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Washington DC 20052
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POSITIONS

George Washington University Law School

Washington, DC

Fred C. Stevenson Research Professor, 2012- Present.

Professor, 2007-2012.

Associate Professor, 2001-2007. Courses taught include Criminal Procedure, Computer Crime Law, Criminal Law, and Evidence. Faculty Director, Cybersecurity Law Initiative.

University of Pennsylvania Law School

Philadelphia, PA

Visiting Professor, Spring 2011

University of Chicago Law School

Chicago, IL

Visiting Associate Professor, Fall 2006

ARTICLES

Encryption Workarounds (with Bruce Schneier) (work in progress).

The Effect of Legislation on Fourth Amendment Interpretation,
115 MICHIGAN LAW REVIEW (forthcoming 2017).

Trespass, Not Fraud:

The Need for New Sentencing Guidelines for CFAA Offenses,
84 GEORGE WASHINGTON LAW REVIEW 1544 (2016) (symposium).

Norms of Computer Trespass,

116 COLUMBIA LAW REVIEW 1143 (2016).

An Economic Understanding of Search and Seizure Law,

164 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 591 (2016).

Executing Warrants for Digital Evidence:

The Case for Use Restrictions on Nonresponsive Data,
48 TEXAS TECH LAW REVIEW 1 (2015) (symposium keynote).

Katz Has Only One Step: The Irrelevance of Subjective Expectations,

82 UNIVERSITY OF CHICAGO LAW REVIEW 113 (2015) (symposium).

The Fourth Amendment and the Global Internet,

67 STANFORD LAW REVIEW 285 (2015).

A Rule of Lenity for National Security Surveillance Law,

100 VIRGINIA LAW REVIEW 1513 (2014).

A Next Generation Communications Privacy Act,
162 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 373 (2014).

Foreword: Accounting for Technological Change,
36 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 403 (2013) (symposium).

The Curious History of Fourth Amendment Searches,
2012 SUPREME COURT REVIEW 67 (2013).

The Mosaic Theory of the Fourth Amendment,
111 MICHIGAN LAW REVIEW 311 (2012).

Defending Equilibrium-Adjustment,
125 HARVARD LAW REVIEW FORUM 84 (2012).

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, at 131 (Cambridge University Press) (2012).

An Equilibrium-Adjustment Theory of the Fourth Amendment,
125 HARVARD LAW REVIEW 476 (2011).

*Fourth Amendment Remedies and Development of the Law:
A Comment on Camreta v. Greene and Davis v. United States*,
2011 CATO SUPREME COURT REVIEW 237 (2011) (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 951 (2009) (book review issue).

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

The 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 4th 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).

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

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

THE DIGITAL FOURTH AMENDMENT (under contract with Oxford University Press, publication expected 2017).

COMPUTER CRIME LAW (West Publishers, 1st ed. 2006; 2nd ed. 2009; 3d. ed. 2013).

MODERN CRIMINAL PROCEDURE, BASIC CRIMINAL PROCEDURE, and
ADVANCED CRIMINAL PROCEDURE (with Kamisar, LaFave, Israel, King &
Primus) (12th ed. 2008, 13th ed. 2012, 14th ed. 2015).

CRIMINAL PROCEDURE (6-volume treatise) (with LaFave, Israel, & King)
(3d ed. 2007, 4th ed. 2015).

EXPERIENCE **Library of Congress**

Washington, DC

Scholar-in-Residence. Appointed the inaugural position for the Daniel and Florence Guggenheim Foundation Program on Demography, Technology and Criminal Justice hosted by the Law Library of Congress.

2012- 2014

Senate Judiciary Committee

United States Senate

Washington, DC

Special Counsel for Supreme Court Nominations to Senator John Cornyn.
Summer 2009, Summer 2010

Associate Justice Anthony M. Kennedy

Supreme Court of the United States

Washington, DC

Law Clerk.

October Term 2003

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

Judge Leonard I. Garth
United States Court of Appeals for the Third Circuit
Newark, NJ
Law Clerk, 1997-1998

EDUCATION **Harvard Law School**, J.D. *magna cum laude*, 1997.
* Executive Editor, *Harvard Journal of Law and Public Policy*

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

Princeton University. B.S.E., *magna cum laude*,
Mechanical and Aerospace Engineering, 1993.
* *Phi Beta Kappa*, *Tau Beta Pi* (engineering), *Sigma Xi* (science)
* Certificate, Woodrow Wilson School

PRO BONO LITIGATION *Facebook v. Vachani*, 828 F.3d 1068 (9th Cir. 2016).
Co-authored petition for rehearing en banc.

United States v. Auernheimer, 748 F.3d 525 (3d Cir. 2014).
Co-authored appellant's merits briefs and presented argument; obtained reversal of defendant's convictions.

In re Application of the United States for Historical Cell Site Data,
724 F.3d 600 (5th Cir. 2013). Authored amicus brief discussed extensively in published opinion.

State v. Friedman, No. 2011-1328 (Ohio Supreme Court 2012).
Co-authored petitioner's brief. Respondent dismissed charges pre-argument.

Davis v. United States, 131 S.Ct. 2419 (2011). Authored merits briefs for petitioner and presented oral argument.

United States v. Drew, 259 F.R.D. 449 (C.D. Cal. 2009). Briefed and argued successful motion to dismiss.

Scott v. Harris, 550 U.S. 372 (2007). Co-authored petitioner's successful merits briefs.

SERVICE Fellow, Center for Democracy and Technology, Washington DC, 2016.

Member, United States Judicial Conference Ad Hoc Committee to Review the Criminal Justice Act, 2015-present. By appointment of Chief Justice Roberts.

Member, United States Judicial Conference Advisory Committee on Criminal Rules, 2013-present. By appointment of Chief Justice Roberts.

AALS Criminal Justice Section, Executive Committee, 2015-present.

American Law Institute, Adviser, Project on Police Practices; Regional Advisory Group Member; Members Consultative Group participant in projects on Information Privacy and Campus Sexual Assault.

Electronic Privacy Information Center, Advisory Board, 2012-14.

District of Columbia Bar, elected member of the Criminal Law and Individual Rights Steering Committee, 2010-13.

National Research Council, Member of the Committee on Technical and Privacy Dimensions of Information for Terrorism Prevention and Other National Goals, 2006-08.

HONORS

ScholarRank Top 250, HeinOnline's ranking of most cited scholars in American law. Ranked #25 as of November 2016.

High-Impact Faculty, *Leiter Rankings*, www.leiterrankings.com.

#1 most-cited U.S. law professor in Criminal Law and Procedure from 2009-13

#7 most-cited U.S. law professor in Criminal Law and Procedure from 2005-09

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 by the Federalist Society to a professor under forty for "excellence in legal scholarship, a commitment to teaching, a concern for students, and who has made a significant public impact").

First Honorable Mention, 2003 AALS Scholarly Paper Competition.