

CURRICULUM VITAE
University of Idaho

NAME: Aliza Plener Cover **DATE:** January 9, 2024

RANK OR TITLE: Associate Dean of Faculty and Professor of Law

DEPARTMENT: College of Law

OFFICE LOCATION AND CAMPUS ZIP:

College of Law
University of Idaho
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DATE OF FIRST EMPLOYMENT AT UI: August 2014

DATE OF TENURE: August 2018

DATE OF PRESENT RANK OR TITLE: August 2020 (Professor of Law); May 2022 (Associate Dean of Faculty)

EDUCATION BEYOND HIGH SCHOOL:

Degrees:

J.D., Yale Law School, New Haven, CT, 2008

Yale Law Journal, Public Editor

Immigration Legal Services Clinic, Supervising Student Director

Yale Human Rights and Development Law Journal, Editor

Rebellious Lawyering Conference, Co-Director

B.A., Yale College, New Haven, CT, 2003, English

Magna cum laude

Departmental Honors in English

Phi Beta Kappa

Lloyd Mifflin Prize for General Excellence: Senior Essay in English or American Literature

Certificates and Licenses:

Member of the State Bar of Louisiana (active 2010 – 2014; inactive 2014 – present)

EXPERIENCE:

Teaching Appointments:

University of Idaho College of Law

Associate Dean of Faculty (Summer 2022 – present)

Professor of Law (2020 – present)

Associate Professor of Law (2014 – 2020)

Loyola University New Orleans College of Law, New Orleans, Louisiana

Westerfield Fellow (2012 – 2014)

Non-Academic Employment:

Louisiana Capital Assistance Center, New Orleans, Louisiana

Junior Staff Attorney (2009 – 2011) (admitted to practice 2010)

Hon. Stephen Reinhardt, United States Ninth Circuit Court of Appeals, Los Angeles, California
Law Clerk (2008 – 2009)

Lawyers' Committee For Civil Rights of the San Francisco Bay Area, San Francisco, California
Legal Intern (Summer 2007)

Refugee Law Project, Kampala, Uganda
Research and Advocacy Intern (Summer 2006)

Children's Rights, New York, New York
Paralegal (August 2003 – July 2005)

TEACHING ACCOMPLISHMENTS:

Areas of Specialization:

Criminal Law and Procedure; Evidence; Death Penalty Law; Family Law

Courses Taught:

University of Idaho College of Law:

Criminal Procedure, LAW 953-01 (Fall 2014, Fall 2015, Fall 2016, Fall 2018)
Criminal Law, LAW 812 (Spring 2015, Spring 2016, Spring 2017, Spring 2018, Spring 2019, Spring 2020, Spring 2021, Spring 2022)
Evidence, LAW 950-01 (Spring 2015, Spring 2016, Spring 2017)
Advanced Criminal Procedure, LAW 901 (Fall 2015, Fall 2016, Spring 2018, Spring 2019, Spring 2020, Spring 2021, Spring 2022, Spring 2024)
Family Law, LAW 963-02 (Fall 2017, Fall 2018, Fall 2019, Fall 2021)
Seminar: The Death Penalty, LAW 901 (Fall 2017, Fall 2019, Fall 2021)
Seminar: Government & Public Law, LAW 901 (co-taught) (Fall 2019)

Loyola University New Orleans College of Law:

Legal Research & Writing (Fall 2012, Fall 2013)
Moot Court (Spring 2013, Spring 2014)
The Death Penalty in America (Fall 2013)

Students Advised:

Directed study:

Spring 2016 (1 student); Fall 2016 (3 students); Spring 2017 (3 students); Spring 2018 (1 student);
Fall 2018 (2 students); Spring 2019 (3 students); Fall 2019 (3 students); Spring 2020 (1 student);
Spring 2022 (3 students)

Law Review / Critical Legal Studies Journal advisor:

2014-2015 (2 students); 2015-2016 (3 students); 2016-2017 (2 students); 2017-2018 (2 students);
2018-2019 (4 students); 2019-2020 (2 students)

Courses Developed:

Seminar: Government & Public Law, LAW 901 (co-taught) (Fall 2019)

Along with five colleagues, I developed the idea for and then co-taught a seminar introducing students to different career paths and contemporary substantive legal issues in government and public law, primarily through inviting to class a series of guest speakers with a wide range of experiences in these areas.

