

BENJAMIN L. CAVATARO

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ACADEMIC APPOINTMENTS

Wayne State University Law School Detroit, MI
Assistant Professor of Law (2024–present)

Courses Taught: Products Liability & Safety Regulation

Villanova University Charles Widger School of Law Villanova, PA
Visiting Assistant Professor of Law (2022–24)

Courses Taught: Torts
Products Liability & Safety Regulation
Administrative Law
Business Aspects of Law

SCHOLARLY PUBLICATIONS

America's Failed Safety Whistleblower Program, 74 EMORY L.J. ____ (forthcoming 2025)

[Regulating Guns as Products](#), 92 GEO. WASH. L. REV. 87 (2024)

- Profiled in the Duke Center for Firearms Law's "[Scholarship Highlight](#)" (2023)
- Profiled in the Penn Program on Regulation's [Regulatory Review](#) (2024)

[Interstate Groundwater Law in the Snake Valley: Equitable Apportionment and a New Model for Transboundary Aquifer Management](#), 2013 UTAH L. REV. 1553 (with Noah Hall)

WORKS IN PROGRESS

Portrait of a Federal Safety Regulator (with Patrick J. Gauding)

This project evaluates, empirically and qualitatively, a novel dataset of 2,100 Consumer Project Safety Commission votes over a quarter-century. Using public records and documents obtained from CPSC via FOIA, we use regression analysis to assess polarization, consensus, and agency dynamics within CPSC over time.

Borrowing ALJs

This project examines a crucially underused and underanalyzed portion of the federal administrative scheme: the Administrative Judge Loan Program. Created in 1946, the Program allows agencies, with the consent of the Office of Personnel Management, to “borrow” ALJs from another agency. Using data obtained via FOIA, this article offers the first glimpse of the Program within the modern administrative state. It proposes interagency ALJ “pools” to strength adjudicator independence, retain the benefits of subject-matter expertise, and facilitate congressional oversight.

Recognizing Firearms as Consumer Products: A Call to Action (with Maya Seshan & Stephen W. Hargarten)

This short commentary piece sets forth a blueprint for effectuating the recommendation in the U.S. Surgeon General's July 2024 Advisory to combat unintentional gun injury via consumer product safety regulation.

EXPERIENCE

Covington & Burling LLP
Associate (2016–2022) and Special Counsel (2022) Washington, DC (2016–2022)

Law Clerk to Judge John M. Walker, Jr.
U.S. Court of Appeals for the Second Circuit New Haven, CT (2015–2016)

Law Clerk to Justice Beth Robinson
Vermont Supreme Court Montpelier, VT (2014–2015)

EDUCATION

University of Michigan Law School
Editor, *Michigan Law Review*
Order of the Coif
President, American Constitution Society for Law & Policy
Irving Stenn, Jr. Award (presented to a graduating student for leadership and contributions to the strength of the Law School)
Best Brief, Henry M. Campbell Moot Court Competition J.D. *magna cum laude* (2014)

University of Florida
Anderson Scholar of High Distinction B.A. in Political Science *cum laude* (2011)

ACADEMIC PRESENTATIONS

Symposium on the Second Amendment & Gun Violence, Giffords Law Center *Buffalo Law Review* (Sept. 26-27, 2024) (invited panelist)

America's Failed Product Safety Whistleblower Program

- UC Berkeley Law Center for Consumer Law & Economic Justice, [6th Annual Consumer Law Scholars Conference](#), Berkeley, CA (Feb. 2024)

Portrait of a Federal Safety Regulator

- [9th Annual Michigan Junior Scholars Conference](#), Ann Arbor, MI (Apr. 2023)
- 9th Annual Shawnee Trail Regional Conference on American Politics and Constitutionalism, Columbia, MO (Apr. 2023) (invited—declined)

Regulating Guns as Products

- Saint Anselm College, Center for Ethics in Society, [Workshop on the Ethics, Law, and Social Science of Self-Defense and Firearms](#), Manchester, NH (Nov. 2022)

- Penn Injury Science Center, [Firearm Injury Research Interest Group](#), Philadelphia, PA (May 2023)

Silencing the Public Faculty Expert Witness: Weaponization of Conflict-of-Interest Policies in Higher Ed (work in formation)

- Panelist and presenter, “Faculty Impact on Free Speech On and Off Campus,” at
- [Foundation for Individual Rights & Expression](#) (FIRE) Faculty Conference, Alexandria, VA (Oct. 2023)

