

ORIN S. KERR

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POSITIONS

George Washington University Law School

Washington, DC

Professor. Courses include Criminal Law, Criminal Procedure, and Computer Crime Law. Awarded tenure in 2005. Appointed full professor in 2007. Awarded law school teaching award by the Class of 2009.

2001- Present

University of Pennsylvania Law School

Philadelphia, PA

Visiting Professor.

Spring 2011

University of Chicago Law School

Chicago, IL

Visiting Associate Professor.

Fall 2006

ARTICLES

An Equilibrium-Adjustment Theory of the Fourth Amendment,
125 HARVARD LAW REVIEW (forthcoming 2011).

Fourth Amendment Remedies and the Development of Fourth Amendment Law: A Comment on Camreta v. Greene and Davis v. United States,
2011 CATO SUPREME COURT REVIEW (forthcoming 2011) (symposium).

Why Courts Should Not Quantify Probable Cause,
in THE POLITICAL HEART OF CRIMINAL PROCEDURE: ESSAYS ON THEMES OF WILLIAM J. STUNTZ, edited by Michael Klarman, David Skeel, and Carol Steiker (forthcoming Cambridge University Press) (symposium).

Use Restrictions and the Future of Surveillance Law,
THE BROOKINGS INSTITUTION, Future of the Constitution Series, Paper No. 11 (2011) (symposium).

Good Faith, New Law, and the Scope of the Exclusionary Rule,
99 GEORGETOWN LAW JOURNAL 1077 (2011).

Ex Ante Regulation of Computer Search and Seizure,
96 VIRGINIA LAW REVIEW 1241 (2010).

The Modest Role of the Warrant Clause in National Security Investigations,
88 TEXAS LAW REVIEW 1669 (2010) (symposium).

Vagueness Challenges to the Computer Fraud and Abuse Act,
94 MINNESOTA LAW REVIEW 1561 (2010) (symposium).

Applying the Fourth Amendment to the Internet: A General Approach,
62 STANFORD LAW REVIEW 1005 (2010).

Fourth Amendment Seizures of Computer Data,
119 YALE LAW JOURNAL 700 (2010).

Defending the Third-Party Doctrine: A Response to Epstein and Murphy,
24 BERKELEY TECHNOLOGY LAW JOURNAL 1229 (2009).

The National Surveillance State: A Response to Balkin,
93 MINNESOTA LAW REVIEW 2179 (2009).

Do We Need A New Fourth Amendment?,
107 MICHIGAN LAW REVIEW 561 (2009) (book review).

The Case for the Third-Party Doctrine,
107 MICHIGAN LAW REVIEW 561 (2009).

Limits of Fourth Amendment Injunctions,
7 JOURNAL ON TELECOMM. AND HIGH TECH. LAW 127 (2009) (symposium).

Criminal Law in Virtual Worlds,
2008 UNIVERSITY OF CHICAGO LEGAL FORUM 415 (2008) (symposium).

Updating the Foreign Intelligence Surveillance Act,
75 UNIVERSITY OF CHICAGO LAW REVIEW 225 (2008) (symposium).

Four Models of Fourth Amendment Protection,
60 STANFORD LAW REVIEW 503 (2007).

How to Read a Legal Opinion: A Guide for New Law Students,
11 THE GREEN BAG 2D 51 (2007).

Blogs and the Legal Academy,
84 WASHINGTON UNIVERSITY LAW REVIEW 1127 (2007) (symposium).

Enforcing Law Online,
74 UNIVERSITY OF CHICAGO LAW REVIEW 745 (2007) (book review).

Searches and Seizures in a Digital World,
119 HARVARD LAW REVIEW 531 (2005).

Essay, Digital Evidence and the New Criminal Procedure,
105 COLUMBIA LAW REVIEW 279 (2005).

Congress, the Courts, and New Technologies: A Response to Professor Solove,
74 FORDHAM LAW REVIEW 779 (2005) (symposium).

Search Warrants in an Era of Digital Evidence,
74 MISSISSIPPI LAW JOURNAL (2005)
(annual Fourth Amendment symposium).

Virtual Crime, Virtual Deterrence: A Skeptical View of Self-Help, Architectural Solutions, and Civil Liability,
1 JOURNAL OF LAW, ECONOMICS, AND POLICY 197 (2005) (symposium).

*The Fourth Amendment and New Technologies:
Constitutional Myths and the Case for Caution,*
102 MICHIGAN LAW REVIEW 801 (2004).

Technology, Privacy, and the Courts: A Reply to Colb and Swire,
102 MICHIGAN LAW REVIEW 933 (2004).

Foreword: The Future of Internet Surveillance Law,
72 GEORGE WASHINGTON LAW REVIEW 1139 (2004) (symposium).

