

## Avidan Y. Cover

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Case Western Reserve University School of Law  
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### TEACHING EXPERIENCE

#### **CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW**, Cleveland, OH,

*Associate Dean for Academic Affairs, 2019-2025*

*Professor, 2011-*

*Director of the Institute for Global Security Law and Policy, 2011-*

- Teach courses including Law, Legislation and Regulation; International Law; International Human Rights Law; Constitutional Law; Civil Rights and Human Rights Clinic; Race and American Law; Race, Law, and Society; Torts.
- 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.
- Faculty Adviser for National Lawyers Guild and National Security Law Society student groups.
- Faculty Committees: Admissions; Appeals and Rules; Appointments; Curriculum; Diversity; Experiential Learning; Global Legal Studies.

#### **STRATHMORE UNIVERSITY LAW SCHOOL**, Nairobi, Kenya

*Visiting Lecturer, Fulbright Scholar, 2019*

- Taught International criminal Law and Legal Theory
- Served as Acting Director of the Strathmore Institute for Advanced Studies in International Criminal Justice

#### **SETON HALL UNIVERSITY SCHOOL OF LAW, CENTER FOR SOCIAL JUSTICE**, Newark, NJ,

*Practitioner in Residence/Visiting Assistant Professor, 2009–2011*

- 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, 1996–1998*

- 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*, 2007–2009

- 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*, 2006 – 2007; *Senior Associate*, 2004–2006

- 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, and appeared on numerous media programs.

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

- 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: [Sanctions and Consequences: Third-State Impacts and the Development of International Law in the Shadow of Unilateral Sanctions on Russia](#), 100 DETROIT MERCY LAW REVIEW 441 (2023)

[Quieting the Court: Lessons from The Muslim-Ban Case](#), 23 THE JOURNAL OF GENDER, RACE, & JUST. 1 (2020)

[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: [Deporting DACA recipients would be a loss to the nation](#), (co-authored with Alicia Mallo & Leah Rothfeld), THE CINCINNATI INQUIRER; AKRON BEACON-SUN, Nov. 8, 2019

[Sen. Portman, show your moral leadership by voting against President Trump's emergency declaration and by more oversight of his travel ban](#), THE PLAIN DEALER, March 6, 2019

[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

*Power by Pen: 460 206 Executive Orders [and Counting]*, Presenter, Unitarian Universalist Congregation of Cleveland, October 5, 2025

*Theories of Justice – ASIL Research Forum Panel*, Discussant, *Turning Points and Paradigm Shifts in International Law: The ASIL Midyear Meeting*, Case Western Reserve University School of Law, September 26, 2025

*Today's Imperial Presidency: Thoughts on Executive Power*, Presenter, Case Western Reserve University, September 17, 2025

*Reviewing the Supreme Court Term*, Presenter, American Constitution Society Law Students Association, Case Western Reserve University School of Law, September 5, 2025

*Is Taiwan at Risk?*, Panelist, "Talking Foreign Policy," *Ideastream*, Cleveland, November 20, 2024

*Protecting Human Rights*, Presenter and Panelist, Canada-United States Law Institute 48<sup>th</sup> Annual Conference, Case Western Reserve University School of Law, *The Economics of Human Rights: Canadian and US Perspectives on Supply Chains, Sanctions and Securing Reconciliation*, April 19, 2024

*Faculty Perspectives on the War in Gaza and Israel*, Panelist, Case Western Reserve University School of Law, February 15, 2024

*The ICJ Decision in the South Africa v. Israel Case*, Panelist, Case Western Reserve University School of Law, February 7, 2024

*Israel and Hamas at War: Implications and Consequences*, Participant, Maltz Museum, Virtual Event, Oct. 18, 2023

*Sanctions and Consequences: Third-State Impacts and the Development of International Law in the Shadow of Unilateral Sanctions on Russia*, Presenter, University of Detroit Mercy Law Review Symposium, *The Legal Fallout of Russia's 2022 Invasion of Ukraine*, Detroit, March 3, 2023

*Understanding Third World Approaches to International Law*, Presenter, Black Law Students Association, Case Western Reserve University School of Law, October 19, 2022

*Prosecuting War Criminals: From Nuremberg to the Ukraine*, Speaker, Maltz Museum of Jewish Heritage, Beachwood, May 18, 2022

*Qualified Immunity – Should the Supreme Court Retain or Abolish?*, Speaker, The Federalist Society, Case Western Reserve University School of Law, November 3, 2021

*The Future of the West Bank*, Speaker, The Federalist Society, Case Western Reserve University School of Law, October 21, 2020

*Great Decisions in Libraries: Refugees and Global Migration*, Presenter, Lakewood Public Library, February 27, 2020

*Quieting the Court: Lessons from The Muslim-Ban Case*, Presenter, Suffolk Law School, Boston, MA, October 31, 2019

*Legal Clinics in the United States: An Overview*, Presenter, Roundtable Discussion Exploring Opportunities for University Law Clinics in Kenya, Strathmore University Law School, Nairobi, Kenya, April 26, 2019

*Digital Transformation of Justice Systems in Africa: Challenges and Opportunities*, Panelist, Strathmore University Law School, Nairobi, Kenya, March 7, 2019

*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

*Belgian Marxist Academics, Plenary Power, Animal Sacrifice, and LBJ: A Primer on Trump's Travel Ban 3.0*, Presenter, Cleveland City Club, April 18, 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

*Uber and Regulation: What is Driving the Discussion*, Speaker, The Federalist Society, Case Western Reserve University School of Law, October 16, 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: Outstanding Faculty Service Award, 2020

Alumni Association Teacher of the Year, 2019

Fulbright Grant, J. William Fulbright Scholarship Board, Strathmore University Law School, 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 (discontinued in 2023)

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