

# Anthony O'Rourke

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University at Buffalo School of Law  
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## Academic Appointments

SUNY Buffalo, University at Buffalo School of Law

- Joseph W. Belluck and Laura L. Aswad Professor, 2018-present
- Director of the Advocacy Institute, 2019-present
- Law Review Faculty Advisor, 2023-present
- Of Counsel, Criminal Justice Advocacy Clinic, 2020-present
- Member, University at Buffalo Graduate Faculty, 2021-present
- (On leave 2017-2019 to work as Assistant Federal Defender, Federal Defenders of New York)
- Professor of Law, 2017-2018
- Associate Professor of Law, 2011-2017
- Jacob D. Hyman "Professor of the Year" Award by the SUNY Buffalo Law School Students of Color, 2013

Brooklyn Law School

- Adjunct Professor of Law (Evidence), 2017-2018  
(While on leave to work as Assistant Federal Defender)

Columbia Law School

- Associate-in-Law, 2019-2011

## Education

Columbia Law School, J.D., 2006

- James Kent Scholar (2006), Harlan Fiske Stone Scholar (2004-2005)
- Notes Editor, *Columbia Journal of Transnational Law*

University of Michigan, B.A., Economics and Philosophy (High Honors), 2001

## Selected Publications

*Police Funding as a Deficit of Democracy, not Deterrence*, 84 Ohio St. L.J. Online 1 (2023)  
(with Rick Su and Guyora Binder) (invited submission)

*Defunding Police Agencies*, 71 EMORY LAW JOURNAL 1197 (2022) (with Rick Su and Guyora Binder)

*The Ostensible (and, at times, Actual) Virtue of Deference*, 131 YALE LAW JOURNAL FORUM 615 (2022)

**Selected Publications (cont.)**

*Disbanding Police Agencies*, 121 COLUMBIA LAW REVIEW 1327 (2021) (with Rick Su and Guyora Binder)

*Pretrial Self-Incrimination, Miranda, and Truth*, in Interrogation, Confession, and Truth: Comparative Studies in Criminal Procedure 29 (Nomos Verlagsgesellschaft) (2020)

*Parallel Enforcement and Agency Interdependence*, 77 MARYLAND LAW REVIEW 985 (2018)

*Semantic Vagueness and Extrajudicial Constitutional Decisionmaking*, 25 WILLIAM & MARY BILL OF RIGHTS JOURNAL 1301 (2017)

- Selected for presentation at the 2017 AALS New Voices in Legislation roundtable

*Substantive Due Process for Noncitizens: Lessons from Obergerfell*, 114 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 9 (2015)

*Statutory Constraints and Constitutional Decisionmaking*, 2015 WISCONSIN LAW REVIEW 87 (2015)

*The Speedy Trial Right and National Security Detention*, 12 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE 871 (Oxford University Press 2014)

*Windsor Beyond Marriage: Due Process, Equality & Undocumented Immigration*, 55 WILLIAM & MARY LAW REVIEW 2171 (2014)

- Selected for republication in 35 IMMIGRATION & NATIONALITY LAW REVIEW 555-600 (2014)

*Structural Overdelegation in Criminal Procedure*, 103 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 407 (2013)

*Theorizing American Freedom*, 110 MICHIGAN LAW REVIEW 1101 (2012)

*The Political Economy of Criminal Procedure Litigation*, 45 GEORGIA LAW REVIEW 721 (2011)

*The Writ of Habeas Corpus in Sierra Leone*, 44 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 649 (2006)

- Awarded Columbia University's Gitelson/Meyorowitz Award for the best human rights essay by a graduate student in any department or discipline

**Litigation and Policy Experience**

Director, The University at Buffalo School of Law Advocacy Institute, 2019-present

- Of Counsel, Criminal Justice Advocacy Clinic
- Principal Investigator for American Trial of College Lawyers Grant to pursue resentencing petitions under New York's Domestic Survivors Justice Act.
- Co-Principal Investigator for Tow Foundation Grant to pursue parole reform advocacy

**Litigation and Policy Experience (cont.)**

Assistant Federal Defender, Federal Defenders of New York, 2017-2019

- Defended clients in a range of federal appellate, trial and post-conviction cases, including prosecutions involving the federal death penalty, terrorism, and complex white collar charges.

Pro Bono Attorney (in personal capacity), 2009-present

- Defend indigent clients in criminal and immigration matters at the trial, appellate, and post-conviction levels.
- Co-counsel for Buffalo mayoral candidate India Walton, 2021, in state and federal election law cases.
- Coordinate with community groups to pursue local policing reforms.