Advanced Criminal Procedure: Adjudications (University of Idaho College of Law)

I proposed and began teaching this course as a LAW 901 temporary course in Fall 2015 and Fall 2016. In Fall 2016, I co-wrote and submitted a successful proposal to the Curriculum Committee

and law faculty to permanently add this course to the curriculum.

The Death Penalty in America (Loyola University New Orleans College of Law)

I designed a seminar, using my own course material, focusing on the administration and legal regulation of the death penalty in America since the 1970s.

SCHOLARSHIP ACCOMPLISHMENTS:

Law Review and Journal Publications (Published):

Articles:

The Constitutional Guarantee of Criminal Justice Transparency, 74 ALA. L. REV. 171 (2022).

Narrowing Death Eligibility in Idaho: An Empirical and Constitutional Analysis, 57 IDAHO L. REV. 559 (2021).

Supermajoritarian Criminal Justice, 87 GEO. WASH. L. REV. 875 (2019).

The Arbiters of Decency: A Study of Legislators' Eighth Amendment Role (with David Niven), 93 WASH. L. REV. 1397 (2018).

Hybrid Jury Strikes, 52 HARV. C.R.-C.L. L. REV. 357 (2017) (cited by *State v. Holmes*, 334 Conn. 202 (2019)).

The Eighth Amendment's Lost Jurors: Death Qualification and Evolving Standards of Decency, 92 IND. L.J. 113 (2016).

Archetypes of Faith: How Americans See, and Believe In, Their Constitution, 26 STAN. L. & POL'Y REV. 555 (2015).

Cruel and Invisible Punishment: Redeeming the Counter-Majoritarian Eighth Amendment, 79 BROOK. L. REV. 1141 (2014).

Essays:

Cover v. Idaho Board of Correction (Practitioner Comment) (with Ritchie Eppink), IDAHO L. REV. SPOTLIGHT (2021).

The Pope and the Capital Juror, 128 YALE L. J. FORUM 599 (2018).

On Law-Breaking and Law's Legitimacy, 15 U. MD. L.J. RACE RELIG. GENDER & CLASS 310 (2015) (symposium).

Editorials:

Could the Pope's Call to End the Death Penalty Keep Catholics Off Juries?, WASHINGTON POST (online Jan. 18, 2019) (in print Sunday, Jan. 20, 2019).

Why Doubt Should Be Disqualifying for a Supreme Court Nominee, Guest Opinion, IDAHO STATESMAN (Oct. 5, 2018) (online).

Scholarly Presentations:

"The Prosecutor License," 2023 SEALS Annual Conference Discussion Group, "Reforms, Restoration, and Resistance: Criminal Justice and Injustice" (Jul. 28, 2023).

“The Prosecutor License,” Faculty Colloquium, University of Idaho College of Law (May 11, 2022) (with Benjamin Plener Cover).

“The Transparency Principle of Constitutional Criminal Procedure,” Virtual Faculty Retreat, University of Idaho College of Law (June 28, 2021).

“Narrowing Death Eligibility in Idaho: An Empirical and Constitutional Analysis,” presented during panel, “Critical Decisions: Prosecution and Defense,” *Idaho Law Review Symposium, Incarcerating the Masses: A Critical Examination of America’s Prison Problem*, University of Idaho College of Law (Mar. 23, 2021).

“Narrowing Death Eligibility in Idaho: An Empirical and Constitutional Analysis,” Faculty Colloquium, University of Idaho College of Law (Mar. 10, 2021).

“Narrowing Death Eligibility in Idaho: An Empirical and Constitutional Analysis,” Kootenai County Bench Bar Forum (Mar. 2, 2021).

“The Transparency Principle,” Faculty Scholarship Retreat, University of Idaho College of Law (Apr. 20, 2019).

“Supermajoritarian Criminal Justice,” Faculty Workshop, Fowler School of Law – Chapman University (Nov. 15, 2018).

“Supermajoritarian Criminal Justice,” CrimFest, Benjamin N. Cardozo School of Law (July 16, 2018).

