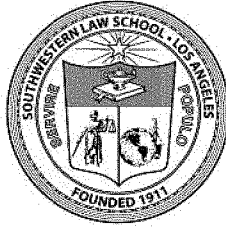


SOUTHWESTERN LAW REVIEW



VOLUME 48

2019

Number 3

TABLE OF CONTENTS

IMMIGRATION IN THE TRUMP ERA

INTRODUCTION

IMMIGRATION IN THE TRUMP ERA

Beth Caldwell 457

KEYNOTE

JUDICIAL REVIEW AND THE IMMIGRATION LAWS

Kevin Johnson 463

ARTICLES

TRUMP'S 'IMMPLOYMENT' LAW AGENDA: INTENSIFYING EMPLOYMENT-BASED ENFORCEMENT AND UN-AUTHORIZING THE AUTHORIZED

Kati L. Griffith; Shannon Gleeson 475

SANCTUARY STATES

Rose Cuison Villazor; Alma Godinez-Navarro 503

LOOKING AHEAD AT VAGUENESS CLAIMS IN THE IMMIGRATION CONTEXT POST-DIMAYA <i>Jennifer Lee Koh</i>	525
MINDFUL ENGAGEMENT AND RELATIONAL LAWYERING <i>Karen Musalo</i>	531
SOME PRELIMINARY THOUGHTS ON DIMAYA <i>Gabriel J. Chin</i>	539
NOTES AND COMMENTS	
RETHINKING THE FTC'S ROLE AND ABILITIES IN PROTECTING CONSUMER DATA IN THE WAKE OF THE EQUIFAX BREACH <i>Giordan Roque</i>	545
GET PREPARED FOR CLASS: THE CASE FOR REQUIRING REASONABLE ASCERTAINABILITY FOR CLASS ACTION CERTIFICATION IN THE NINTH CIRCUIT <i>Gevork Gazaryan</i>	571
INJURY FROM WITHIN: TOWARD AN UNMODIFIED DUTY FOR NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS <i>Xhesi Hysi</i>	595

SOUTHWESTERN LAW REVIEW

VOLUME 48

2019

Number 3

2018-2019

Editor-in-Chief
WILLIAM DIETZ

Managing Editor
GEVORK GAZARYAN

Senior Lead Articles Editor
MADELYNN HEFNER

Special Projects Editor
LUKE WALLS

Notes & Comments Editor
XHESI HYSI

Lead Articles Editors
MARIA ARAKELIAN
YAMILI GONZALEZ
GIORDAN ROQUE
ATLEY USHER

Staff

NADIA ABOUJAWDAH	ASHLEY KOLEY
SUREN AGADZHANOV	HANNAH MANCERA
ROBERT CARRASCO	JAYNEE MATHIS
MICHAEL DEVIN	CARINA MILLER
ARIELLE FARIAS	MOSHE RAHIMI
BRANDON FAUS	TINA ROBINSON
KELSEY FINN	BRANDON SALUMBIDES
JARED GRAFF	SARAH SCHWARZMAN
BENJAMIN ISRAEL	DAVID ZAKHARIAN
ANTONY KIM	MELISSA ZIGRANG

Faculty Advisors

BETH CALDWELL, B.A., M.S.W., J.D.
MARK CAMMACK, B.A., J.D.

**SOUTHWESTERN LAW SCHOOL
2018-2019**

BOARD OF TRUSTEES

HON. DEBORAH S. BRAZIL
KEVIN BURKE
STEVEN P. BYRNE
MICHAEL E. CAHILL
DENNIS P.R. CODON
MICHAEL J. DOWNER
THOMAS L. DRISCOLL
PETER DUCHESNEAU
CHARLES P. FAIRCHILD
JOHN M. GERRO
KAREN A. HENRY
THOMAS H. HOBERMAN
SHAWN HOLLEY
CINDY JOHNSON

LAUREN B. LEICHTMAN
MARIA MEHRANIAN
HON. ROBERT H. PHILIBOSIAN
CARLOS A. SIDERMAN
MEE H. SEMCKEN
GEORGE WOOLVERTON
WALTER M. YOKA
JULIE K. XANDERS
FRANK L. ELLSWORTH, *Trustee Emeritus*
SHELDON A. GEBB, *Trustee Emeritus*
HON. RONALD S.W. LEW, *Trustee Emeritus*
BRIAN A. SUN, *Trustee Emeritus*
HON. ARLEIGH M. WOODS, *Trustee Emeritus*

