

# RUSSELL DEAN COVEY

P.O. Box 4037, Atlanta, GA 30302-4037 · (404) 413-9182 · rcovey@aya.yale.edu

## PROFESSIONAL EXPERIENCE

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### GEORGIA STATE UNIVERSITY COLLEGE OF LAW

2007–PRESENT

*Professor of Law (Associate Professor, 2007-2012)*

Atlanta, Georgia

*Courses:* Criminal Law, Criminal Procedure: Investigations, Criminal Procedure: Adjudication, Wrongful Convictions, Criminal Law in the Supreme Court, Sentencing Law, Philosophy of Criminal Law. Founding Faculty: GSU Criminal Appellate Practicum.

*Service:* Faculty Recruitment Committee (Chair, 2012-present, member 2010-present); Clerkship Committee, 2009-2012; Faculty Development Committee, 2012-present; Honor Board, 2009-2011; Dean's Advisory Committee, 2008-2010. Faculty Advisor: Criminal Law Association, 2007-present.

*Awards:* Patricia T. Morgan Award for Outstanding Faculty Scholarship, 2012

### WHITTIER LAW SCHOOL

2002–2007

*Associate Professor (Assistant Professor, 2002-2004)*

Costa Mesa, California

*Courses:* Criminal Procedure, Criminal Law, International Human Rights. Elected to Faculty Governance Committee (2003-04; 2004-05); Chair, Academic Standards Committee (2004-06); Faculty Advisor, Program in Criminal Law.

### WILLIAMS & CONNOLLY

1998-2002

*Associate*

Washington D.C.

Litigated a wide variety of criminal and civil cases; including a criminal extradition case before the Seventh Circuit and several cases involving allegations of white collar fraud; provided pro bono representation to criminal defendants in the D.C. and Maryland state courts; obtained acquittal of defendant charged with assault in four-day jury trial.

### THE HON. ALLYNE R. ROSS, UNITED STATES DISTRICT COURT, E.D.N.Y.

1997-1998

*Law Clerk*

Brooklyn, New York

### SIDLEY & AUSTIN

May–July 1997

*Summer Associate*

Washington D.C.

### JENNER & BLOCK

May–August 1996

*Summer Associate*

Washington D.C.

### OFFICE OF THE UNITED STATES ATTORNEY, E.D.N.Y.

May–July 1995

*Intern, Organized Crime Division*

Brooklyn, New York

## EDUCATION

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### YALE LAW SCHOOL

J.D., May 1997

*Yale Law Journal, Essays Editor*

Morris K. Tyler Moot Court of Appeals, *Semifinalist*

Lowenstein International Human Rights Clinic

### PRINCETON UNIVERSITY

M.A. Politics, June 1991

Graduate work focused on political theory, international relations, and American politics.

### AMHERST COLLEGE

B.A. Political Science, June 1987

*Phi Beta Kappa.*

## SCHOLARSHIP AND PUBLICATIONS

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*Abolishing Jailhouse Snitch Testimony*, 49 WAKE FOREST L. REV. \_\_ (2015) (forthcoming).

*Police Misconduct as a Cause of Wrongful Convictions*, 90 WASH. U. L. REV. 1133 (2013), posted with permission on the website of the National Police Accountability Project, National Lawyers Guild, assigned reading in various seminars on Wrongful Convictions; assigned as required reading in USF Professor Richard Leo's course on wrongful convictions.

*Supreme Failure (book review of MOST DESERVING OF DEATH? AN ANALYSIS OF THE SUPREME COURT'S DEATH PENALTY JURISPRUDENCE, BY KENNETH WILLIAMS (Ashgate 2012))* 61 Crime, Law and Social Change 113 (Springer Netherlands 2014).

*Plea Bargaining Law after Lafler and Frye*, 50 Duquesne L. Rev. 595 (2013).