“The Standard-Bearers: A Study of Legislators’ Eighth Amendment Role,” ABA Criminal Justice Section Academic Roundtables, Washington D.C. (Nov. 2, 2017).

“The Standard-Bearers: A Study of Legislators’ Eighth Amendment Role,” Junior Scholars Virtual Colloquium, Stetson University College of Law (Aug. 11, 2017).

“Hybrid Peremptory Strikes,” ABA Criminal Justice Section Academic Roundtables, Washington D.C. (Nov. 3, 2016).

“Hybrid Peremptory Strikes,” Junior Scholars Virtual Colloquium, University of Toledo College of Law (Aug. 12, 2016).

“Law-Breaking and Evolving Standards of Decency,” Faculty Colloquium, University of Idaho College of Law (Mar. 23, 2016).

“Law-Breaking and Evolving Standards of Decency,” 2015 SEALS Annual Conference Discussion Group, “Reversing Mass Incarceration: What Reforms Are Working (or Could Work) and Why?” (July 29, 2015).

“Law-Breaking and Evolving Standards of Decency,” Junior Scholars Virtual Colloquium, University of Louisville Louis D. Brandeis School of Law (July 22, 2015).

“Resurrecting the Death-Disqualified Juror: *Witherspoon* Strikes as Objective Indicia of Evolving Standards of Decency,” Northwest Junior Faculty Forum, Seattle University School of Law (Mar. 26, 2015).

“Resurrecting the Death-Disqualified Juror: *Witherspoon* Strikes as Objective Indicia of Evolving Standards of Decency,” College of Law Junior Faculty Retreat, University of Idaho College of Law, (Feb. 28, 2015).

“Resurrecting the Death-Disqualified Juror: *Witherspoon* Strikes as Objective Indicia of Evolving Standards of Decency,” Faculty Colloquium, University of Idaho College of Law (Dec. 10, 2014).

“Resurrecting the Death-Disqualified Juror: *Witherspoon* Strikes as Objective Indicia of Evolving Standards of Decency,” Rocky Mountain Junior Scholars Forum, University of Utah S.J. Quinney College of Law (Nov. 13-14, 2014).

“Resurrecting the Death-Disqualified Juror: *Witherspoon* Strikes as Objective Indicia of Evolving Standards of Decency,” Junior Scholars Virtual Colloquium, Michigan State University College of Law (Aug. 8, 2014).

“The Four Sons of America’s Constitutional Faith,” Inland Northwest Scholars Workshop, Gonzaga University School of Law (July 14, 2014).

“The Political Cost of *Brady* Compliance: Untangling the Paradox of Orleans and Jefferson Parishes,” 2013 SEALS Annual Conference Discussion Group, “50 Years After *Brady v. Maryland*: Where Are We Now?” (Aug. 8, 2013).

“Cruel and Invisible Punishment: Redeeming the Counter-Majoritarian Eighth Amendment,” Loyola University New Orleans Junior Faculty Forum (Feb. 28, 2013).

Honors and Awards:

Presidential Mid-Career Award, University of Idaho (2023).

2022 Leaders in Law Honoree, Educator (awarded by the *Idaho Business Review*).

Faculty Mentor to “Alumni Award for Excellence” recipients (2022 – one student, 2020 – one student, 2019 – two students).

2019 Ellis Law Fund Scholar (for summer research funding).

2018 Ellis Law Fund Scholar (for summer research funding).

2017 Ellis Law Fund Scholar (for summer research funding).

Finalist, 2017 AALS Criminal Justice Section Junior Scholars Paper Competition (for *The Eighth Amendment’s Lost Jurors: Death Qualification and Evolving Standards of Decency*)

SERVICE:

College of Law Administrative Roles:

Associate Dean of Faculty (Summer 2022 – present)

Major Committee Assignments:

ABA Site Visit Leadership Team
Member, (Spring 2021 – Spring 2023)

Faculty Appointments Committee
Chair (Fall 2021 – Spring 2022)
Search Committee Chair, Entrepreneurship Law Clinic Director (Fall 2021)
Search Committee Member, Associate Dean for Student Affairs and Inclusion (Spring 2021)
Vice Chair (Fall 2018 – Spring 2020)
Search Committee Chair, Immigration Clinic Director (Fall 2019)
Search Committee Member, Criminal Procedure & Evidence Professor (Fall 2017)