ADMINISTRATION

MICHAEL J. DOWNER, B.A., J.D., *Chair of the Board of Trustees*
SUSAN WESTERBERG PRAGER, B.A., M.A., J.D., *Dean and Chief Executive Officer*
MICHAEL CARTER, B.A., M.B.A., Ed.D., *Executive Vice President and Chief Administrative Officer*
DOV A. WAISMAN, A.B., M.S., J.D., *Vice Dean*
HILLARY KANE, B.A., J.D., *Chief Communications and Marketing Officer*
NYDIA DUENEZ, B.A., J.D., *Associate Dean, Dean of Students and Diversity Affairs*
DOREEN E. HEYER, B.S., M.S., *Senior Associate Dean for Academic Administration*
MARCIE CANAL, B.A., *Associate Dean of Operations and Risk Management*
WARREN GRIMES, B.A., J.D., *Associate Dean for Research*
DEBRA L. LEATHERS, B.A., *Associate Dean for Institutional Advancement*
ROBERT MENA, B.A., M.S., Ed.D., *Associate Dean for Student Affairs*
HARRIET M. ROLNICK, B.A., J.D., *Associate Dean for SCALE[®]*
BYRON STIER, B.A., J.D., LL.M., *Associate Dean for Strategic Initiatives*
JULIE K. WATERSTONE, B.A., J.D., *Associate Dean for Experiential Learning*
LINDA A. WHISMAN, B.A., M.L.S., J.D., *Associate Dean for Library Services*
MARY BASICK, B.S., J.D., *Assistant Dean of Bar Preparation*
LISA M. GEAR, B.A., *Assistant Dean for Admissions*
SHAHRZAD POORMOSLEH, B.A., J.D., *Associate Dean for Career Services*
NATALIE RODRIGUEZ, B.A., J.D., *Assistant Dean of Academic Success*

FULL-TIME FACULTY

RONALD G. ARONOVSKY, A.B., J.D., *Professor of Law*
MARY BASICK, B.S., J.D., *Assistant Dean of Bar Preparation, Associate Professor of Law for Academic Success and Bar Preparation*
PAUL A. BATEMAN, B.A., M.A., Ph.D., *Professor of Legal Analysis, Writing and Skills*
MICHAEL J. BERGER, B.A., M.A., J.D., *Associate Professor of Law*
BETH CALDWELL, B.A., M.S.W., J.D., *Professor of Legal Analysis, Writing and Skills*
ALAN L. CALNAN, B.A., J.D., *Professor of Law*
CHRISTOPHER DAVID RUIZ CAMERON, B.A., J.D., *Justice Marshall F. McComb Professor of Law*
MARK CAMMACK, B.A., J.D., *Professor of Law*
KATHRYN CAMPBELL, B.A., J.D., *Professor of Legal Analysis, Writing and Skills*
CATHERINE L. CARPENTER, B.A., J.D., *The Honorable Arleigh M. Woods and William T. Woods Professor of Law and Co-Director of the Moot Court Honors Program*
LAURA DYM COHEN, B.S., J.D., *Director of Street Law Clinic and Public Service Programs and Clinical Professor of Law*

ALEXANDRA D'ITALIA, B.A., J.D., M.P.W., *Director of Writing Center, Co-Director of the Moot Court Honors Program and Associate Professor of Law*

MICHAEL B. DORFF, A.B., J.D., *Michael & Jessica Downer Endowed Chair, Professor of Law and Technology Law & Entrepreneurship Program Director*

MICHAEL M. EPSTEIN, B.A., J.D., M.A., Ph.D., *Supervising Editor of the Journal of International Media and Entertainment Law and Professor of Law*

JOSEPH P. ESPOSITO, B.S., J.D., *Co-Director of the Trial Advocacy Honors Program and Professor of Law*

JENNY RODRIGUEZ-FEE, B.A., J.D., *Associate Clinical Professor of Law*

APRIL E. FRISBY, B.A., J.D., *Associate Professor of Law for Academic Success and Bar Preparation*

JAMES M. FISCHER, J.D., *Professor of Law*

NORMAN M. GARLAND, B.S., B.A., J.D., LL.M., *Professor of Law*

JAY W. GENDRON, B.A., J.D., *Director of the Entertainment and Arts Legal Clinic and Associate Professor of Law*