*Plea Bargaining and Behavioral Economics*, book chapter in **The Oxford Handbook of Behavioral Economics and the Law**, ed. Doron Teichman & Eyal Zamir, Hebrew University (forthcoming 2014)

*Death in Prison: The Right Death Penalty Compromise*, 28 G.S.U. L. REV. 1085 (2012)

*Temporary Insanity: The Strange Life and Times of the Perfect Defense*, 91 BOSTON UNIV. L. REV. 1597 (2011)

*Longitudinal Guilt: Repeat Offenders, Plea Bargaining, and the Variable Standard of Proof*, 63 FLORIDA L. REV. 431 (2011)

*Pervasive Surveillance and the Future of the Fourth Amendment*, 80 MISS. L.J. 1289 (2011) (symposium contribution)

*Criminal Madness: Cultural Iconography and Insanity*, 61 STAN. L. REV. 1375 (2009)

*Signaling and Plea Bargaining's Innocence Problem*, 66 WASH. & LEE L. REV. 73 (2009); excerpted in ALLEN, STUNTZ, HOFFMAN, LIVINGSTON & LEIPOLD, COMPREHENSIVE CRIMINAL PROCEDURE 1183 (Wolters Kluwer 2011).

**Comment, *The Limits of the Economic Model: Becker's Crime and Punishment***, published in PAUL ROBINSON, STEPHEN GARVEY, AND KIM FERZAN, EDs., CRIMINAL LAW CONVERSATIONS (Oxford University Press 2009)

**Comment, *Deterrence's Complexity***, published in PAUL ROBINSON, STEPHEN GARVEY, AND KIM FERZAN, EDs., CRIMINAL LAW CONVERSATIONS (Oxford University Press 2009)

*Fixed Justice: Reforming Plea-Bargaining With Plea-Based Ceilings*, 82 TULANE L. REV. 1237 (2008)

*Reconsidering the Relationship Between Cognitive Psychology and Plea Bargaining*, 91

MARQUETTE L. REV. 213 (2007) (symposium contribution) (reprinted as book chapter in ASIFA BEGUM, ED., LAW AND JUSTICE – PSYCHOLOGY ROLE-PLAY (2010)).

***Miranda and the Media: Tracing the Cultural Evolution of a Constitutional Revolution***, 10 CHAPMAN L. REV. 761 (2007) (symposium contribution)

***The Unbearable Lightness of Batson: Mixed-Motives and Discrimination in Jury Selection***, 66 MARYLAND L. REV. 279 (2007)

***Interrogation Warrants***, 26 CARDOZO L. REV. 1867 (2005)

***Exorcising Wechsler's Ghost: The Influence of the Model Penal Code on Death Penalty Sentencing Jurisprudence***, 31 HASTINGS CONST. L. Q. 189 (2004)

***Beating the Prisoner at Prisoner's Dilemma: The Evidentiary Significance of a Witness's Refusal to Testify***, 47 AM. U. L. REV. 106 (1997), *excerpted in* DAVID R. PAPKE, LAW AND POPULAR CULTURE: TEXT, NOTES AND QUESTIONS (3d ed. 2011).

***Adventures in the Zone of Twilight: Separation of Powers and National Economic Security in the Mexican Bailout***, 105 YALE L.J. 1311 (1996)

#### SELECTED PRESENTATIONS

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***Invited panelist, Stop and Frisk: Past and Future***, presentation and discussion hosted by the GSU Black Law Students Association and the Public Interest Law Association, Oct. 30, 2013, Georgia State University College of Law.

***Invitee, The Present and Future of Behavioral Law and Economics: Substance and Methodology***, conference hosted by Notre Dame Law School, Program on Law and Market Behavior, April 3-5, 2013, South Bend, Indiana.

***Plea Bargaining Law After Lafler and Frye***, Mar. 1, 2013, panel presentation, *Plea Bargaining After Lafler and Frye*, Duquesne University Law School, Pittsburgh, Pennsylvania.