Member, City Hall Transition Advisory Team for Buffalo mayoral candidate India Walton, 2021

Law Clerk for the Honorable Raymond C. Fisher, United States Court of Appeals for the Ninth Circuit, 2008-2009

Law Clerk for the Honorable Louis H. Pollak, United States District Court for the Eastern District of Pennsylvania, 2007-2008

Litigation Associate, Paul, Weiss, Rifkind, Wharton & Garrison, LLP, 2006-2007

- Represented clients in securities and general commercial litigation, asylum hearings, and a Texas death penalty case.

Summer Associate, Sullivan & Cromwell, LLP, Summer 2005

- Received offers of employment in corporate and litigation departments.

Project Coordinator, Committee for the Administration of Justice, Summer 2004

- Worked with community groups in Belfast, Northern Ireland, lobbying to reform enforcement of anti-terrorism laws and police practices.

Research Assistant, International Monetary Fund, 2001-2003

- Researched the macroeconomic dimensions of development issues. Drafted policy memoranda and talking points for high-level staff.

**Courses Taught**

Criminal Procedure II: Adjudication

Evidence

Criminal Law

Legislation

Legislative Process

Criminal Law and Immigration (seminar)

Ethics and Legislative Compromise (seminar)

**Selected Presentations**

Workshop presentation, Crimfest, Brooklyn Law School (July 18, 2023)

Workshop presentation, Law of the Police Conference, University of Chicago School of Law (June 7, 2023)

Paper presentation, Faculty Workshop, SUNY Buffalo Law School (August 10, 2022)

Paper presentation, 2022 Law & Society Annual Meeting, Lisbon, Portugal (July 14, 2022)

Workshop presentation, Law of the Police Conference, University of South Carolina School of Law (June 10, 2022)

Panelist, UCLA Law Review Symposium, "Toward an Abolitionist Future" (January 28, 2022)

Paper Presentation, Yale Law Journal Legal Scholarship Workshop (October 6, 2021)

Paper Presentation, Cornell Law School Faculty Workshop (September 3, 2021)

Moderator, Implicit Bias in Jury Selection, University at Buffalo School of Law Alumni Association (March 19, 2021)

Panelist, Policing Los Angeles Forum, Loyola Law School (February 22, 2021)

Paper presentation, Faculty Speaker Series, University of North Carolina School of Law (February 11, 2021)

Paper presentation, Hofstra Law School Faculty Workshop Series (January 27, 2021)

Paper presentation, Faculty Workshop, SUNY Buffalo Law School (October 9, 2020)

Keynote Address, SUNY Fredonia Constitution Day Event (September 17, 2020)

Organizer & Moderator, "Defunding the Police: A Conversation," University at Buffalo Criminal Law Colloquium (August 12, 2020)

Panelist, "George Floyd, Race, and Policing in America, University at Buffalo Criminal Law Colloquium (June 11, 2020)

Paper presentation, CrimFest, Brooklyn Law School (July 16, 2019)

Faculty speaker, New York State Appellate Judicial Education Conference (July 8, 2019)

Paper presentation, Interrogation and Truth Conference, University of Bielefeld, Germany (May 20, 2019)

**Selected Presentations (cont.)**

Moderator, New Voices in Legislation, 2019 Association of American Law Schools Annual Meeting (January 3, 2019)

Paper presentation, 2017 Law & Society Annual Meeting, Mexico City, Mexico (June 22, 2017)

Paper presentation, New Voices in Legislation, 2017 Association of American Law Schools Annual Meeting`` (January 4, 2017)

Moderator, De-Bureaucratization: Police and Prosecutors, Democratizing Criminal Law Conference, Northwestern University School of Law (November 18, 2016)

Paper Respondent, Philosophical Perspectives on Criminal Procedure, Osgoode Hall Law School, York University (November 6, 2016)

Keynote Address, Constitution Day Celebration, U.S. District Court for the Western District of New York (September 16, 2016)

Paper presentation, Faculty Workshop, SUNY Buffalo Law School (August 16, 2016)

Paper presentation, CrimFest, Cardozo Law School (July 11, 2016)

Paper presentation, Faculty Workshop, SUNY Buffalo Law School (April 1, 2016)

Paper presentation, NYU/Brooklyn Law Criminal Theory Colloquium (February 22, 2016)

Paper presentation, Syracuse University College of Law (November 19, 2015)

Panel Presentation, 2015 Constitutional Law Colloquium, Loyola University Chicago School of Law (November 6, 2015)

Panel Presentation, 2015 Law & Society Annual Meeting, Seattle, WA (May 29, 2015).

