

Jacob Katz Cogan

University of Cincinnati College of Law
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ACADEMIC APPOINTMENTS

University of Cincinnati College of Law

Associate Professor of Law, 2009-present

Assistant Professor of Law, 2006-2009

Courses Taught: Contracts

International Business Transactions

International Commercial Arbitration

Public International Law

Future Courses: International Organizations

Vanderbilt University Law School

Visiting Associate Professor of Law, Spring 2011

Courses Taught: International Business Transactions

Public International Law

University of Chicago Law School

Visiting Assistant Professor of Law, Autumn Quarter 2004

Course Taught: Public International Law

EDUCATION

Yale Law School

J.D. 1999

Articles Editor, *Yale Law Journal*

Executive Editor, *Yale Journal of Law & the Humanities*

Coker Fellow

Howard M. Holtzmann Fellowship in International Arbitration and Dispute Resolution

Princeton University

Ph.D. (History) 2002

M.A. (History) 1993

Dissertation: "Imagining Democracy: Popular Sovereignty from the Constitution to the Civil War" (Adviser: Hendrik Hartog)

Samuel I. Golieb Legal History Fellow, New York University School of Law

Littleton-Griswold Research Grant in American Legal History, American Historical Association

Research Fellow, John Nicholas Brown Center for the Study of American Civilization, Brown University

Mellon Research Fellow, Virginia Historical Society

Noah Cotsen Junior Fellow, Princeton

Full Graduate Student Fellowship, Princeton

University of Pennsylvania

B.A., *magna cum laude*, with distinction in the major, 1991

**OTHER
PROFESSIONAL
EXPERIENCE**

U.S. Department of State, Office of the Legal Adviser

Attorney-Adviser for Law Enforcement and Intelligence, 2004-2006

Adviser to the Bureau of European and Eurasian Affairs and the Bureau of East Asian and Pacific Affairs on law enforcement issues, including international extradition and mutual legal assistance in criminal matters • Liaison with U.S. National Central Bureau of Interpol • Adviser on international and U.S. anti-corruption law • Recipient of the Department's Superior Honor Award for work on U.S. ratification of the United Nations Convention Against Corruption

Attorney-Adviser for United Nations Affairs, 2003-2004

Adviser to the Bureau of International Organization Affairs on the work of the Security Council and on other matters concerning United Nations law and international institutional law • Adviser on international criminal tribunals • Adviser on the law and practice of the International Court of Justice and counsel in *Avena and Other Mexican Nationals (Mexico v. United States of America)* (2003-2004) and *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion)* (2003-2004)

Attorney-Adviser for International Claims and Investment Disputes, 2001-2003

Adviser to the Bureau of Economic and Business Affairs and the Bureau of European and Eurasian Affairs on the law of international investment disputes and international commercial arbitration • Counsel and principal drafter of brief in multibillion-dollar arbitration before the Iran-United States Claims Tribunal

Harvard University, Kennedy School of Government, Carr Center for Human Rights Policy

Fellow, 2000-2001

Conducted research on the relationship between international criminal law and international human rights law

Judge Sandra L. Lynch, U.S. Court of Appeals for the First Circuit

Law Clerk, 1999-2000

Yale Law School, Global Constitutionalism Project

Assistant Director, 1997-1999, 2000-2003

Co-directed annual seminar on comparative constitutional law for Supreme Court and Constitutional Court judges from around the world • Co-edited six volumes of comparative constitutional law materials that served as the basis for the judges' discussions

United Nations, Office of Legal Affairs, Codification Division

Legal Intern, Summer 1998

Assisted U.N. legal officers during the Rome Conference on the Establishment of an International Criminal Court

WORKS IN PROGRESS

COMPARATIVE CONSTITUTIONAL LAW: CONTEXT AND CASES (Aspen Publishers, forthcoming 2012) (co-author with Manuel José Cepeda Espinosa, Patrick Macklem, & Ingrid Wuerth)

NEW APPROACHES TO THE HISTORY OF INTERNATIONAL LAW (editor) (book in progress)

The BRICs and the Future of International Law (article manuscript in progress)

The Idea of Fragmentation, 105 PROCEEDINGS OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW (forthcoming 2011) (draft manuscript available)