ANAHID GHARAKHANIAN, B.A., J.D., *Director of the Externship Program and Professor of Legal Analysis, Writing and Skills*

WARREN S. GRIMES, B.A., J.D., *Associate Dean for Research and Irving D. and Florence Rosenberg Professor of Law*

ISABELLE R. GUNNING, B.A., J.D., *Professor of Law*

PRIYA S. GUPTA, B.A., M.S.C., J.D., *Faculty Director of the General LL.M. Program and Professor of Law*

DANIELLE KIE HART, B.A., J.D., LL.M., *Professor of Law*

JOHN HEILMAN, B.S., J.D., M.P.A., M.R.E.D., *Professor of Law*

ROMAN J. HOYOS, A.B., J.D., M.A., Ph.D., *Professor of Law*

HILA KEREN, LL.B., Ph.D., *Professor of Law*

JOERG W. KNIPPRATH, B.A., J.D., *Professor of Law*

CRISTINA C. KNOLTON, B.A., J.D., *Co-Director of the Negotiation Honors Program and Professor of Legal Analysis, Writing and Skills*

HERBERT T. KRIMMEL, B.S., M.Acc., J.D., *Professor of Law*

ROBERT C. LIND, B.E.S., J.D., LL.M., *Irwin R. Buchalter Professor of Law*

CHRISTINE L. LOFGREN, B.A., J.D., *Visiting Associate Professor of Legal Analysis, Writing and Skills*

ROBERT E. LUTZ, B.A., J.D., *Paul E. Treusch Professor of Law*

JONATHAN M. MILLER, B.A., J.D., *Professor of Law*

JANET NALBANDYAN, B.A., J.D., *Associate Professor of Law for Academic Success and Bar Preparation*

ROBERT POPOVICH, B.S., MBT, J.D., *Visiting Professor of Law*

SUSAN WESTERBERG PRAGER, B.A., M.A., J.D., *Dean, Chief Executive Officer and Professor of Law*

GOWRI RAMACHANDRAN, B.A., M.A., J.D., LL.M., *Professor of Law*

ANDREA RAMOS, B.A., J.D., *Director of the Immigration Law Clinic and Clinical Professor of Law*

ORLY RAVID, B.A., J.D., *Director of the Donald E. Biederman Entertainment and Media Law Institute and Associate Professor of Law*

NATALIE RODRIGUEZ, B.A., J.D., *Assistant Dean of Academic Success and Associate Professor of Law for Academic Success and Bar Preparation*

JACQUELYN K. ROGERS, B.S., J.D., *Associate Professor of Law for Academic Success and Bar Preparation*

HARRIET M. ROLNICK, B.A., J.D., *Associate Dean for SCALE[®] and Associate Professor of Law*

MICHAEL D. SCOTT, B.S., J.D., *Professor of Law and Technology Law & Entrepreneurship Program Founding Director Emeritus*

BILL H. SEKI, B.A., J.D., *Co-Director of the Trial Advocacy Honors Program and Professor of Law*

IRA L. SHAFIROFF, B.A., J.D., *Professor of Law*

JUDY BECKNER SLOAN, B.A., J.D., *Professor of Law*

EDWARD C. STARK, B.S., M.S., Ph.D., J.D., *Visiting Associate Professor of Law*

BYRON G. STIER, B.A., J.D., LL.M., *Associate Dean for Strategic Initiatives and Professor of Law*

J. KELLY STRADER, B.A., M.I.A., J.D., *Professor of Law*

N. KEMBA TAYLOR, B.A., J.D., *Professor of Legal Analysis, Writing and Skills*

JOHN TEHRANIAN, A.B., J.D., *Paul W. Wildman Chair and Professor of Law*

TRACY L. TURNER, B.A., J.D., *Director of the Legal Analysis, Writing and Skills Program and Professor of Legal Analysis, Writing and Skills*

RACHEL VANLANDINGHAM, B.A., M.P.M., J.D., LL.M., *Professor of Law*

JULIA VAZQUEZ, B.A., M.A., J.D., *Associate Clinical Professor of Law and Director of Community Lawyering Clinic*