***Moderator, Criminal Law Reform in a Time of Economic Meltdown***, symposium hosted by the Georgia State University Law Review, Jan. 27, 2012, Atlanta, Georgia.

***Wrongful Conviction Data Revised: Taking Mass Exoneration Data Into Account***, panel presentation, American Society of Criminology Annual Conference, Nov. 16, 2011, Washington D.C.

***Criminal Justice Responses to the Economic Crisis***, panel presentation, 2011 *Globalization of Crime – Criminal Justice Responses* Conference, International Centre for Criminal Law Reform and Criminal Justice Policy, August 9, 2011, Ottawa, Canada.

***Turning the Tables: Pervasive Surveillance of the Police***, invited participant, Criminal Law Discussion Forum, Southeastern Association of Law Schools Annual Conference, July 27, 2011, Hilton Head, South Carolina.

***Pervasive Surveillance and the Future of the Fourth Amendment***, invited participant, Criminal Law Discussion Forum, June 10-11, 2010, Aix-en-Provence, France.

***Longitudinal Guilt: Repeat Offenders, Plea Bargaining, and the Variable Standard of Proof***, invited speaker, Florida State University College of Law Faculty Colloquia Series, Oct. 16 2009, Tallahassee, Florida.

***Temporary Insanity: The Strange Life and Times of the Perfect Defense***, panel presentation, New Scholars Colloquia, Southeastern Association of Law Schools Annual Conference, Aug. 6, 2009, Palm Beach, Florida.

Moderator, ***Roundtable Discussion on Confessions and Reliability***, Workshop on Criminal Procedure, Southeastern Association of Law Schools Annual Conference, August 6, 2009, Palm Beach, Florida.

***Constructing the Criminal: Images of the Monster***, panel presentation, *Fear and Loathing in Criminal Law*, at the annual Law and Society Conference, May 28, 2009, Denver, Colorado.

***Criminal Madness: A Case Study in Cultural Iconography***, panel presentation, *Constructions of the Criminal*, at the 2009 Stanford Law Review Symposium: Media, Justice and the Law, Jan. 30, 2009, Palo Alto, California.

***U.S. Supreme Court Update, Term 2006: Overview of Criminal Cases***, presentation to the Georgia Bar Association, October 11, 2007, Atlanta, Georgia

***Reconsidering the Relationship Between Cognitive Psychology and Plea Bargaining***, panel presentation at Marquette Law School Conference on Plea Bargaining: Understanding and Improving Dispute Resolution in Criminal Law, April 9, 2007.

***Miranda and the Media: The Rise and Fall of a Cultural Icon in Film and Television***, panel presentation at symposium marking 40<sup>th</sup> anniversary of *Miranda v. Arizona*, January 26, 2007, sponsored by Chapman University, Orange, California.

***Universally-Condemned Crimes Before International, National and Hybrid Tribunals: Universal Jurisdiction, Universal Venue***, panel presentation at International Law Weekend 2004, sponsored by the International Law Association, October 16, 2004, New York, New York.

***Toward an Interrogation Warrant Regime***, faculty presentation given at UCLA Monday Colloquia Series, August 30, 2004, Los Angeles, California.

## SELECTED MEDIA APPEARANCES AND CONTRIBUTIONS

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***It's a Crime***, LA-area radio talk show (date forthcoming), invited by host to speak about my recent article, *Death in Prison: The Right Death-Penalty Compromise*.

Guest, ***Radio Pacifica***, Sept. 20, 2011, spoke on radio talk show about the Troy Davis case.