Curriculum Committee
Member (Fall 2022 – Spring 2023; Fall 2019 – Spring 2020)
Participant, Curriculum Subcommittee (Fall 2015 – Spring 2016)

Tenure & Promotion and Third-Year Review Committees

- Chair, Tenure & Promotion Committee (one candidate) (Fall 2021)
- Member, Tenure & Promotion Committee (two candidates) (Fall 2021)
- Chair, Third-Year Review Committee (Spring 2021)

Strategic Implementation Group – Boise

- Participant (Fall 2018)

Dean's Advisory Group

- Elected Faculty Representative (Fall 2017 – Spring 2018, Fall 2015 – Spring 2016)

Honor Court

- Temporary Justice (Spring 2017)

Faculty Secretary (Spring 2016)

Library Committee

- Member (Fall 2015 – Spring 2016)

Professional and Scholarly Organizations:

Federal Defenders of Idaho, Board of Directors

- President (Winter 2024 – present)
- Vice President (Fall 2021 – Fall 2023)
- Executive Director Search Subcommittee Member (Spring – Fall 2020; Fall 2021)
- Board Member (Summer 2019 – present)

Inns of Court, Member (Fall 2022 – Spring 2023).

Idaho State Bar Diversity Section, College of Law Faculty Representative (Summer 2018 – 2020).

University Service – Presentations:

Co-presenter, “How to Structure a Law Review Article,” Faculty Colloquium (Oct. 26, 2018).

Orientation Instructor, Lawyering Fundamentals (August 2018).

Panelist, Criminal Law advising panel (Feb. 13, 2018).

Moderator, Academic Opportunities Panel (Nov. 13, 2017).

Orientation Instructor, Lawyering Fundamentals (August 2017).

Panelist, Criminal Law advising panel (Feb. 13, 2017).

Panelist, “Transition to Practice: State & Federal Clerkships - Faculty perspective” (Feb. 6, 2017).

Orientation Instructor, Lawyering Fundamentals (August 2016).

Panelist, Student/Faculty Q&A Session (Aug. 24, 2016) (sponsored by Phi Alpha Delta).

Panelist, Roundtable on advice for female attorneys (Apr. 20, 2016) (sponsored by Women's Law Caucus).

Panelist, Discussion on diversity (Apr. 11, 2016) (sponsored by the Multicultural Law Caucus and the Native American Law Students Association).

Panelist, “Gun Rights: Will the Second Amendment Survive the Current Executive Branch?” (Jan. 28, 2016) (sponsored by the Federalist Society).

Panelist, “Filming the Police” (Oct. 29, 2015) (sponsored by the ACLU and the Black Law Students Association).

Moderator/Panelist, “High on Federalism: Marijuana’s Challenge to Federal-State Relations” (Nov. 7, 2014) (sponsored by the Federalist Society).

University Service – Other:

Faculty Scholarship Retreat

Organizer, Virtual Faculty Scholarship Retreat (held June 22, 2022)

Organizer, Virtual Faculty Scholarship Retreat (held June 28, 2021)

Organizer, Faculty Scholarship Retreat (held April 20, 2019)

Faculty Mentoring

Faculty Mentor (five faculty mentees between Fall 2018 and the present)

Student Advising

Faculty Advisor, Pan Asian Law Affairs (Fall 2021 – Spring 2022)

Faculty Advisor, Criminal Law Society (Spring 2017 – present)

Faculty Advisor, ACLU Student Chapter (Fall 2022 – present)

Coach, National Moot Court Team (Fall 2018).

Juror, Mock Trial competition, University of Idaho College of Law (Oct. 1, 2015).

Judge, Prince Memorial Evidence Moot Court competition, University of Idaho College of Law (Nov. 19, 2014).

Judge, McNichols Moot Court Competition, University of Idaho College of Law (Oct. 24, 2014).

Outreach Service – Presentations:

Moderator, “The Evolving Eighth Amendment,” 2023 SEALS Annual Conference (Jul. 26, 2023).

Presenter, *A Conversation about the Law When Working in Academia*, Idaho State Bar Government & Public Sector Lawyers Section CLE (June 1, 2023).