DOV A. WAISMAN, A.B., M.S., J.D., *Vice Dean and Professor of Law*

JULIE K. WATERSTONE, B.A., J.D., *Associate Dean for Experiential Learning, Director of the Children's Rights Clinic and Clinical Professor of Law*

LINDA A. WHISMAN, B.A., M.L.S., J.D., *Associate Dean for Library Services and Professor of Law*

WILLIAM WOOD, B.A., M.S.E.L., J.D./M.A., *Visiting Associate Professor of Law*
BRYCE WOOLLEY, B.A., J.D., *Associate Professor of Law for Academic Success and Bar Preparation*
DENNIS T. YOKOYAMA, B.A., M.S., J.D., *Professor of Law*

EMERITI FACULTY

DEBRA LYN BASSETT, M.S., J.D., *John J. Schumacher Chair and Professor of Law Emeritus*
CRAIG W. CHRISTENSEN, B.S., J.D., *Professor of Law Emeritus*
MICHAEL H. FROST, B.A., M.A., Ph.D., *Professor of Legal Analysis, Writing and Skills and Emeritus in Residence*
BRYANT G. GARTH, B.A., J.D., Ph.D., *Dean Emeritus*
ANITA L. GLASCO, A.B., J.D., M.C.L., *Professor of Law Emerita*
JAMES A. KUSHNER, B.B.A., J.D., *Professor of Law Emeritus*
CHRISTINE METTEER LORILLARD, B.A., M.A., Ph.D., *Professor of Legal Analysis, Writing and Skills Emerita*
SUSAN J. MARTIN, B.A., J.D., *Professor of Law Emerita*
ROBERT A. PUGSLEY, B.A., J.D., LL.M., *Professor of Law Emeritus in Residence*
BUTLER D. SHAFFER, B.S., B.A., J.D., *Professor of Law Emeritus*
KATHERINE C. SHEEHAN, B.A., M.A., J.D., *Professor of Law Emerita*
LEIGH H. TAYLOR, B.A., J.D., LL.M., *Dean Emeritus and Professor of Law*

ADJUNCT FACULTY

RYAN ABELMAN	JONATHAN HANDEL	TIMOTHY B. MCCAFFREY, JR.
RAHUL AGRAWAL	MELISSA HANNA	DAVID MCFADDEN
ANNA ARAN	NAZGOLE HASHEMI	MICHAEL MORSE
ANET BADALI	LESLIE HEIMOV	RONI MUELLER
JOHN BIONDO	ROBERT F. HELFING	ROBERT MYMAN
JEFF BIRREN	KAREN A. HENRY	DAVID OSTROVE
PATRICK BOIRON	HOWARD JACOBS	TIGRAN PALYAN
SAMANTHA BORGHI	MATTHEW JACOBS	HON. AMY M. PELLMAN
ROBYN LEE CHEW	VERONICA JEFFERS	JUAN A. RAMOS
ALEX COFFEE	ALLAN JOHNSON	EMILY REHM
LEAH COHEN-MAYS	DOUGLAS JOHNSON	SUSAN KOHN ROSS
HON. ANGELA DAVIS	NEVILLE JOHNSON	GEORGE H. RUIZ
LIZA DAVIS	HON. MARK A. JUHAS	LARRAINE SEGIL
THOMAS DEBOE	JARED JUSSIM	DANIEL SELARZ
ROBERT DURAN	HILLARY KANE	JAY SHIN
PEGGY FARRELL	VIK KANWAR	ZEPUR SIMONIAN
MITCH FEDERER	ROBERT KAYNE	TODD A. SMITH
MILES FEINBERG	KYLE KESSLER	ROURKE STACY
GARY P. FINE	KATHY KHOMMARATH	STEPHEN STRAUSS
REBECCA FISCHER	ANDREW KNAPP	ANITA SURENDRAN
ALICE J. GARFIELD	ZACHARY LEVINE	JULIA SYLVA
CRAIG GELFOUND	KATHY M. LOMBARD	LEONARD TORREALBA
SHARREL GERLACH	APRIL MACARAEG	CATHERINE VALERIO BARRAD
THALIA GONZALEZ	KYLE MARKS	DANIELLE VAN LIER
GARY GRADINGER	RICHARD D. MARKS	NORMAN VAN TREECK
KARIN J. GRAVER	CRAIG MATSUDA	SONIA YAGURA
MARGARET HALL	HON. DARRELL S. MAVIS	