

Avidan Y. Cover

Case Western Reserve University Law School
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TEACHING EXPERIENCE

CASE WESTERN RESERVE UNIVERSITY LAW SCHOOL, Cleveland, OH, *Professor; Director of the Institute for Global Security Law and Policy*

- Supervise law students in civil lawsuits and projects primarily in the areas of civil rights and human rights.
 - Cases include mistreatment of homeless, police and prison excessive force, surveillance, religious freedom violations.
 - Projects include reporting on police excessive force, U.S. violations of humanitarian law, and counterterrorism compliance with human rights law.
- Teach seminar on civil litigation skills, international human rights, and case-related substantive law. Appear in both federal and state court.
- Teach other subjects including Constitutional Law, Race and American Law, and International Humanitarian Law.
- Supervise SJD students on theses.
- Write and research in areas of national security, human rights, civil rights, international law, and ethics.
- Direct law school center devoted to issues of global security and law, conceive and organize conferences, moderate panel discussions and lectures, and advise students on national security related independent writing and extracurricular activities.
- Assistant coach for International Moot Court Team.
- Faculty Adviser for National Lawyers Guild and National Security Law Society student groups.
- Faculty Committees: Admissions, Appointments, Curriculum, Diversity, Experiential Learning.

SETON HALL UNIVERSITY SCHOOL OF LAW, CENTER FOR SOCIAL JUSTICE, Newark, NJ, *Practitioner in Residence/Visiting Assistant Professor*, August 2009–June 2011

- Supervised second-year externship students and third-year clinic students in the areas of education, housing, and police misconduct. Co-taught clinic seminar on skills. Representative litigation included a class action on behalf of special education students, a challenge to the inequitable funding of charter schools, claims brought on behalf of distressed homeowners defrauded by foreclosure rescue scams, and a challenge to police officers' unlawful search and seizure practices.
- Taught Persuasion and Advocacy (Trial Advocacy) and Professional Responsibility.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS - TEACH FOR AMERICA, Washington D.C., *Teacher*, September 1996–August 1998

- Taught 150 students middle-school social studies curriculum at Merritt Elementary School. Organized after-school tutoring program and chess team. Coordinated drama program.

LITIGATION EXPERIENCE

GIBBONS P.C., Newark, NJ, *John J. Gibbons Fellow in Public Interest and Constitutional Law and Associate*, September 2007–August 2009

- As a Public Interest Fellow litigated various public interest cases. Representative litigation included co-authoring two *amicus curiae* briefs to the United States Supreme Court in *Munaf v. Geren* and *Graham v. Florida*; appealed a death sentence in the State of Virginia; challenged the education funding law in New Jersey; challenged New Jersey's denial of the right to divorce to same sex couples married in another country; represented inmates diagnosed with HIV/AIDS in New Jersey prisons; and represented formerly held enemy combatant in connection with his criminal trial.

HUMAN RIGHTS FIRST, LAW AND SECURITY PROGRAM, New York, NY, *Senior Counsel*, December 2006–September 2007; *Senior Associate*, March 2004 – November 2006

- Drafted and edited litigation documents. Advised congressional staffers on post-9/11 detainee and interrogation legislation, including Detainee Treatment Act of 2005 and Military Commissions Act of 2006. Monitored and reported on military commission proceedings at U.S. Naval Base at Guantanamo Bay, Cuba and on detainee abuse.
- Lectured at universities and law schools including Fordham Law School, School of International and Public Affairs at Columbia, Pomona College and Drury University.
- Appeared on television and radio programs including NBC, MSNBC, CNN, CSPAN, FOX News, Court TV, BBC and CBC.

NYC LAW DEPARTMENT, WORLD TRADE CENTER UNIT, *Assistant Corporation Counsel*, September 2002–February 2004

- Represented New York City in litigation arising out of September 11 terrorist attacks and worked with 9-11 Commission in inquiry on attacks. Advised City officials on disaster response and preparedness efforts.