The Regulatory Turn in International Law, 52 HARVARD INTERNATIONAL LAW JOURNAL (forthcoming 2011) (draft manuscript available)

The 2010 Judicial Activity of the International Court of Justice, 105 AMERICAN JOURNAL OF INTERNATIONAL LAW (forthcoming 2011) (draft manuscript available)

Book Review, 105 AMERICAN JOURNAL OF INTERNATIONAL LAW (forthcoming 2011) (reviewing PAUL F. DIEHL & CHARLOTTE KU, *THE DYNAMICS OF INTERNATIONAL LAW* (2010)) (draft manuscript available)

BOOKS

LOOKING TO THE FUTURE: ESSAYS ON INTERNATIONAL LAW IN HONOR OF W. MICHAEL REISMAN (Martinus Nijhoff Publishers 2010) (co-editor with Mahnoush H. Arsanjani, Robert D. Sloane, & Siegfried Wiessner)

ARTICLES

Representation and Power in International Organization: The Operational Constitution and Its Critics, 103 AMERICAN JOURNAL OF INTERNATIONAL LAW 209 (2009)

Co-awarded the Francis Deák Prize for 2010 by the American Society of International Law

Reprinted in GLOBALIZATION AND INTERNATIONAL ORGANIZATIONS (Edward Kwakwa ed., forthcoming 2011)

Competition and Control in International Adjudication, 48 VIRGINIA JOURNAL OF INTERNATIONAL LAW 411 (2008)

Noncompliance and the International Rule of Law, 31 YALE JOURNAL OF INTERNATIONAL LAW 189 (2006)

Reprinted in RULE OF LAW IN NEW MILLENNIUM: CHANGING SCENARIO (K. Padmaja ed., 2008) (India)

International Criminal Courts and Fair Trials: Difficulties and Prospects, 27 YALE JOURNAL OF INTERNATIONAL LAW 111 (2002)

The Problem of Obtaining Evidence for International Criminal Courts, 22 HUMAN RIGHTS QUARTERLY 404 (2000)

Note, *The Look Within: Property, Capacity, and Suffrage in Nineteenth-Century America*, 107 YALE LAW JOURNAL 473 (1997)

The Reynolds Affair and the Politics of Character, 16 JOURNAL OF THE EARLY REPUBLIC 389 (1996)

SHORTER WORKS

The 2009 Judicial Activity of the International Court of Justice, 104 AMERICAN JOURNAL OF INTERNATIONAL LAW 605 (2010)

Introduction to LOOKING TO THE FUTURE, supra, at xiii (2010) (co-author with Mahnoush H. Arsanjani, Robert D. Sloane, & Siegfried Wiessner)

National Courts, Domestic Democracy, and the Evolution of International Law: A Reply to Eyal Benvenisti and George Downs, 20 EUROPEAN JOURNAL OF INTERNATIONAL LAW 1013 (2009) (responding to Eyal Benvenisti & George W. Downs, *National Courts, Domestic Democracy, and the Evolution of International Law*, 20 EUROPEAN JOURNAL OF INTERNATIONAL LAW 59 (2009)) (commissioned)

Book Review, 96 JOURNAL OF AMERICAN HISTORY 844 (2009) (reviewing ELIZABETH R. VARON, *DISUNION! THE COMING OF THE AMERICAN CIVIL WAR, 1789-1859* (2008))

International Decision, *Prosecutor v. Milutinović et al., Decisions on Requests of the United States of America and the North Atlantic Treaty Organisation for Review*, 101 AMERICAN JOURNAL OF INTERNATIONAL LAW 163 (2007)

Book Review, 100 AMERICAN JOURNAL OF INTERNATIONAL LAW 278 (2006) (reviewing MICHAEL BARNETT & MARTHA FINNEMORE, *RULES FOR THE WORLD: INTERNATIONAL ORGANIZATIONS IN GLOBAL POLITICS* (2004))

Book Review, 20 LAW AND HISTORY REVIEW 194 (2002) (reviewing LAURA J. SCALIA, *AMERICA'S JEFFERSONIAN EXPERIMENT: REMAKING STATE CONSTITUTIONS, 1820-1850* (1999))

Book Review, 88 JOURNAL OF AMERICAN HISTORY 1074 (2001) (reviewing MAURICE BAXTER, *HENRY CLAY THE LAWYER* (2000))

