Bar Assoc. (ABA) (2018-2021); Contributing Editor, JOTWELL (Section on Administrative Law) (2017-present); Peer reviewer, internal and external candidate and tenure files (2017-present); Peer reviewer, flagship law reviews at Yale, Harvard, Stanford & Columbia) (2016-present).

Recognition: Interview in AALS News (2021); AALS Administrative Law Section “Meet a Member” (2020); “Excellent Faculty Mentor,” ASU International Students & Scholars Center (2017)

Media: Interviews include TIME Magazine, NPR, AP, American Prospect, REUTERS, BLOOMBERG, ABC, PBS, The Guardian, AXIOS Boston, The Arizona Republic, Communication Daily (FCC reporting)

### **UNIVERSITY OF CALIFORNIA, BERKELEY LAW SCHOOL**

*Visiting Professor of Law*, Spring 2022

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

*Associate Professor of Law*, Fall 2016 – Spring 2022; *Affiliated Faculty, ASU Center on the Future of War*, 2019 – 2022

University Service: Chair, ASU Law Junior Faculty Scholarship & Development Committee (2020-2022); ASU Queer Faculty Association (2016-present); ASU Law Colloquium Committee (2016-2018)

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

*Acting Assistant Professor of Lawyering*, June 2013 – May 2016

University Service: Chair & Member, NYU Oral Argument Exercise Committee (2013-2016); NYU Lawyering Hiring Committee (2014-2015); NYU Law Women of Color Collective Faculty Mentor (2013-2015)

## EDUCATION

### **YALE LAW SCHOOL**

*Juris Doctor*, June 2007; *Yale Law Journal* (Senior Editor), *Yale Journal of International Law* (Submissions Editor), Yale University Kirby Human Rights Fellow (twice); Lowenstein Human Rights Clinic; Research Assistant to Prof. Ian Ayres

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

*Master of Public Administration*, A-Level (highest core requirements), June 2007; Rappaport Fellow; Sinclair Kennedy Fellow

### **BRANDEIS UNIVERSITY**

*B.A., Philosophy and Psychology with honors*, May 2001, Justice Brandeis Scholar (merit-based four-year scholarship)

## LAW REVIEW PUBLICATIONS

*A Critical Analysis of Administrative Functionalism* (work in progress)

Selected for American Constitution Society (ACS) Junior Scholars Public Law Workshop (2023); Administrative Law New Scholarship Roundtable (2022) (featured speaker), National Conference of Con. Law Scholars (2022)

*Statute-Focused Presidential Administration*, 90 GEORGE WASHINGTON LAW REVIEW 1165 (2022) (invited contribution to the *Annual Review of Administrative Law*)

Selected for The C. Boyden Gray Center for the Study of the Administrative State (CSAS) honorarium (2021)

*The President’s Fourth Branch?*, FORDHAM LAW REVIEW (forthcoming) (invited symposium on *The Past, Present, and Future of the Unitary Executive*)

- Deploying the Internal Separation of Powers Against Racial Tyranny*, 116 NORTHWESTERN LAW REVIEW ONLINE 244 (2021) (invited symposium on *Racial Subordination and Structural Marginalization*)  
Featured on RACE, RACISM AND THE LAW (Nov. 2021)
- Judicial Administration*, 11 UC IRVINE LAW REVIEW 1119 (2021)  
Selected for National Conference of Constitutional Law Scholars (2020), ACS Junior Scholars Public Law Workshop (2020), CSAS honorarium (2019-2020)
- Executive Agency Administration*, 72 STANFORD LAW REVIEW 641 (2020)  
Reviewed by Margaret Kwoka, *When Agencies Sue Each Other*, JOTWELL (January 2020)  
Selected for Admin Law New Scholarship Roundtable (2019), ACS Junior Scholars Public Law Workshop (2019)
- Congress's Agency Coordination*, 103 MINNESOTA LAW REVIEW 1961 (2019)  
Selected for ACS Junior Scholars Public Law Workshop (2018), Admin Law New Scholarship Roundtable (2017)
- Civil Servant Alarm*, 94 CHICAGO-KENT LAW REVIEW 101 (2019) (invited response to Jennifer Nou)
- Interagency Transfers of Adjudication Authority*, 34 YALE JOURNAL ON REGULATION (JREG) 279 (2017)  
Featured by Larry Solum on the LEGAL THEORY BLOG (May 2017)
- Toward an Intra-Agency Separation of Powers*, 92 NYU LAW REVIEW 101 (2017) (invited response to Jon D. Michaels)
- The Attorney General's Disruptive Immigration Power*, 102 IOWA LAW REVIEW 129 (2017) (invited response to former 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)
- BOOK CHAPTERS**
- Executive Branch Oversight and Coordination of Agency Adjudication*, in A GUIDE TO FEDERAL AGENCY ADJUDICATION (ABA Section of Administrative Law and Regulatory Practice, 3rd ed.) (forthcoming) (invited)
- Heckler v. Chaney*, in LEADING CASES IN ADMINISTRATIVE LAW (ABA Section of Administrative Law and Regulatory Practice, ed.) (2022) (forthcoming) (invited)
- OTHER WORK**
- Acknowledging Values in Administration*, YALE JREG, NOTICE & COMMENT (Nov. 2022) (invited symposium)
- The Spoils of Presidentialism for Congress and the Court*, YALE JREG, NOTICE & COMMENT (Nov. 2022) (invited symposium)
- Beyond OIRA for Equity in Regulatory Process*, UNIV. OF PENN. REGULATORY REVIEW (March 2022) (invited series)
- Expanding Presidential Influence on Agency Adjudication*, UNIV. OF PENN. REGULATORY REVIEW (July 2021) (invited series)
- A Definitive Work on Temporary Political Leadership*, JOTWELL (July 2021)
- Investigating a Unitary Executive Model of Immigration*, BALKINIZATION (December 2020) (invited symposium)
- Racism in Administrative Law*, ADMINISTRATIVE LAW REVIEW / A HARD LOOK (Dec. 2020) (invited podcast)

