

# ERIKA NYBORG-BURCH

425 W. Jefferson Street, Tallahassee, FL 32306-1601 • enyborgburch@law.fsu.edu

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## EDUCATION

**Yale Law School**, New Haven, CT 2013 – 2016

Juris Doctor (J.D.)

Activities: Project for Law and Education, President  
Capital Assistance Project, Research Assistant  
Justice Collaboratory on Law and Policing, Research Assistant  
Marshall Brennan Constitutional Literacy Project, Teacher  
*Yale Law and Policy Review Journal*, Editor

**Brown University**, Providence, RI 2006 – 2010

B.A., with honors in International Relations and B.A. in Hispanic Studies,

Honors: *magna cum laude*, Fichter Prize for Outstanding Senior in Hispanic Studies

Honors Senior Thesis: *Citizens or Aliens? Undocumented Immigrants and the Discourse on Removal in the United States*

Activities: Watson Institute Fellow in International Studies  
Janus Fellow for Political Discourse

Study Abroad: Casa de las Americas, Havana, Cuba, 2008

## PROFESSIONAL EXPERIENCE

**Florida State University College of Law**, Tallahassee, FL June 2023–present

*Clinical Professor of Law, Director, Farmworker & Immigration Rights Clinic*

Direct the Farmworker & Immigration Rights Clinic. Supervise students in all case matters, including representing clients seeking humanitarian relief in removal proceedings, developing community education projects and presenting know-your-rights trainings, and advocating in support of farmworkers and immigrant workers. Teach seminar component of course which includes skills training, lectures on substantive immigration and labor law, and discussions relating to broader issues in the U.S. immigration and labor systems.

**Boies Schiller Flexner LLP**, San Francisco, CA May 2021– June 2023

*Associate*

Represented plaintiff and defendant clients in high-stakes disputes through all phases of civil litigation and through appeal. Advocated in dispositive briefing and motions practice before trial and appellate courts. Led discovery, including as first chair of depositions and expert liaison. Represented clients *pro bono*, including survivors of sexual abuse, reproductive health care providers, and students with disabilities. Member of firm's Diversity Committee and LGBTQ+ and Women's Affinity Groups. Mentor through firm's Tribal Affairs Task Force.

**American Civil Liberties Union of Pennsylvania**, Philadelphia, PA February 2020 – May, 2021

*Attorney*

Worked on a wide range of civil rights and civil liberties cases in federal and state courts and administrative tribunals. Litigated challenges to civil immigration detention and pre-trial detention before federal district and circuit courts. Engaged in motions practice, written advocacy, appellate advocacy, and discovery for claims on behalf of putative class members and individuals. Brought Section 1983 claims against local police departments challenging racial and ethnic profiling.

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Litigated public access requests against local agencies to increase public access to information, including policies for policing, prosecution, and bail. Advised on legislative and advocacy work. Supervised legal fellows and interns.

**The Bronx Defenders**, The Bronx, NY 2018 – 2020  
*NYIFUP Attorney, Immigrant Justice Corps Fellow*

Represented clients in removal proceedings through the New York Immigrant Family Unity Project (NYIFUP). Engaged in motions practice in immigration court. Prepared prehearing statements and evidentiary materials for applications for relief from removal, including asylum, withholding, CAT and cancellation of removal. Represented clients in immigration court hearings on these applications, securing grants of asylum for multiple clients. Wrote appellate briefs for the Board of Immigration Appeals (BIA). Prepared federal habeas petitions for detained clients. Submitted applications for visas with USCIS.

**Asylum Seekers Advocacy Project (ASAP)**, New York, NY 2017 – 2018  
*Founding Member, Attorney, Remote Removal Defense Coordinator*

Represented clients in motions to reopen before the BIA. Drafted templates, guides, and supplemental resources database for practitioners. Coordinated attorney supervision of student volunteers preparing filings for asylum seekers. Co-developed trauma-informed representation program at the South Texas Detention Center in Dilley.

**Third Circuit Court of Appeals, Judge Thomas L. Ambro**, Wilmington, DE 2016 – 2017  
*Federal Judicial Law Clerk*

Analyzed relevant legal issues in cases and presented judge with summary, recommendation, and questions for counsel at oral arguments. Drafted opinions and edited opinions from other chambers. Reviewed motions and prepared responsive orders. Screened briefing from *pro se* applicants and flagged issues in cases for the judge. Edited colleagues' work-product.

**KIPP Central City Primary**, New Orleans, LA 2011 – 2013  
*Second Grade Teacher*

Developed school-wide second grade literacy curriculum. Increased student performance scores beyond grade-level. Initiated academic and behavioral intervention programs for special needs students. Coordinated with social worker to create support systems for students experiencing trauma. Taught ESOL to a second-grade student.

## **BAR ADMISSIONS**

- Florida, California, New York, U.S. Court of Appeals for the Third Circuit, U.S. Court of Appeals for the Ninth Circuit.

## **PUBLICATIONS**

- *Rethinking Constitutionally Impermissible Punishment*, 98 Notre Dame L. Rev. Reflection 40 (2022) (with Nadia Banteka).

## **PRESENTATIONS**

- **Philadelphia Bar Association**, December 2020 – Organizer and Presenter, *Jails, Prisons, and Immigration Detention Centers: Lessons from COVID-19*.

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- **Habeas Working Group**, December 2020 – Presenter, *Strategies to Defend Medically-Vulnerable Individuals from Re-detention by ICE*.
- **Tilburg Law School**, May 2019 – Guest Lecturer, *Shrinking Legal Protections and Expanded (Illegal) Detention for Asylum-Seekers in the United States*.

### LANGUAGES

- Fluent in English, Spanish; Conversational in Greek.