

## ANNE RACHEL TRAUM

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Admitted to the bar in Nevada and California

### EXPERIENCE:

**William S. Boyd School of Law** **2008-present**

**University of Nevada, Las Vegas, Las Vegas, NV**

*Professor of Law* (since July 2014), *Associate Professor of Law* (2008-2014)

*Associate Dean for Experiential Legal Education* (2013-2015)

*Director of Appellate Clinic* (since 2009)

*Co-Director of Misdemeanor Clinic* (since 2018)

Courses taught: Federal Courts, Criminal Law, Criminal Procedure Investigation, Criminal Procedure Adjudication, Appellate Clinic, Appellate Pro Bono, and Misdemeanor Clinic.

**United States Department of Justice, Washington, DC** **Sept. 2015-June 2016**

*Special Counsel, Office for Access to Justice* (one-year appointment, on leave from UNLV)

Provided legal and policy analysis on issues related to indigent defense, civil legal aid, reentry, sentencing reform, and criminal court proceedings.

**Federal Public Defender, Las Vegas, NV** **2002-2008**

*Assistant Federal Public Defender*

Represented indigent federal defendants and state prisoners pursuing federal habeas review in state and federal district court, the U.S. Court of Appeals for the Ninth Circuit, and the Nevada Supreme Court.

**United States Attorney's Office, Las Vegas, NV** **2000-2002**

*Assistant United States Attorney, Civil Division (on detail from DOJ ENRD)*

Litigated on behalf of federal client agencies in matters involving natural resources, federal lands, and federal tort claims in federal district court and on appeal.

**United States Department of Justice, Washington, DC** **1998-2000**

*Attorney, Environment and Natural Resources Division*

Provided legislative advocacy and filed amicus briefs in state and federal appellate courts on behalf of the Department in matters involving Indian and environmental law.

**United States District Court, New Orleans, LA** **1996-1998**

*Law Clerk to Judge Stanwood R. Duval, Jr.*

### EDUCATION:

**University of California, Hastings College of the Law, San Francisco, CA** **J.D., 1996**

*Cum Laude*, Order of the Coif

American Jurisprudence Award and Teaching Assistant in Civil Procedure

HASTINGS COMMUNICATIONS AND ENTERTAINMENT LAW JOURNAL, Associate Articles Editor

**Christian-Albrecht University, Kiel, Germany** **1991-1992**

Brown University Graduate Fellow in History and Media Studies

**Brown University, Providence, RI** **A.B., 1991**

Honors in History and German Studies

Thesis: Television History and the Problem of the Past: The Screening of "Holocaust" in West Germany

## HONORS AND SERVICE:

### **Nominee, U.S. District Judge for the District of Nevada**

Nominated by President Obama on April 28, 2016, nomination expired on January 3 2017  
Unanimously rated “well-qualified” by the American Bar Association Standing Committee on the Federal Judiciary

### **American Academy of Appellate Lawyers, Rockville, MD**

*Fellow*, elected 2020

### **United States Court of Appeals for the Ninth Circuit, San Francisco, CA**

*Pro Se Litigation Committee, Member* since 2015

- Work with circuit and district courts to support court access for self-represented litigants
- Appellate Lawyer Representative, 2009-2011, Pro Bono Committee Chair*
- Worked with the court to initiate the Appellate Mentoring Program, launched in 2013

### **United States District Court for the District of Nevada**

*Member, Pro Bono Committee, since 2014*

*Lawyer Representative for the District of Nevada, 2013-2016*

Committee Work: Pro Bono, Civil Rules, Attorney Admission Fund, District Court Planning

- Worked with the court to establish its first Pro Bono Program, 2014
- Appointed to Corrections Summit Working Group for the Ninth Circuit Corrections Summit, November 4-6, 2015
- Co-organized Criminal Justice Act (CJA) Appellate Workshop, November 2-3, 2015
- Planned and moderated District Court Conference panel, “The Future of Legal Services,” May 12, 2016