ADMISSIONS TO PRACTICE

Florida
 District of Columbia
 U.S. Supreme Court
 U.S. Court of Appeals for the Eleventh Circuit
 U.S. Court of Appeals for the Federal Circuit
 U.S. District Court for the Southern District of Florida
 U.S. District Court for the Northern District of Florida

SELECTED MEMBERSHIPS

American Constitution Society for Law and Policy
 International Consumer Product Health and Safety Organization
 ICPHSO Diversity & Inclusion Committee (2022–2023)

SELECTED INSTITUTIONAL AND COMMUNITY SERVICE & HONORS

- Pro Bono Team of the Year Award, Covington & Burling LLP (2022)
- Tilden Gardens, Inc. co-operative (Secretary and Deputy Director) (2020–22)
- Glass Leadership Institute, Anti-Defamation League (2017–18 class)
- Quarterfinals Judge, 63rd Annual Theodore L. Reimel Moot Court Competition (Villanova University School of Law, Nov. 2023)
- Judge, Black Squirrel Mock Trial Invitational (Haverford College, Nov. 2023)

SELECTED OTHER PUBLICATIONS

[*Former Clerks’ Letter to U.S. Senate Judiciary Committee in Support of Confirmation of Beth Robinson to U.S. Court of Appeals for the Second Circuit*](#) (Sept. 9, 2021)

[*Shutting Down Safety?: CPSC, NHTSA, and EPA Compliance During the U.S. Government Shutdown*](#), Covington Alert (Jan. 4, 2019)

[*Prison and Jail Grievance Policies: Lessons from a Fifty-State Survey*](#) (Oct. 2015), Michigan Law Prison Information Project (with Priyah Kaul et al.)

SELECTED CLEs AND OTHER PRESENTATIONS

- “Product Safety in an Era of Connected Products and AI: EU and US Perspectives” (panelist), ICPHSO Annual Meeting, Orlando, FL (Feb. 2023)
- “Litigation Nuts & Bolts: Summary Judgment,” CLE for Covington & Burling LLP (May 2022)
- “New Directions in Recall Effectiveness” (panelist), ICPHSO Annual Symposium, National Harbor, MD (Feb. 2022)
- “Federal Motor Vehicle Safety Law,” CLE for Hino Motors, Novi, MI (Nov. 2021)
- “Safety Regulation of Connected/Automated Products,” CLE for TE Connectivity (Sept. 2021)
- “Innovation in the Car Rental Industry: A Discussion of Current Regulatory and Commercial Legal Developments,” CLE for Hertz, Estero, FL (Sept. 2019)

SELECTED REPRESENTATIONS

Florida State Conference of NAACP v. Lee (N.D. Fla.)

Represented civil-rights, voting-rights, and disability-rights organizations in challenge to Florida’s voter suppression law; obtained injunctive and declaratory relief after 14-day trial.

Harding v. Ardoin (5th Cir.)

Represented Louisianans to protect access to vote-by-mail and early voting during pandemic.

City of Los Angeles v. Sessions (later *City of Los Angeles v. Barr*) (C.D. Cal./9th Cir.)

Represented city in successful challenge to conditions unlawfully imposed on local criminal justice grants.

Bread for the City (D.C. Super. Ct., Civ. Div., Landlord-Tenant Branch)

Represented 20+ low-income Washingtonians in landlord-tenant and housing-conditions litigation as “associate on loan” to D.C.-based nonprofit.

Veterans’ Representation (Naval Discharge Review Board)

Obtained discharge-characterization upgrade for former U.S. Marine (an Iraq War veteran), allowing him to obtain vital VA benefits.

Voter Protection Efforts (various jurisdictions)

Drafted anticipatory “rapid response” filings to safeguard voting rights in 2020 election.

HEALTHeSTATE, LLC v. United States & ASM Research, LLC (Ct. Fed. Cl./Fed. Cir.)

Represented third-party defendant in interlocutory appeal.

In re Amazon.com, Inc. (CPSC Docket No. 21-2)

Represented logistics provider in rare CPSC ALJ adjudication on issue of first impression.

Other Product Safety Matters

- Represented manufacturers and distributors before CPSC in 40+ voluntary recalls and defect/noncompliance reports across a range of industries.
- Represented automakers and tier-one OEM suppliers in NHTSA recalls and investigations.
- Represented clients in DOJ civil investigations, congressional inquiries, and notice-and-comment rulemakings.
- Led teams of 20+ lawyers and staff in cross-border internal investigations.
- Counseled clients on developing industry-leading compliance programs.