*Could Pipeline and Non-Residential Fellowships Increase the Diversity of the Academy?*, PRAWFSBLAWG (September 2020) (with Matthew B. Lawrence)

*Toward a Critical Theory of Administrative Law*, YALE JREG, NOTICE & COMMENT (July 2020)  
Featured by Larry Solum on the LEGAL THEORY BLOG (Oct. 2020)

*Toward a Critical Theory of Administrative Law*, 45 ADMINISTRATIVE & REGULATORY LAW NEWS (Summer 2020) (invited)

*Presidential Administration via Litigation*, YALE JREG, NOTICE & COMMENT (June 2019) (invited)

*Putting Public Administration Back into Administrative Law*, JOTWELL (June 2018)

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

*Can Backlogged Immigration Courts Handle Trump's Policy Change?*, NATIONAL PUBLIC RADIO (NPR) (August 2017) (invited)  
*Encouraging Legislative Expertise-Forcing*, TAKE CARE (August 2017) (invited symposium)

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

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

*Passing the Buck in Agency Adjudication*, YALE JREG, NOTICE & COMMENT (June 2017) (invited)

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

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

*Agency Power in Immigration*, YALE JREG, NOTICE & COMMENT (February 2016) (invited symposium)

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

## SELECTED PRESENTATIONS

### *Administrative Harm*

Workshop Series on Critical Public Law (forthcoming Feb. 2023)

ACS Junior Scholars Public Law Workshop (forthcoming Jan. 2023)

AALS Annual Meeting /Critical Leadership, Accountability, and Justice Within Organizations  
(forthcoming Jan. 2023) (invited)

George Washington Univ. Law School / Constitutional Law Colloquium (Nov. 2022)

National POC Conference / Undoing Democracy: Critical Perspectives on the Law (Oct. 2022)

Boston College Law School / Faculty Colloquium (July 2022)

Law & Society Assoc. (LSA) Annual Meeting /The Politics of Regulation and the Administrative State (July 2022)

Univ. of Minnesota Law School / Administrative Law New Scholarship Roundtable (June 2022) (invited)  
(featured lunchtime presenter/senior commentator)

ACS Conversation (organized by Mark Tushnet) (May 2022) (invited)

### *Judicial Review of Agency Guidance in Immigration Law and Beyond*

ABA Annual Administrative Law Conference (forthcoming Dec. 2022)

### *Deconstructing Klein*

Workshop Series on Critical Public Law (Oct. 2022) (moderator)

### *Lived Experiences and Strategies for AAPI Women Navigating Hostile Waters as Scholars*

UC Davis School of Law / AAPI and MENA Women in the Legal Academy (Sept. 2022) (invited)

*A Critical Analysis of Administrative Functionalism*

UC Berkeley Law School / Faculty Colloquium (Apr. 2022) (invited)  
ASU College of Law / Faculty Colloquium (Apr. 2022)  
Drexel Kline School of Law / Faculty Colloquium (Apr. 2022) (invited)  
Univ. of Miami School of Law / Faculty Colloquium (March 2022) (invited)  
Univ. of Arizona College of Law / National Conference of Constitutional Law Scholars (Feb. 2022)  
Texas A&M Univ. School of Law / ACS Constitutional Law Scholars Forum (Feb. 2022)  
AALS Annual Meeting / Critical Perspectives on Congress (Jan. 2022) (moderator/speaker)  
AALS Annual Meeting / New Voices in Admin Law & New Voices in Nat'l Security (Jan. 2022)