Faculty, Idaho Public Defense Commission Leadership Forum (Feb. 27 – Mar. 1, 2023).

Panelist, “Clemency and Commutation in Idaho and Beyond,” Inns of Court Meeting (Apr. 21, 2022) (with Brady Hall, General Counsel to Governor Little).

Moderator, “Reflections on Guantánamo,” Conversation with David Nevin, 2021 Sherman J. Bellwood Memorial Lectures, University of Idaho College of Law (Oct. 27, 2021).

Convening Panelist, “Criminal Justice Reform and the Rule of Law,” 2019 Idaho Teachers’ Institute on Law-Related Civic Education (June 13, 2019) (with Bart Davis, United States Attorney, District of Idaho, and Kathleen Elliott, Executive Director, Idaho State Public Defense Commission).

Panelist, “Forum: Criminal Justice Reform and Idaho,” City Club of Boise (Mar. 1, 2019) (with Senator Todd Lakey and Representative Melissa Wintrow; broadcast on Boise State Public Radio).

Moderator, Panel on Stop-and-Frisk in Idaho, *Idaho Law Review* Symposium, “*Terry v. Ohio* at 50: Considering the Past, Present and Future of Stop-and-Frisk” (Apr. 6, 2018).

Panelist, Film screening of *Executing the Insane: The Case of Scott Panetti*, followed by panel

discussion on severe mental illness and the death penalty (Feb. 21, 2017) (sponsored by the Idaho ACLU Student Organization and the Idaho Alliance for the Severe Mental Illness Death Penalty Exclusion).

Panelist, “The Fourth Amendment’s Application to Social Media Surveillance,” 225th Anniversary of the Bill of Rights Symposium (Sept. 15, 2016) (sponsored by the Diversity Section of the Idaho State Bar).

Panelist, Film screening and discussion of *BUSTED: The Citizen’s Guide to Surviving Police Encounters*, Washington State University (Oct. 22, 2014) (sponsored by the WSU Criminal Justice and Criminology Graduate Student Association).

Outreach Service – Media Interviews and Appearances:

Quoted in: Alexandra Duggan, *Idaho law: Jane Doe not required to testify during von Ehlinger rape trial*, Idaho Press (May 8, 2022).

Quoted and discussed in: Kevin Fixler, *Cash buys, private flights, changing rules: How Idaho hides from execution oversight*, Idaho Statesman (Jan. 19, 2022).

Quoted and discussed in: Rone Tempest, *Here’s how a Salt Lake City pharmacy played a key role in the execution of an Idaho serial killer*, Salt Lake City Tribune (Apr. 18, 2021).

Quoted and discussed in: Rebecca Boone, *Idaho Supreme Court: State must reveal execution drug source*, AP News (Nov. 20, 2020).

Discussed in: Rebecca Boone, *Idaho Supreme Court considers case on lethal injection records*, AP NEWS (Sept. 15, 2020).

Discussed in: Rebecca Boone, *Organizations ask Idaho high court to open execution records*, AP NEWS (Mar. 2, 2020).

Discussed in: Amanda Robert, *ABA urges top state court to consider death penalty policy, constitutional challenges in drug records case*, ABA JOURNAL (Mar. 2, 2020).

Quoted and discussed in: Betsy Russell, *House, Senate Judiciary committees back secrecy rule for execution drugs*, IDAHO PRESS (Jan. 29, 2020).

Quoted and discussed in: Rebecca Boone, *Idaho lawmakers approve execution-drug secrecy rule*, AP NEWS (Jan. 29, 2020).

Discussed in: Rebecca Boone and Keith Ridler, *A look at some of the biggest Idaho stories of 2019*, AP NEWS (Dec. 26, 2019).

Discussed in: Rebecca Boone, *Idaho execution records appeal may be considered next year*, AP NEWS (Sep. 20, 2019).

Quoted in: Johnathan Hogan, *Dripps preliminary hearing raises serious questions over whether he was properly Mirandized*, IDAHO PRESS (Aug. 23, 2019).

Interviewed by Gemma Gaudette on *Idaho Matters*, Boise State Public Radio, in a segment called *District Court Rules IDOC Must Turn Over Execution Documents* (Mar. 27, 2019). Audio recording available at <https://www.boisestatepublicradio.org/post/district-court-rules-idoc-must-turn-over-execution-documents>.