***A Life in Balance: Examining the Troy Davis Case***, appeared as expert in documentary film produced by Amnesty International, September 2011, available at <http://www.amnestyusa.org/our-work/cases/usa-troy-davis/watch-videos-examining-the-troy-davis-case?msource=W1108EADP01&tr=y&auid=9376725>

***Despite DA's arguments, doubt remains on Troy Davis' guilt***, FULTON COUNTY DAILY REPORT, *op-ed*, Tuesday, October 11, 2011, available at <http://www.dailyreportonline.com/Editorial/News/singleEdit.asp?l=101319610051>

11-Alive News, 6 p.m., appeared as expert discussing Georgia's "Stand Your Ground" law, April 23, 2012

Guest-Blogger, ***Prawfsblawg***, located at <http://prawfsblawg.blogs.com/>, July 2006

## PRO BONO SERVICE AND OTHER WORK EXPERIENCE

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### **NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS**

2004–PRESENT

#### ***Amicus Curiae Attorney***

Author of *amicus curiae* briefs in cases involving questions of criminal law and procedure in the United States Supreme Court (*Evans v. Chavis*, No. 04-721) and the Ninth Circuit Court of Appeals (*Kesser v. Cambra*, No. 02-15475; *Riggs v. Fairman*, No. 02-55185); *Souliotes v. Hedgpeth*, No. 08-15943, filed Nov. 17, 2010).

#### ***Other Pro Bono Work***

Counsel for Amici Curaie, *Pickering v. Colorado*, 11-870, U.S. Supreme Court (Feb. 13, 2012) (counsel of record and lead author of *amici curaie* brief filed in support of Pickering's cert petition on behalf of distinguished group of criminal law professors); Co-counsel, *Bey v. Johnson*, 127 S.Ct. 1212 (2007) (granting petition for certiorari, vacating judgment, and remanding); *Leahy v. Farmon* (No. 01-17467) appointed counsel and argued in *en banc* Ninth Circuit rehearing, 12-13-2005, petition granted, *Kesser v. Cambra*, 2006 WL 2589425 (Sept. 11, 2006); *Yee v. Duncan*, No. 05-55265 (9th Cir.) (counsel of record for Randall Yee in petition for rehearing).

#### **Atlanta Citizen Review Board**

Nov. 2009

Provided legal training to members of recently-established CRB.

#### **Georgia Criminal Law Reform Committee**

April 2011 -- present

Advisor. Appointed by President of Georgia state bar to serve on advisory committee exploring options to reform Georgia criminal justice policies.

#### **American Bar Association, Criminal Justice Section, National Roundtable**

Aug. 2011 -- 2013

Invited to lead Georgia roundtable discussion as part of national effort to convene policymakers and stakeholders in discussions focused on reform of criminal justice policies intended to reduce high incarceration rates.

### **INVITED PEER REVIEW**

- **Journal of Empirical Legal Studies** **2014**  
Invited to assess empirical research paper on plea bargaining.
- **Outside Scholarship reviewer** **2013**  
Asked to conduct review of scholarship of faculty candidate at University of Baltimore Law School for purposes of tenure candidacy and tenured faculty member at South Carolina Law School for purposes of promotion to full professor.
- **National Science Foundation** **2010**  
Invited to provide confidential assessment of proposed interdisciplinary research grant for project involving empirical investigation of plea bargain decision-making.
- **South Carolina Law Review** **2009**  
Invited to conduct peer review of submission of legal scholarship related to death penalty for peer review journal.
- **Jurimetrics: The Journal of Law, Science, and Technology** **2008**  
Invited to conduct peer review of legal scholarship related to cognitive psychology and law.

### **PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES**

1993

*Special Assistant to Chairman*

*Washington, D.C.*

### **UNITED STATES HOUSE OF REPRESENTATIVES**

1989

*Legislative Assistant to the Honorable Denny Smith (OR)*

*Washington, D.C.*

### **SMITH BARNEY, HARRIS UPHAM INTERNATIONAL**

1987-1988

**BAR MEMBERSHIPS**

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Georgia (2011) (inactive status), New York (1998) – resigned (2012), District of Columbia (1999) (resigned – 2012), U.S. Supreme Court (2005), U.S. Court of Appeals, Ninth Circuit (2004), U.S. Court of Appeals, Federal Circuit (2002), U.S. Court of Federal Claims (1998).