*What Article III Teaches Us About Emergency Powers*

Stanford Constitutional Law Center / Histories of Presidential Power (May 2022) (invited commentator)

*Greenlighting Administrative Prosecution: Checks And Balances On Charging Decisions*

Univ. of Penn. Law School Program on Reg. / Law & Governance Series (April 2022) (invited discussant)

*Subordination and Separation of Powers*

Univ. of Penn. Law School Program on Reg. / Law & Governance Series (Feb. 2022) (discussant)

*Statute-Focused Presidential Administration*

Boston College Law School / Faculty Colloquium (April 2022) (invited)  
Univ. of Texas School of Law / Faculty Colloquium (Dec. 2021) (invited)  
Northeastern Univ. School of Law / Faculty Colloquium (Dec. 2021) (invited)

*A Critical Case Against Agency Discretion*

George Washington Univ. Law School / Constitutional Law Colloquium (Nov. 2021)  
Univ. of Chicago Law School / Culp Colloquium (Sept. 2021) (invited)  
Penn State Law / Workshop for AAPI Women in the Legal Academy (Aug. 2021)

*The Purpose of Presidential Administration*

George Washington Univ. Law School, co-sponsored by the ABA Annual Administrative Law Conference/  
Annual Review of Administrative Law (Nov. 2021) (invited)  
George Mason Univ. Antonin Scalia Law School /CSAS Roundtable and Policy Conference on “Presidential  
Administration in a Polarized Era” (June 2021 & Oct. 2021) (invited)  
LSA Annual Meeting /Theoretical Perspectives on Regulators' Accountability (May 2021)

*Advancing Equity in Administrative Law*

ACS / Moving Beyond Notice and Comment: Advancing Equity in Other Regulatory Processes (Dec. 2021)  
(invited co-moderator)

*Underserved Communities and the Regulatory Process*

ACUS / Sources of Reforms to Improve Engagement with Underserved Communities (Nov. 2021) (invited)

*Increasing Diversity Among Administrative Law Scholars*

ABA / Entry to the Legal Academy in Admin Law & Regulatory Practice (Nov. 2021) (invited)

*Agency Independence in Seila Law and Collins v. Mnuchin*

Univ. of Virginia School of Law / CSAS (Sept. 2021) (invited commentator)

*Commentary on Adam Cox and Cristina M. Rodríguez, The President's Immigration Law (2020)*

LSA Annual Meeting / Author Meets Reader (May 2021) (invited)

*The Public Administration Claim Against Anti-Administrativism*

ASU College of Law / Federalist Society Panel on “Undelegating’ the Administrative State” (April 2021) (invited)

*“Chevron Theory and Politics”*

Duke Univ. School of Law / Admin. Law Symposium, “The Future of *Chevron*” (Feb. 2021) (invited moderator)

*Faithful Execution in Presidential Administration*

Texas A&M Univ. School of Law / ACS Constitutional Law Scholars Forum (March 2021)

Univ. of Michigan Law School / Faculty Colloquium (Jan. 2021) (invited)

Univ. of Pennsylvania Law School / Power in the Administrative State Workshop (Jan. 2021) (invited)

AALS Annual Meeting / New Voices in Administrative Law & Legislation (Jan. 2021)

*Toward a Separation of Powers Based in Racial Tyranny*

Duke Univ. School of Law / Symposium on Reckoning and Reformation: Reflections and Legal Responses to Racial Subordination and Structural Marginalization (Dec. 2020) (invited)

*The President’s Impact on Agencies’ Faithful Execution*

Loyola Univ. Chicago School of Law / Constitutional Law Colloquium (Nov. 2020)

Univ. of Utah, Quinney College of Law / Rocky Mountain Junior Scholars Forum (Nov. 2020)

*Reforming Agency Head Review in Immigration and Beyond*

ACUS, co-sponsored by CSAS and the Center for Progressive Reform / Symposium on Federal Agency Adjudication (Aug. 2020) (invited)

*Judicial Administration*

Stanford Law School / Culp Colloquium (June 2020) (invited)

LSA Annual Meeting / Third Party Regulatory Participation, Oversight & Influence (May 2020)

George Mason Univ. Antonin Scalia Law School / CSAS Roundtable and Policy Conference on “Bureaucracy and Presidential Administration” (Sept. 2019 & Feb. 2020) (invited)

ACS Junior Scholars Public Law Workshop (Jan. 2020)

AALS Annual Meeting / New Voices in Administrative Law & Legislation (Jan. 2020)

AALS Annual Meeting / New Voices on Legal Interpretation (Jan. 2020)

George Washington Univ. Law School / Administrative Law Scholarship Roundtable (Nov. 2019)

Brooklyn Law School / Faculty Colloquium (Oct. 2019) (invited)