Book Review, 107 VIRGINIA MAGAZINE OF HISTORY AND BIOGRAPHY 105 (1999) (reviewing *THE BILL OF RIGHTS: GOVERNMENT PROSCRIBED* (Ronald Hoffman & Peter J. Albert eds., 1997))

1846 Petition for Woman's Suffrage, New York State Constitutional Convention, 22 SIGNS: JOURNAL OF WOMEN IN CULTURE AND SOCIETY 427 (1997) (with Lori D. Ginzberg)

Book Review, 53 WILLIAM AND MARY QUARTERLY 675 (1996) (reviewing ROBERT RUTLAND, *JAMES MADISON AND THE AMERICAN NATION, 1751-1836: AN ENCYCLOPEDIA* (1996)); *see also* Communications, 54 WILLIAM AND MARY QUARTERLY 465 (1997) (replying to letter from Joyce Appleby)

Book Review, 104 VIRGINIA MAGAZINE OF HISTORY AND BIOGRAPHY 513 (1996) (reviewing RICHARD BROOKHISER, *FOUNDING FATHER: REDISCOVERING GEORGE WASHINGTON* (1996))

Book Review, 27 JOURNAL OF INTERDISCIPLINARY HISTORY 332 (1996) (reviewing JACK P. GREENE, NEGOTIATED AUTHORITIES: ESSAYS IN COLONIAL POLITICAL AND CONSTITUTIONAL HISTORY (1994))

Book Review, 63 PENNSYLVANIA HISTORY 280 (1996) (reviewing TONY FREYER, PRODUCERS VERSUS CAPITALISTS: CONSTITUTIONAL CONFLICT IN ANTEBELLUM AMERICA (1994))

A Continental Divide in American History, 112 NEW JERSEY HISTORY 79 (1994) (reviewing STANLEY ELKINS & ERIC MCKITRICK, THE AGE OF FEDERALISM (1993) and JAMES ROGER SHARP, AMERICAN POLITICS IN THE EARLY REPUBLIC: THE NEW NATION IN CRISIS (1993))

SEMINAR MATERIALS

GLOBAL CONSTITUTIONALISM: TERRORISM, FREEDOM OF EXPRESSION, THE PROPOSED EUROPEAN CONSTITUTION (Yale Law School 2003) (comparative constitutional law materials published for Yale's Global Constitutionalism Seminar, co-edited with Paul Gewirtz)

GLOBAL CONSTITUTIONALISM: PRIVACY, PROPORTIONALITY, THE POLITICAL CASE (Yale Law School 2001 & Supp. 2002) (co-edited with Paul Gewirtz)

GLOBAL CONSTITUTIONALISM: CRIMINAL PROCEDURE, COURTS AND POLITICS (Yale Law School 2000) (co-edited with Paul Gewirtz and Karen Johnson)

GLOBAL CONSTITUTIONALISM: LIFE AND DEATH, CITIZENSHIP (Yale Law School 1999) (co-edited with Paul Gewirtz)

GLOBAL CONSTITUTIONALISM: EQUALITY, INTERNATIONAL NORMS (Yale Law School 1998) (co-edited with Paul Gewirtz)

PRESENTATIONS, COMMENTS, AND ACTIVITIES

Panelist, "War," Life of the Mind Series, University of Cincinnati, November 29, 2011 (scheduled)

Commentator, Vanderbilt International Legal Studies Roundtable on International Organizations in Transition, Vanderbilt University Law School, April 8, 2011

Presenter, "The Regulatory Turn in International Law," Temple University School of Law, International Law Colloquium, April 5, 2011

Panelist, "Fragmentation of International Legal Orders and International Law: Ways Forward?," Annual Meeting of the American Society of International Law, March 24, 2011

Moderator, "The International Law of State Immunity and Its Development by National Institutions," conference on "Foreign Sovereign Immunity at Home and Abroad," Vanderbilt University Law School, February 4, 2011

Presenter, "The Regulatory Turn in International Law," Vanderbilt University Law School, January 19, 2011

Presenter, “The Coercive Turn in International Law,” Ohio State University Moritz College of Law, November 10, 2010