Quoted and discussed in: Rebecca Boone, *Idaho prison officials fought to keep lethal injection info private. A judge disagrees.*, IDAHO STATESMAN (Mar. 22, 2019).

Discussed in: Tommy Simmons, *Judge says IDOC must disclose information about one source of lethal chemicals used in execution*, IDAHO PRESS (Mar. 21, 2019).

Discussed in multiple news reports and editorials covering the trial in the public records case *Aliza Cover v. Idaho Board of Correction, et al.*, which sought access to information about Idaho's use of lethal injection drugs. Representative examples include:

Rebecca Boone, *Idaho's lethal injection document redactions were extensive*, AP NEWS (Jan. 29, 2019) (picked up by newspapers including *US News & World Report* and *Seattle Times*).

Idaho Press Editorial Board, *Editorial: State needs to come clean about lethal injection drugs*, IDAHO PRESS (Jan. 31, 2019).

Tony Simmons, *Former IDOC purchasing agent describes unusual financial practices related to executions*, IDAHO PRESS (Feb. 1, 2019).

Marty Trillhaase, *Editorial: Idaho draws down the shades on capital punishment*, THE LEWISTON TRIBUNE (Feb. 7, 2019).

Quoted in: Gretel Kauffman, *Self-representation: Twin Falls case highlights challenges that arise when a defendant represents himself*, MAGIC VALLEY TIMES-NEWS (Aug. 4, 2018).

Interviewed by Gemma Gaudette on *Idaho Matters*, Boise State Public Radio, in a segment called *Idaho Court Makes Ruling on Execution Documents* (May 23, 2018). Audio recording available at https://cpa.ds.npr.org/idaho/audio/2018/05/052318_a.mp3.

Discussed in: Rebecca Boone, *Judge: Prison officials must release execution drug details*, AP NEWS (May 17, 2018) (picked up by newspapers including the *Seattle Times*, *Idaho Statesman*, and *The Spokesman-Review*).

Quoted and featured in: Rebecca Boone, *UI law prof sues Idaho for execution records*, AP NEWSBREAK (Feb. 28, 2018) (picked up by newspapers nationwide including the *Los Angeles Times*, *Chicago Tribune*, *Idaho Statesman*, and *The Spokesman-Review*).

Quoted in: Bryan Clark, *Bill would restrict death penalty for mentally ill*, IDAHO FALLS POST-REGISTER (Oct. 1, 2016).

Quoted in: Natalie Jacewicz, *With No Insanity Defense, Seriously Ill People End Up In Prison*, NPR (Aug. 5, 2016), <http://www.npr.org/sections/health-shots/2016/08/05/487909967/with-no-insanity-defense-seriously-ill-people-end-up-in-prison>.

Quoted in: Samantha Malott, *Gambling with courtroom deals; Judge calls it a 'necessary evil'*, MOSCOW-PULLMAN DAILY NEWS (Sept. 18, 2014), page 1.

Outreach Service – Court Testimony:

State of Idaho v. Richard B. Ross, Case No. CR35-21-6092 (2023) (expert testimony on the methodology, findings, and constitutional significance of my study entitled *Narrowing Death Eligibility in Idaho: An Empirical and Constitutional Analysis*).

Aliza Cover v. Idaho Board of Correction et al., Case No. CV01-18-03877 (2019) (expert testimony on the public interest in access to information about lethal injection drugs).

State of Idaho v. Jonathan Daniel Renfro, Case No. CR-15-0006589 (2016) (expert testimony on the impact of death qualification upon society's "evolving standards of decency" on capital punishment).

PROFESSIONAL DEVELOPMENT: (workshops and seminars attended)

Teaching:

Attendee, American Association of Law Schools New Law Teachers Workshop (June 2014)

Scholarship:

Attendee, American Association of Law Schools Annual Meeting (January 2017)

Attendee, Southeastern Association of Law Schools Annual Conference (August 2015)

Attendee, American Association of Law Schools Annual Meeting (January 2015)

Administration:

Attendee, 2022 Associate Dean Conference, Texas A&M School of Law (October 6-8, 2022).