### **Nevada Board of Indigent Defense Services**

*Chair* since December 2020, *Vice Chair, 2019-2020*

- Appointed to three-year term by the Nevada Supreme Court, 2019-2022
- Lead the Board in supporting the work of the Department of Indigent Defense Services in establishing statewide standards for and oversight of attorneys providing indigent defense

### **Nevada Right to Counsel Commission**

*Commissioner*, appointed by Governor Brian Sandoval, 2017-2018

- Worked with the Commission to study indigent defense in Nevada and recommend draft legislation to create of a statewide system and standards for indigent defense

### **Appellate Litigation Section, Nevada State Bar**

*Member* since 2012

*Chair-Elect, 2019-2020*

*Pro Bono Committee, Chair, 2012-2015, Co-Chair* since 2015

- Worked with Nevada Supreme Court and Legal Aid Center of Southern Nevada (Legal Aid) to establish the Nevada Appellate Pro Bono Appellate Program
- Support the program by working with volunteer lawyers, the court and Legal Aid to resolve issues, creating program materials, consulting and mentoring volunteer attorneys, coordinating moot courts, and partnering students to work with volunteer attorneys

### **Nevada Supreme Court Access to Justice Commission**

*Member* since 2011

**Justice AmeriCorps Grant for Representation of Unaccompanied Minors**

*Principal Investigator, UNLV Thomas & Mack Legal Clinic, 2014-2015*

- Secured federal funding for two lawyer positions in the Thomas & Mack Legal Clinic to represent unaccompanied children in immigration removal proceedings
- Supervised grant administration and compliance
- Managed office staff to handle the increase in interviews and interpretation

**Howard D. McKibben American Inn of Court, Las Vegas, NV**

*Member since 2011, Master of the Bench since 2012*

**Anti-Defamation League, Las Vegas, NV**

*Regional Board Member since 2015*

**NOTABLE LITIGATION SUCCESSES:**

*Herzog v. Herzog*, Case No. 73160 (Nev. 2018) (unpublished, reversing and remanding for evidentiary hearing on visitation)

*Dent v. Sessions*, 900 F.3d 1075 (9th Cir. 2018) (granting petition in part because prior conviction was not an aggravated felony and remanding to address request for cancellation of removal)

*Dent v. Lynch*, CA No. 13–17213, 2015 WL 3957906 (9th Cir. June 30, 2015) (unpublished, reversing summary judgment on whether handling of immigrant’s naturalization violated due process)

*Alioto v. Associated Creditors Exchange, Inc.*, CA No. 11–15139, 2012 WL 1574116 (9th Cir. May 7, 2012) (unpublished, reversing summary judgment on employee’s claim of retaliation)

*United States v. Rodriguez*, CA No. 11–10210, 2012 WL 1612231 (9th Cir. May 9, 2012) (unpublished, remanding for resentencing)

*Dent v. Holder*, 627 F.3d 365 (9th Cir. 2010) (establishing immigrant’s right to alien file or “A-file” in removal proceedings)

*Wood v. Wood*, Nev. 53777 (Nev. 2011) (unpublished, reversing money judgment and custody relocation award, and remanding for additional proceedings)

*Buchanan v. Farwell*, No. 04-15297, 2009 WL 118940 (9th Cir. Sept. 26, 2009) (unpublished, habeas remand for evidentiary hearing)

*Tilcock v. Budge*, 538 F.3d 1138 (9th Cir. 2008) (habeas remand for evidentiary hearing)

*Houston v. Schomig*, 533 F.3d 1076 (9th Cir. 2008) (habeas remand for evidentiary hearing)

*United States v. Richard*, 504 F.3d 1109 (9th Cir. 2007) (reversing jury conviction)

*Mitchell v. State*, 149 P.3d 33 (Nev. 2006) (en banc) (reversing attempted murder conviction)

*United States v. Wilmore*, 381 F.3d 868 (9th Cir. 2004) (reversing jury conviction)

*Wallace v. Ignacio*, CA No. 02-17509, 2003 WL 22434771 (9th Cir. Oct. 23, 2003) (unpublished, remanding for evidentiary hearing on equitable tolling of statute of limitations; the district court granted the writ in 2007)