Univ. of Arizona College of Law / Faculty Colloquium (Sept. 2019) (invited)

*Implications of Unilateralism in Immigration Law*

Georgetown Univ. Law Center / ACS Conference on Unilateral Presidencies & Complicit Legislatures: Rebalancing our Separation of Powers (Feb. 2020) (invited)

*Executive Administration*

Univ. of Pennsylvania Law School / Regulatory Law and Policy Seminar (March 2020) (invited)

Univ. of Wisconsin Law School / Administrative Law New Scholarship Roundtable (June 2019)

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

ASU 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)

ACS Junior Scholars Public Law Workshop (Jan. 2019)

*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)

Chicago-Kent College of Law / Symposium on the Trump Administration & Admin. Law (Nov. 2018) (invited)

*Emancipating Immigration Judges*

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

*Executive Litigation Against the Fourth Branch*

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

*Department of Justice v. The Administrative State*

LSA Annual Meeting / Junior Scholars Conference (June 2018)  
Drexel Univ., 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)  
AALS Annual Meeting / New Voices in Legislation (Jan. 2018)  
Univ. 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 College of Law / Federalist Society Panel on The Administrative State (Sep. 2017) (invited)

*Independent Executive Agencies*

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

*The New Legislative Fortification of Agency Independence*

Texas A&M Univ. School of Law / Emerging Immigration Scholars Conference (May 2017)  
Univ. of Richmond School of Law / Mid-Atlantic Junior Faculty Forum (May 2017)

*Future of American Immigration*

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

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

NYU Lawyering Scholarship Colloquium (April 2016)  
AALS Annual Meeting / Is Immigration Law Administrative Law? (Jan. 2016) (invited)

*Interagency Transfers of Adjudication Authority*

Northeastern Univ. School of Law / Faculty Colloquium (April 2016) (invited)  
Univ. of Pennsylvania Law School / Faculty Colloquium (Feb. 2016) (invited)  
AALS Annual Meeting / New Voices in Administrative Law (Jan. 2016)  
AALS Annual Meeting / Legislation: Works in Progress (Jan. 2016)  
Northwestern Pritzker School of Law / Faculty Colloquium (Dec. 2015) (invited)  
Univ. of Las Vegas School of Law / Faculty Colloquium (Dec. 2015) (invited)  
St. John's Univ. School of Law/ Faculty Colloquium (Dec. 2015) (invited)  
Univ. of Maine School of Law/ Faculty Colloquium (Dec. 2015) (invited)  
Univ. of Wash. School of Law / Faculty Colloquium (Nov. 2015) (invited)  
Univ. of Idaho College of Law / Faculty Colloquium (Oct. 2015) (invited)  
NYU Lawyering Scholarship Colloquium (Sept. 2015)

*Coordinated Interagency Adjudication*

Univ. of Miami School of Law / Emerging Immigration Scholars Conference (June 2015)  
AALS Annual Meeting / Congressional Dysfunction and Executive Lawmaking (Jan. 2015) (invited)  
NYU Lawyering Scholarship Colloquium (March 2014)  
New England School of Law / Regional Law Faculty Scholarship Forum (Feb. 2014)  
AALS Annual Meeting / New Voices in Administrative Law (Jan. 2014)

*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 Att’y Gen. Eric Holder and EEOC Committee Chai Feldblum (June 2012) (invited)  
Dept. of Homeland Security, with Deputy Secretary Alejandro Mayorkas (June 2010) (invited)

**EXPERIENCE**

**DEPT. OF JUSTICE / Executive Office for Immigration Review / Office of General Counsel**

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 Congressional/other highly publicized matters, national security, unaccompanied minors and particular social groups such as LGBT communities, domestic violence survivors, and gang members. Wrote official LGBT asylum training. Served on Director’s LGBT immigration working group and drafted new transgender guidance.

**PRESIDENTIAL MANAGEMENT FELLOWSHIP / U.S. Government**

Washington, D.C.

*Nominated by Harvard University*, 2008 – 2010

**Based in Dept. of Homeland Security / U.S. Citizenship and Immigration Services**

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 high-level 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.

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

Drafted Comprehensive Immigration Reform legislation. Worked with Assistant Attorney General on high-profile matters, including the development of particular social group regulations. 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.

Shah C.V.

Detailed to the Dept. of Homeland Security / Office of the Chief Financial Officer / Program Analysis and Execution  
Guided Dept. of Homeland Security components through Congressional appropriations process.

**HARVARD UNIVERSITY SINCLAIR KENNEDY FELLOWSHIP**

Port Louis, Mauritius

*Government of Mauritius / Ministry of Finance and Development, 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 one hundred corporations and authorities. Helped increase market share to 60% of total industry.

**BAR ADMISSIONS:**

State: Commonwealth of Massachusetts

Circuit: 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