*A User's Guide to the Stored Communications Act,
And A Legislator's Guide to Amending It,*
72 GEORGE WASHINGTON LAW REVIEW 1208 (2004) (symposium).

*Cybercrime's Scope: Interpreting "Access" and "Authorization"
in Computer Misuse Statutes,*
78 NEW YORK UNIVERSITY LAW REVIEW 1596 (2003).

*Internet Surveillance Law After the USA Patriot Act:
The Big Brother That Isn't,*
97 NORTHWESTERN UNIVERSITY LAW REVIEW 607 (2003).

*Lifting the "Fog" of Internet Surveillance:
How A Suppression Remedy Would Change Computer Crime Law,*
54 HASTINGS LAW JOURNAL 805 (2003) (symposium).

The Problem of Perspective in Internet Law,
91 GEORGETOWN LAW JOURNAL 357 (2003).

A Lukewarm Defense of the Digital Millennium Copyright Act,
in COPY FIGHTS: THE FUTURE OF INTELLECTUAL PROPERTY IN THE
INFORMATION AGE (Cato Institute 2002).

Computers and the Patent System: The Problem of the Second Step,
28 RUTGERS COMPUTER & TECHNOLOGY LAW JOURNAL 47 (2002)
(symposium).

*The Fourth Amendment in Cyberspace:
Can Encryption Create A "Reasonable Expectation of Privacy?,"*
33 CONNECTICUT LAW REVIEW 503 (2001).

Rethinking Patent Law in the Administrative State,
42 WILLIAM & MARY LAW REVIEW 127 (2000).

Are We Overprotecting Code? Thoughts on First-Generation Internet Law,
57 WASHINGTON & LEE LAW REVIEW 1287 (2000).

The Decline of the Socratic Method at Harvard,
78 NEBRASKA LAW REVIEW 113 (1999).

*Shedding Light on Chevron:
An Empirical Study of the Chevron Doctrine in the U.S. Courts of Appeals*,
15 YALE JOURNAL ON REGULATION 1 (1998).

Note, *The Limits of Computer Conversion: United States v. Collins*,
9 HARVARD JOURNAL OF LAW & TECHNOLOGY 205 (1996).

Recent Case, *Metzl v. Leininger*,
19 HARVARD JOURNAL OF LAW & PUBLIC POLICY 627 (1996).

BOOKS

COMPUTER CRIME LAW (West Publishers 2d. ed. 2009).

MODERN CRIMINAL PROCEDURE, BASIC CRIMINAL PROCEDURE, and
ADVANCED CRIMINAL PROCEDURE (with Kamisar, LaFave, Israel & King)
(12th ed. 2008).

CRIMINAL PROCEDURE (6-volume treatise) (with LaFave, Israel, & King)
(3d ed. 2007).

EDUCATION

Harvard Law School, J.D. *magna cum laude*, 1997.

* Executive Editor, *Harvard Journal of Law and Public Policy*

Stanford University, M.S. in Mechanical Engineering, 1994.

Princeton University. B.S.E. *magna cum laude*, Mech. Engineering, 1993.

* *Phi Beta Kappa*, *Tau Beta Pi* (engineering), *Sigma Xi* (science)

* Certificate, Woodrow Wilson School of Public and Intl. Affairs

CLERKSHIPS

Associate Justice Anthony M. Kennedy

Supreme Court of the United States

Washington, DC

Law Clerk, October Term 2003

Judge Leonard I. Garth

United States Court of Appeals for the Third Circuit

Newark, NJ

Law Clerk, 1997-1998

EXPERIENCE

Senator John Cornyn

United States Senate, Senate Judiciary Committee

Washington, DC

Special Counsel for Supreme Court Nominations.

Summer 2009, Summer 2010.

United States Department of Justice, Criminal Division

Computer Crime and Intellectual Property Section

Washington, DC

Trial Attorney, Attorney General's Honor Program.

1998- 2001

United States Attorney's Office for the Eastern District of Virginia

Alexandria, VA

Special Assistant United States Attorney.

January 2000 - July 2000

HONORS

*High-Impact Faculty, *Leiter Rankings*, March 2010 (ranked as #7 most-cited professor in Criminal Law and Procedure from 2005-2009).

*2009 GW Law Distinguished Faculty Service Award (the law school's teaching award, selected by the members of the graduating Class of 2009).

* Elected Member, American Law Institute, 2009.

* Paul M. Bator Prize, 2007 (awarded annually to a law professor under the age of forty "who has demonstrated excellence in legal scholarship, a commitment to teaching, a concern for students, and who has made a significant public impact" by the Federalist Society).

* First Honorable Mention, 2003 AALS Scholarly Paper Competition.