*United States v. Leon*, 341 F.3d 928 (9th Cir. 2003) (affirming downward departure at sentencing based on extraordinary family responsibilities)

*Bugenig v. Hoopa Valley Tribe*, 266 F.3d 1201 (9th Cir. 2001) (amicus brief on behalf of U.S. Dept. of Justice supporting the tribe)

*Rice v. Harken Exploration Co.*, 250 F.3d 264 (5th Cir. 2001) (amicus brief on behalf of U.S. Dept. of Justice on the term “navigable waters” under the Oil Pollution Act of 1990, 33 U.S.C. § 2701(21))

#### **ARTICLES:**

*Distributed Federalism in Criminal Reform Litigation: The Transformation of Younger*, 106 CORNELL L. REV. \_\_\_\_ (forthcoming 2021)

*Fairly Pricing Guilty Pleas*, 58 HOW. L. J. 437 (2015)

*Using Outcomes to Reframe Guilty Plea Adjudication*, 66 FLA. L. REV. 823 (2014)

*Mass Incarceration at Sentencing*, 64 HASTINGS L. J. 423 (2013)

*Constitutionalizing Immigration Law On Its Own Path*, 33 CARDOZO L. REV. 491 (2011)

*Last Best Chance for the Great Writ: Equitable Tolling and Federal Habeas Corpus*, 68 MD. L. REV. 545 (2009)

#### **CHAPTERS:**

Author, “Chapter 19: Nevada Appellate Pro Bono Program,” Nevada Appellate Practice Manual (3d. ed. 2020)

Co-author with Marilee Cate, “Chapter 17: Criminal Appeals” Nevada Appellate Practice Manual (3d. ed. 2020)

#### **SHORTER WRITING:**

Author, “Disaster Legal Aid: Learning from Las Vegas,” *Pro Se Matters*, Winter 2019

Author, “Southwestern Law School’s Appellate Clinic is recognized with Distinguished Pro Bono Service Award,” *Pro Se Matters*, Summer 2018

Author, Nevada Appellate Practice Manual, “Chapter 19: Nevada Appellate Pro Bono Program,” 2016, 2018

Guest Author, “Confrontation After *Ohio v. Clark*,” *Nevada Lawyer*, November 2015

Guest Blog, “*Clark* Constricts Right to Confront Accusers,” *Hamilton & Griffin on Rights*, June 27, 2015

Guest Blog, “Justices Weigh Safety Exception to Confrontation Right,” *Hamilton & Griffin on Rights*, March 6, 2015

Dean's Column Guest Author, "UNLV Law Students Making Tracks in Carson City," *Nevada Lawyer*, March 2015

Dean's Column Guest Author, "In Law School, It's Pro Bono From Day One," *Nevada Lawyer*, September 2014

Dean's Column Co-Author, "Health Law at UNLV," *Nevada Lawyer*, August 2014

Dean's Column Co-Author, "Natural Resources Law at UNLV and Beyond," *Nevada Lawyer*, July 2014

Dean's Column Guest Author, "Empowering Kids in the Courtroom at UNLV's Kids' Court School," *Nevada Lawyer*, June 2014

Dean's Column Co-Author, "Students Know Best Why the UNLV Experience Pays," *Nevada Lawyer*, May 2014

Author, "Taking Pro Bono to the Next Level," Clark County Bar Association *Communiqué*, February 2014

Dean's Column Guest Author, "Federal Courts at the Boyd School of Law," *Nevada Lawyer*, October 2013

Dean's Column Guest Author, "Boyd Law's Thomas & Mack Clinic Scores Important Ninth Circuit Victory," *Nevada Lawyer*, February 2011

#### **SELECTED PRESENTATIONS:**

Moderator, "Reform in Practice: The Role of the Judiciary and Defense Attorneys," Nevada Law Journal White Paper Symposium, "Breaking the Cycle: How Nevada Can Effectuate Meaningful Criminal Justice Reform," UNLV William S. Boyd School of Law, Las Vegas, NV, Nov. 6, 2020