Co-Organizer, Works-in-Progress Workshop, International Organizations Interest Group of the American Society of International Law, Organization of American States, Washington, DC, October 29, 2010

Presenter, “The Coercive Turn in International Law,” 4th Biennial Conference of the European Society of International Law, University of Cambridge, September 3, 2010

Panelist, “The Role for Governments in ILC Projects – How Can the ILC Best Reflect the Needs and Views of States?,” conference on “The International Law Commission in the 21st Century: What Should It Be Doing to Make a Contemporary Difference?,” George Washington University Law School, March 29, 2010

Presenter, “The Coercive Turn in International Law,” Villanova University School of Law, January 15, 2010

Co-Organizer, Experts Meeting on the Responsibility of International Organizations, International Organizations Interest Group of the American Society of International Law, Center on International Cooperation, New York University, October 30, 2009

Co-Organizer, Realistic Idealism in International Law: A Conference in Honor of W. Michael Reisman, Yale Law School, April 24, 2009; *selected papers published at* 34 YALE J. INT’L L. 499 (2009)

Commentator, Junior International Law Scholars Association Conference, Temple University School of Law, February 13, 2009

Presenter, “Representation and Power in International Organization: The Operational Constitution and Its Critics,” Washington and Lee University School of Law, November 3, 2008

Presenter, “Representation and Power in International Organization: The Operational Constitution and Its Critics,” University of California, Berkeley, School of Law, International Law and International Relations Workshop, October 16, 2008

Presenter, “Representation and Power in International Organization: The Operational Constitution and Its Critics,” Georgetown University Law Center, International Legal Theory Colloquium, September 22, 2008

Presenter, “Representation and Power in International Organization: The Current Constitutional Crisis,” Cumberland School of Law, Samford University, March 28, 2008

Presenter, “Representation and Power in International Organization: The Current Constitutional Crisis,” Boston College Law School, March 14, 2008

Invited Participant and Commentator, Vanderbilt International Legal Studies Roundtable on the Law and Politics of International Cooperation, Vanderbilt University Law School, January 18-19, 2008

Invited Participant, Workshop on Noncompliance with International Law, Buffett Center for International and Comparative Studies, Northwestern University, November 1, 2007

Presenter, "Competition and Control in International Adjudication," Association of American Law Schools – American Society of International Law Joint Conference, Vancouver, Canada, June 18, 2007

Presenter, "Competition and Control in International Adjudication," Indiana University School of Law – Bloomington, April 6, 2007

Presenter, "Competition and Control in International Adjudication," University of Georgia School of Law, International Law Colloquium, March 2, 2007

Presenter, "Coming to Terms with Noncompliance," University of Chicago Law School, Works-in-Progress Workshop, November 18, 2004

Panelist, "The *Avena Case* in the International Court of Justice (Mexico v. United States of America): Can International Law Stop the Death Penalty?," Association of American Law Schools (AALS) 2004 Annual Meeting, January 4, 2004, Atlanta, GA, *prepared remarks printed in* 5 GERMAN LAW JOURNAL 385 (2004), <http://www.germanlawjournal.com/article.php?id=414>

PROFESSIONAL AFFILIATIONS

American Historical Association
American Law Institute (elected)
American Society for Legal History
American Society of International Law
Co-Chair, International Organizations Interest Group, 2010-2012
Vice-Chair, International Organizations Interest Group, 2009-2010
Council on Foreign Relations (term member), 2004-2009
European Society of International Law
Organization of American Historians

BAR ADMISSIONS

Massachusetts (inactive)
New York

LAW SCHOOL AND UNIVERSITY SERVICE

Admissions Committee, 2008-2009
Appointments Committee, 2007-2008
Center for Professional Development Committee, 2006-2007
Committee on Committees, 2007-2009 (elected and reelected)
Faculty Research and Development Committee, 2008-2011
Honor Council, 2009-2011
Library Director Search Committee, 2008
University Faculty Senate, 2007-2009

BLOG

International Law Reporter – ilreports.blogspot.com, 2007-2011

A blog on scholarship, events, and ideas in international law, international relations, and foreign affairs law • Named “best blog of 2008” by the OGEMID listserv • More than 540,000 visitors and 775,000 page loads from its inception in May 2007 until its culmination in February 2011