EDUCATION

CORNELL LAW SCHOOL, J.D., *cum laude*, May 2002

- Cornell Journal of Law and Public Policy, Note Editor, 2001–02
- Civil Procedure Teaching Assistant
- Administrative Law Research Assistant

PRINCETON UNIVERSITY, B.A., Religion, June 1995

PUBLICATIONS

- Journal Publications:
- Revisionist Municipal Liability*, 52 GEORGIA LAW REVIEW 375 (2018)
 - Reconstructing the Right Against Excessive Force*, 68 FLORIDA LAW REVIEW 1773 (2016)
 - Corporate Avatars and the Erosion of the Populist Fourth Amendment*, 100 IOWA LAW REVIEW 1441 (2015)
 - Presumed Imminence: Judicial Risk Assessment in the Post-9/11 World*, 35 CARDOZO LAW REVIEW 101 (2014)
 - Supervisory Responsibility for the Office of Legal Counsel* 25 GEORGETOWN JOURNAL OF LEGAL ETHICS 269 (2012)
 - A Rule Unfit for All Seasons: Monitoring of Attorney-Client Communication Violates the Attorney-Client Privilege and the Sixth Amendment*, 87 CORNELL LAW REVIEW 1233 (2002)
 - Is the 'Adequacy' Standard a More Political Question than the 'Equality' Standard?: The Effect of Standards-Based Education on Judicial Standards for Education Finance Litigation*, 11 CORNELL JOURNAL OF LAW AND PUBLIC POLICY 403 (2002) [Student Note]
- Other Publications:
- A Masterpiece of Shame: The Supreme Court's Muslim Ban*, PATCH.COM, July 3, 2018
 - 'Supreme Court Effect' on police stops is more corrosive than the 'Ferguson Effect'*, THE PLAIN DEALER, August 26, 2016
 - Why Google Can't Be Your Avatar in Court*, THE PLAIN DEALER, July 7, 2013
 - Tortured Justice: Using Coerced Evidence to Prosecute Terrorist Suspects*, Human Rights First (March 2008) (co-author with Deborah Colson)
 - While Congress Slept*, Human Rights Magazine, American Bar Association (Winter 2006) (co-author with Elisa Massimino)

'There Are No Rules Here: A Visitor's Guide to Guantanamo and the Military Commissions, SAMAR (online magazine) (Sept. 26, 2006) (co-author with Priti Patel)

Attorney General Confirmation Hearings: Background Papers on Alberto Gonzales, Human Rights First (December 2004) (co-author and co-editor)

PRESENTATIONS

- No Minyan in Ramallah: One Jewish-American's "tour" of the Occupied Palestinian Territory*, Presenter, Laura & Alvin Siegal Lifelong Learning Program at CWRU, Menorah Park, November 7, 2018
- Collective Punishment in the Occupied-Palestinian Territory*, Presenter, Social Justice Institute, Case Western Reserve University, October 6, 2018
- International Law & Policy in the Age of Trump: Immigration and Human Rights*, Panelist Case Western Reserve University School of Law, September 14, 2018
- Trump's Travel Ban 3.0: Protecting Our Borders or Bordering on Discrimination?*, Presenter, American Jewish Committee, Cleveland, December 7, 2017
- Oscar Grant, Tamir Rice, and the Victims We Don't Know: Legal Murder of People of Color and Immunity for Police*, Presenter, University of San Francisco, October 24, 2017
- Trump v. International Refugee Assistance Project*, Presenter, Laura & Alvin Siegal Lifelong Learning Program at CWRU, Senior Scholars Group Series on the Supreme Court, October 4, 2017
- International Law and the Trump Administration*, Panelist, Cleveland City Club, September 27, 2017
- Corporations on Trial: International Criminal and Civil Liability for Corporations for Human Rights Violations*, Panelist, Case Western Reserve University School of Law, September 15, 2017
- The End of Privacy: How Technology and Terrorism Endanger Individual Privacy*, Laura & Alvin Siegal Lifelong Learning Program at CWRU, Menorah Park, July 27, 2017
- The Wall: A Legal Primer*, Presenter, University Day at Park Synagogue, Cleveland, Ohio, May 10, 2017
- The Travel Ban Executive Orders—Acts of Legitimacy or Illegitimacy*, Presenter, Medina Bar Association Law Day, Medina, Ohio, May 5, 2017
- Modest/Revisionist Municipal Liability*, Presenter, Pittsburgh University School of Law, Junior Faculty Workshop, April 18, 2017
- Explaining the Conflict in Syria*, Panelist, Case Western Reserve University Law School International Law Society and National Security Law Society, April 17, 2017
- Donald Trump and the Imperial National Security Presidency: A History of Militarism, Fear, and Executive Power*, Presenter, Laura & Alvin Siegal Lifelong Learning Program at CWRU, March 15, 2017
- The End of Privacy: How Technology and Terrorism Endanger Individual Privacy*, Laura & Alvin Siegal Lifelong Learning Program at CWRU, December 2, 2016
- Reviewing Donald J. Trump's National Security and Counterterrorism Plan*, Presenter, America Jewish Committee-Cleveland, November 10, 2016
- The Day After: Explaining the 2016 U.S. Election*, Panelist, Case Western Reserve University Law School, November 9, 2016
- Law and Violence: Legal Uses of Force*, Presenter, Case Western Reserve University Pre-Law Program, October 28, 2016
- Making Civil Rights Law from Rosa Parks to the Twenty-first Century - Desegregation Panel*, Moderator, Case Western Reserve University Law School, October 14, 2016