Interviewer, U.S. District Court Judge Richard Boulware II, Nevada Law Journal White Paper Symposium, "Breaking the Cycle: How Nevada Can Effectuate Meaningful Criminal Justice Reform," UNLV William S. Boyd School of Law, Las Vegas, NV, Nov. 6, 2020

Moderator: "The Judicial Perspective: The Possibility of Changing Directions from the Bench," Nevada Law Journal Fourth Annual Whitepaper Symposium: "To Bail or Not to Bail: Protecting the Presumption of Innocence in Nevada," UNLV William S. Boyd School of Law, Las Vegas, NV, Nov. 1, 2019

Commenter on works-in progress: Alex Kreit, *The Criminal "Law" of the Bar Exam*, and Barbara Fedders, *The End of School Policing*, Southwest Criminal Law Conference, UNLV William S. Boyd School of Law, Las Vegas, NV, October 18-19, 2019

Presenter, "Criminal Rights as Civil Rights," Nevada Office of the Attorney General Continuing Education Series, June 26, 2019.

Moderator, "Women in the Law: Going First and Going Forward in Nevada," Ninth Circuit Judicial Historical Society, UNLV William S. Boyd School of Law, Las Vegas, NV, March 11, 2019

Moderator, “Hot Cases—A Closer Look,” Ninth Circuit Appellate Advocacy Program, UNLV William S. Boyd School of Law, Las Vegas, NV, March 11, 2019

Presenter, Criminal Mootness: Remediating Pre-Conviction Harms, Southwest Criminal Law Conference, UNLV William S. Boyd School of Law, Las Vegas, NV, October 26-27, 2018

Presenter, “Supreme Court Nomination Process,” Osher Life Long Learning Institute (OLLI) at UNLV, Las Vegas, NV, September 18, 2018

Presenter, “Bridging the Justice Gap,” Nevada State-Federal Judicial Council, U.S. District Court for the District of Nevada, October 17, 2019

Interviewer, California Supreme Court Associate Justice Goodwin Liu, UNLV William S. Boyd School of Law, Las Vegas, NV, March 23, 2018

Panelist, “Criminal Appellate Practice,” Office of the Federal Public Defender, Las Vegas, NV, April 25, 2018

Moderator, “Criminal Appellate Practice in Nevada,” Nevada State Bar Annual Meeting, Austin, TX, July 1, 2017

Panelist, “Civil Breakout Session: Understanding Barriers to the Civil Justice System—Economic Disparity and What Role Courts Can Play to Address It,” Ninth Circuit Judicial Conference, Big Sky, MT, July 12, 2016

Moderator, “Access to Justice Pretrial,” Smart on Crime Workshop, U.S. Department of Justice and U.S. Probation, Washington, DC, June 28, 2016

Moderator, “The Future of Legal Services,” District Court Conference for the District of Nevada, Reno, NV, May 12, 2016

Facilitator, Policy Reform Breakout Session, White House Convening on Incarceration and Poverty, Washington, DC, December 3, 2015

Moderator, “Georgia: A Case Study on Fines and Fees Reform,” U.S. Department of Justice Working Session on the Effect and Fairness of Fees & Fines, Washington, DC, December 2, 2015

Presenter, “Appellate Nuts and Bolts,” CJA Appellate and Habeas Training, Federal Defender Office, Las Vegas, NV, November 3, 2015

Moderator, “A Conversation on Juvenile Justice,” Thomas & Mack Legal Clinic Fifteenth Anniversary Celebration, UNLV Boyd School of Law, Las Vegas, NV, October 2, 2014

Panelist, “Nevada's Proposed Appellate Court,” Public Interest Law Association Program, UNLV Boyd School of Law, Las Vegas, NV, September 22, 2014

Panelist, “Taz and Criminal Justice Policy,” Howard Law School, Washington, DC, September 19, 2014

Presenter, *Using Outcomes to Reframe Guilty Plea Adjudication*, American University, Washington College of Law, Washington D.C., November 15, 2013