Paper Presentation, Junior Faculty Forum, SUNY Buffalo Law School (November 20, 2014)

Workshop Presentation, Public Law Workshop, SUNY Buffalo Law School (November 19, 2014)

Panel Presentation, 2014 Constitutional Law Colloquium, Loyola University Chicago School of Law (November 7, 2014)

Workshop Presentation, American Bar Association Criminal Justice Section Fall Institute, Washington, DC (October 23, 2014)

Speaker, Supreme Court Review & Preview 2014, Erie County Bar Association (September 25, 2014).

**Selected Presentations (cont.)**

Paper Presentation, Junior Faculty Forum, SUNY Buffalo Law School (February 27, 2014)

Paper Presentation, Baldy Center for Law & Social Policy, State University of New York at Buffalo (April 25, 2014)

Panel Presentation, 2013 Constitutional Law Colloquium, Loyola University Chicago School of Law (November 1, 2013)

Paper Presentation, Junior Faculty Forum, SUNY Buffalo Law School (April 24, 2013).

Paper Respondent, Under the Influence? Interest Groups, Lobbying and Campaign Finance, Baldy Center for Law & Social Policy, State University of New York at Buffalo (March 8, 2013).

Panel Presentation, 2015 Law & Society Annual Meeting, Honolulu, HI (June 7, 2012).

Workshop Presentation, Columbia Law School Associates' and Fellows' Workshop (May 24, 2012)

Workshop Presentation, NYU Law School Criminal Theory Colloquium (March 26, 2012)

**Selected Professional Engagement**

Referee: Yale Law Journal; Journal of Criminal Law and Criminology

AALS Legislation Section Executive Committee, 2017-2019

Federal Defenders of New York Blog, 2017-2019

- Managed and wrote weekly blog posts on cases relevant to federal criminal practitioners in the Eastern and Southern Districts of New York

**Selected Media Notices**

Michael Wooten, "Town Hall: Cameras in Federal Court," WGRZ Buffalo (August 2, 2023) (interview)

Lou Michel, "South Buffalo detective faced 45 years after stealing. A Supreme Court decision sent him home," Buffalo News (April 2, 2023) (quoted)

Aaron Besecker, "Accused Tops shooter's defense prepares to challenge grand jury selection," Buffalo News (August 17, 2022) (quoted)

Eric Ferkenhoff & Aleszu Bajak, "After Minneapolis voters rejected an overhaul of police, how will the city find unity?," USA Today (Nov. 10, 2021) (quoted)

Op-Ed, "Buffalo should not spend federal dollars on ShotSpotter," Buffalo News (August 14,

2021) (with Jonathan Manes)

Daniel Craig, "How the release of Daniel Prude grand jury records could create new legal terrain in NY," Rochester Democrat & Chronicle (Feb. 25, 2021) (reprinted in USA Today) (quoted)

Observer Today, "Law professor to deliver talk on 'Pathological Policing and Constitutional Entrenchment,'" (September 11, 2020)

Gilat Melamed, "UB Law School works to reduce sentences of imprisoned trauma survivors, receives grant," WKBW Buffalo (September 9, 2020) (interview)

Travis Anderson, "Two N.Y. attorneys join Tsarnaev's legal team for death penalty appeal," Boston Globe (December 20, 2018) (discussed)

Amanda Taub, "The word may be toxic, but amnesty is everywhere," N.Y. Times (October 11, 2017) (quoted)

Opinion, "Letter: Lawyer's advice disregards constitutional protections," Buffalo News (Oct. 10, 2016)

Reply All Podcast, Episodes 66-67 (consultant)

Dara Lind, "There hasn't been a criminal defense lawyer on the Supreme Court in 25 years. That's a problem," Vox (March 28, 2016) (quoted)

Maria Puente, "What's next in the Bill Cosby criminal case?," USA Today (February 5, 2016) (quoted)

Christi Parson, "Obama to announce expanded background checks as he aims to limit gun deaths," LA Times (January 4, 2016) (quoted)

### **Selected Media Notices (cont.)**

Aamer Madhani, "Ex-speaker Dennis Hastert pleads guilty in hush money case," USA Today (October 28, 2015) (quoted)

Pete DeMola, "Female prison worker back to court for charges in New York escape," Reuters (July 24, 2015) (quoted)

Cameron Stevenson, "Court overturns law denying bail to immigrant felony suspects," Cronkite News (October 15, 2014) (quoted)

### **Active Bar Admissions**

New York (admitted 2006)

United States Court of Appeals for the First Circuit (admitted 2018)

United States Court of Appeals for the Second Circuit (admitted 2018)

**Active Bar Admissions (cont.)**

United States Court of Appeals for the Ninth Circuit (admitted 2008)

United States District Court for the Eastern District of New York (admitted 2017)

United States District Court for the Southern District of New York (admitted 2007)

United States District Court for the Western District of New York (admitted 2017)