Mullenix v. Luna: The Supreme Court's 2015-16 Term Contribution to the Law on Excessive Force, Presenter, Laura & Alvin Siegal Lifelong Learning Program at CWRU, Senior Scholars Group Series on the Supreme Court, September 28, 2016

Modest/Revisionist Municipal Liability, Presenter, Southeastern Association of Law Schools Annual Meeting, New Scholars Panel, August 4, 2016

The Fixers: Stories from a Greater Cleveland, Commenter on police brutality and urban violence, Case Western Reserve University Social Justice Center, June 16, 2016

Law's Violence: Justifying and Un-justifying Domestic and International Uses of Force, Presenter, University of Illinois at Champaign-Urbana, February 8, 2016

Remarks on The Spymasters, Presenter, National Security Law Society, Case Western Reserve University Law School, January 27, 2016

Stopping Bias in Policing, Presenter, Cleveland Community Police Commission, Cleveland, Ohio, January 25, 2016

New Lawyer Training on Professionalism: "You Could Gag a Maggot Off a Meat Wagon" (and Other Things Not to Say to Opposing Counsel), Co-Presenter with Prof. Andrew Pollis, Case Western Reserve University Law School, December 18, 2015

The Iran Nuclear Agreement, Presenter, Park Synagogue Men's Club, Beachwood, Ohio, November 30, 2015

Reconstructing the Right Against Excessive Force, Presenter, Junior Faculty Workshop Presentation at Indiana University, Robert H. McKinney School of Law, November 17, 2015

The United States and International Law: Passenger Pigeons, John Bricker, Guantanamo, and the Madness Gene, Keynote Speaker, Cleveland Council on World Affairs' Model UN Program, November 4, 2015

Whren at Twenty: Systemic Racial Bias and the Criminal Justice System, Moderator, Case Western Reserve University Law School, October 23, 2015

The Iran Nuclear Agreement, Presenter, Park Synagogue Sisterhood, Beachwood, Ohio, October 20, 2015

Explaining the Iran Nuclear Agreement, Panelist, International Law Society and National Security Law Society, Case Western Reserve University Law School, October 6, 2015

New Beginnings, Resets and Pivots: The International Legal Practice of the Obama Administration-Executive Action and Immigration Reform, Moderator, Case Western Reserve University Law School, September 18, 2015

The Iran Nuclear Accord, Guest Panelist, "Talking Foreign Policy," WCPN 90.3 FM, Cleveland, September 4, 2015, 48 CASE W. RES. J. INT'L L. 329 (2016)

What You Need to Know About the Iran Nuclear Deal, Presenter, Happy Dog Takes on the World, Sponsored by City Club of Cleveland, Cleveland Council on World Affairs, and International Partners in Mission, July 7, 2015

What to do if You're Stopped by the Police and Your Legal Right to Demonstrate, Presenter, Cleveland Branch NAACP, May 14, 2015

How our Courts Should Enforce the Constitution's Promise of Limited Government, Respondent to Remarks by Clark M. Neilly III, Federalist Society, Case Western Reserve University Law School, April 16, 2015

Citizenfour and the Debate Over Surveillance, Presenter, National Security Law Society, Case Western Reserve University Law School, March 24, 2015

Cyber Security and the Digital Border, Canada-United States Law Institute, Moderator, March 20, 2015

ISIS: International Threat or Mideast Civil War? Presenter, First Unitarian Church of Cleveland, Community Forum, February 15, 2015

Police Brutality, Race and the Law, Presenter, Case Western Reserve University Law School, January 15, 2015

New Lawyer Training on Professionalism: "You Could Gag a Maggot Off a Meat Wagon" (and Other Things Not to Say to Opposing Counsel), Co-Presenter with Prof. Andrew Pollis, Case Western Reserve University Law School, December 19, 2014