Panelist, "Racial Disparities in the Criminal Justice System," American Constitution Society Program, UNLV Boyd School of Law, Las Vegas, NV, October 8, 2013

Participant Commenter on draft article by Elizabeth Joh, *Maryland v. King Policing and Genetic Privacy*, at Fifth Annual Southwest Criminal Law Conference, UC Davis, Davis, CA, September 2013

Presenter, "Immigration Consequences, Separation of Powers and Federalism," Works-in-Progress Panelist at Association of American Law Schools (AALS) Conference on Clinical Legal Education in San Juan, Puerto Rico, April 30, 2013

Moderator, "Evolving Policy and Potential Reforms for Disclosure of Juvenile Arrests, Court Involvement and Dispositions," Juvenile Justice Conference, UNLV Boyd School of Law, Las Vegas, NV, April 12, 2013

Presenter of draft article *Using Outcomes to Reframe Guilty Plea Adjudication* at ABA-AALS Criminal Justice Legal Educators Colloquium and Sentencing & Reentry Institute, Washington D.C., October 2012

Presenter of draft article *Using Outcomes to Reframe Guilty Plea Adjudication* at Fourth Annual Southwest Criminal Law Conference at UNLV, Las Vegas, NV, September 2012

Panelist at American Immigration Lawyers Association Annual Conference, Master Track, "*Dent v. Holder* and Its Impact on Immigration Court Discovery," Las Vegas, NV, March 2012

Presenter of draft article *Mass Incarceration at Sentencing* at ABA-AALS Criminal Justice Legal Educators Colloquium and Sentencing & Reentry Institute, Washington D.C., October 2011

Participant Commenter on draft articles by Cara H. Drinan, *Clemency at a Time of Crisis*, and Laura Appleman, *Justice in the Shadowlands: Bail, Jail & Extralegal Punishment*, at ABA-AALS Criminal Justice Legal Educators Colloquium and Sentencing & Reentry Institute, Washington D.C., October 2011

Faculty, ABA NACDL National Defender Training Program, "Public Defense Plus: Client Centered Representation and Beyond," Las Vegas, NV Faculty, September 9, 2011

Presenter of draft article *Constitutionalizing Immigration Law On Its Own Path* at the Rocky Mountain Junior Scholar Forum, BYU Law School, Provo, Utah, September 2011

Participant Commenter on draft article by Fatma Marouf, *Regrouping America: Immigration, Social Categorization and the Quest for Social Cohesion*, at the Rocky Mountain Junior Scholar Forum, BYU Law School, Provo, Utah, September 2011

Presenter and Panelist, "A is for A-File: Due Process in Removal Proceedings," at Floersheimer Center for Constitutional Democracy at Cardozo School of Law, New York, New York (for colloquium, "Innovative Approaches to Immigrant Representation: Exploring New Partnerships," Katzmann Study Group on Immigrant Representation), May 2011

Participant Commenter on draft article by Justin Marceau and Sam Kamin, *Ring Cycle: Capital Punishment and the Sixth Amendment After Ring v. Arizona*, Southwest Criminal Law Conference, University of Arizona Law School, Tucson, Arizona, October 2009

Presenter of draft article *Mass Incarceration and Individual Rights: Reorienting the Judicial Response* at the Rocky Mountain Junior Scholar Forum, BYU Law School, Provo, Utah, September 2009

Presenter, "Plain Error: Telling a New Story on Appeal," National Federal Defender Conference, San Francisco, CA, June 2006

**LAW SCHOOL COMMITTEES:**

UNLV Clinic Committee, 2008-2013, 2013-2015 (Chair), 2016-2021

UNLV Site Visit Committee, 2018-2020

UNLV Community Service Committee, 2014-2015

UNLV Curriculum Committee, 2014-2015, 2016-2017

UNLV Academic Standards Committee, 2009-2010, 2011-2013

UNLV Faculty Appointments Committee, 2013-2014

UNLV Faculty Enrichment Committee, 2013-2014

UNLV Honor Code Committee, Spring 2008