Military Genomics Panel, International Regulation of Emerging Military Technologies Symposium, Moderator, Case Western Reserve University Law School, September 5, 2014

Does International Law Matter?, Presenter, Miami University, Oxford, Ohio, Amicus Curiae, Pre-Law Society Meeting, March 5, 2014

Presumed Imminence: Judicial Risk Assessment in the Post-9/11 World, Presenter, Wayne State University School of Law Faculty Workshop, January 30, 2014

Eroding the Foundations of International Humanitarian Law: The United States Post-9/11, Moderator, Case Western University School of Law, Guest Speaker Morris Davis, October 17, 2013

Roundtable on Syria, Panelist, Presentation to Students, Case Western University School of Law, September 12, 2013

Technology and Privacy, Panelist, The Sound of Ideas, WCPN, September 3, 2013

My Life as an Undocumented Immigrant, Moderator, Town Hall of Cleveland Speaker Series, Guest Jose Antonio Vargas, February 25, 2013

Judicial Use of Fear in Terrorism Cases, Case Downtown Lecture Series, The City Club of Cleveland, November 14, 2012

Jurisprudence of Fear: Judicial Fact Finding and the War on Terrorism, Presenter, University of Toledo College of Law, Junior Faculty Workshop, October 11, 2012

Are We Better Off Than We Were Four Years Ago?: Assessing Security and Civil Liberties, Panel Moderator, Case Western Reserve University Law School, September 28, 2012

Presidential Power in a War without End, Symposium Panel, Moderator, Case Western Reserve University Law School, September 7, 2012

Guantanamo Bay Detention and Administrative Tribunal Review, Panel Speaker, Case Western Reserve University Law School, November 8, 2011.

Supervisory Responsibility for the Office of Legal Counsel, Presenter, Michigan State University Law School, Junior Faculty Workshop, October 7, 2011.

The University and National Security after 9/11, Symposium, Moderator, Case Western Reserve University Law School, September 23, 2011

Challenges for US Foreign Policy In the Next Two Years, Moderator, Town Hall of Cleveland Speaker Series, Guest John R. Bolton, September 19, 2011

9/11: A Ten Year Retrospective on Law and the War on Terrorism, Panel Speaker, Case Western Reserve University Law School, September 12, 2011

Getting a Building Snapshot: Contesting Rent Increases in Subsidized Housing, Newark HUD Tenants Coalition Tenants' Rights Conference, July 17, 2010

Transforming and Transformed - Religion and Law Shaping Each Other, Moderator, Seton Hall University Law School Symposium on Religious Legal Theory: State of the Field, November 13, 2009

Realizing Ideals: Pursuit of Human Rights, Rabbis for Human Rights Conference, December 17, 2006

The Law of War and Hamdan v. Rumsfeld, Presenter, Fordham University Law School, Visiting Class Lecture, October 12, 2006

Detention at Guantanamo Bay, Cuba, Debate with John Yoo, Pomona College, February 9, 2006

Paradigms Lost: The Global War on Terror and the Departure from the Rule of Law, Drury University, Judge Warren White Distinguished Speaker, January 26, 2006

ACTIVITIES AND HONORS

- Activities: Board of Trustees Member, Northeast Ohio Coalition for the Homeless, 2017-current
William K. Thomas Inn of Court, Member, 2016-17
Secretary, Board of Trustees, The Center for Transformative Education (formerly Abraham's Vision of Peace, Inc.), 2010-current
Member of the New York City Bar Association International Human Rights Committee, 2005-2007
- Grants/Honors: Fulbright Grant, J. William Fulbright Scholarship Board, Strathmore University, Nairobi, Kenya, "National Security and the Courts," 2018-19
Case Western Reserve University Social Justice Institute Faculty Research Grant, "Human Rights Violations in the Occupied Palestinian Territory," 2017-18
The City of New York Office of the Corporation Counsel Division Chief Award (Presented for outstanding legal strategy memo, which explored how the Air Transportation Safety and System Stabilization Act of 2001 impacts World Trade Center litigation)

BAR ADMISSIONS

- New York, 2003
New Jersey, 2008
Ohio, 2012
U.S. District Court for the Southern District of New York, 2003
U.S. District Court for the District of New Jersey, 2008
U.S. Court of Appeals for the Third Circuit, 2008
U.S. District Court for the Northern District of Ohio, 2012
U.S. District Court for the Southern District of Ohio, 2018