

Guyora Binder

716-435-8367
gbinder@buffalo.edu

Education

Yale Law School, J.D. 1980
Princeton University, A.B. 1977

Employment

University at Buffalo School of Law, S.U.N.Y.	
Hodgson Russ Faculty Scholar	since 2014
Vice Dean for Research and Faculty Development	since 2012
SUNY Distinguished Professor	since 2011
University at Buffalo Distinguished Professor	since 2002
Professor	1987-2002
Associate Professor	1985-87
Assistant Professor	1982-85
University at Buffalo Philosophy Department	
Professor by courtesy	since 2012
University at Buffalo English Department	
Professor by courtesy	since 2011
Israel Institute for Advanced Study	
Visiting Scholar	Dec. 2011
Georgetown University Law Center	
Visiting Professor	2011-2012
Vanderbilt Law School	
Visiting Professor	Jan. 2009
Stanford Law School	
Leah Kaplan Visiting Professor of Human Rights	1991-92

University of Michigan Law School Visiting Professor	1990-91
U.S.D.C., E.D.N.Y. Law Clerk to Chief Judge Jack B. Weinstein	1981-82
U.C.L.A. Dana Fellow in Comparative Jurisprudence	1980-81
Sullivan & Cromwell Summer Associate	1979
Institute for Policy Studies Summer Research Fellow	1978

Books

Criminal Law: Cases and Materials (with J. Kaplan, R. Weisberg) (2021, 9th ed., Wolters-Kluwer)(1177 pp.)

Criminal Law: Teacher's Manual (with R. Weisberg)(2021, 9th ed., Wolters-Kluwer)(319 pp.)

Criminal Law: Cases and Materials (with J. Kaplan, R. Weisberg) (2017, 8th ed., Wolters-Kluwer)(1205 pp.)

Criminal Law: Teacher's Manual (with R. Weisberg)(2017, 8th ed., Wolters-Kluwer)(320 pp.)

Criminal Law, The Oxford Introductions to U.S. Law (2016, Oxford University Press) (424 pp.)

Criminal Law: Cases and Materials (with J. Kaplan, R. Weisberg) (2012, 7th ed., Wolters-Kluwer) (1121 pp.)

Criminal Law: Teacher's Manual (with R. Weisberg) (2012, 7th ed., Wolters-Kluwer) (319 pp.)

Felony Murder (2012, Stanford University Press) (384 pp.)(previewed in JOTWELL, reviewed in Law and Politics Book Review, Choice, Criminal Law & Criminal Justice Books; excerpted in Kaplan, Weisberg & Binder, Criminal Law (2012, 2017, 2021))

Criminal Law: Cases and Materials (with J. Kaplan, R. Weisberg) (2008, 6th ed., Aspen) (1106 pp.)

pp.)

Criminal Law: Teacher's Manual (with R. Weisberg) (2008, 6th ed., Aspen) (315 pp.)

Criminal Law: Cases and Materials (with J. Kaplan, R. Weisberg) (2004, 5th ed., Aspen) (1044 pp.)

Criminal Law: Teacher's Manual (with R. Weisberg) (2004, 5th ed., Aspen) (287 pp.)

Literary Criticisms of Law (with R. Weisberg) (2000, Princeton University Press) (544 pp.) (Review essays in London Times Literary Supplement, Frankfurter Allgemeine, Stanford Law Review, Buffalo Law Review, College Literature, International Journal of the Semiotics of Law, South Atlantic Review, Law & Literature)

Criminal Law: Cases and Materials (with J. Kaplan, R. Weisberg) (2000, 4th ed., Aspen) (1245 pp.)

Criminal Law: Teacher's Manual (with R. Weisberg) (2000, 4th ed., Aspen) (295 pp.)

Criminal Law: Cases and Materials (with J. Kaplan, R. Weisberg) (1996, 3rd ed., Little, Brown) (1237 pp.)

Criminal Law: Teacher's Manual (with R. Weisberg) (1996, 3rd ed., Little, Brown) (298 pp.)

Treaty Conflict and Political Contradiction: The Dialectic of Duplicity. (Praeger, 1988) (236 pp.) (Nominee, Grawemeyer Prize in International Relations; review essays in American Journal of International Law, Cardozo Law Review)

Edited Collections

"The New Culpability: Motive, Character and Emotion in Criminal Law" (special symposium issue), 6 Buff. Crim. L. Rev. 1-524 (2002)

Articles and Book Chapters

"Police Killings as Felony Murder," 16 Harvard L. & Policy Rev. ____ (forthcoming, 2022)(with Ekow Yankah)

"Defunding Police Agencies," 71 Emory L. J. ____ (forthcoming, 2022)(with Anthony O'Rourke & Rick Su)

"Disbanding Police Agencies," 121 Columbia L. Rev. 1327-1404 (2021) (with Anthony O'Rourke & Rick Su)

--"Highly Recommended," Legal Theory Blog

"Judicial Application of Strict Liability Local Ordinances," 53 Arizona State L. J. 425-451 (2021)(with Brenner Fissell)

"A Political Interpretation of Vagueness Doctrine," 2019 Illinois L. Rev. 1527-1588 (2019)(with Brenner Fissell)

--excerpted in Kaplan, Weisberg & Binder, Criminal Law (2021)

"The Puzzle of Inciting Suicide" 56 American Criminal L. Rev. 65-133 (2019) (with Luis Chiesa)

--excerpted in Kaplan Weisberg & Binder, Criminal Law (2021)

"Unusual: The Death Penalty for Inadvertent Murder" 93 Indiana L. J. 549-616 (2018)(with Brenner Fissell & Robert Weisberg)

"Capital Punishment of Unintentional Felony Murder" 92 Notre Dame L. Rev. 1141-1214 (2017)(with Brenner Fissell & Robert Weisberg)

--"Highly Recommended," Legal Theory Blog

--Featured by JOTWELL ("best recent articles in criminal law")

"Penal Incapacitation: A Situationist Critique," 54 American Criminal L. Rev. 1-56 (2017) (with Ben Notterman)

--cited in U.S v. Tyshawn Rivera et al., 281 F. Supp. 3d 269 (U.S.D.C.-E.D.N.Y., Weinstein, J., 2017)

--cited in People v. Johnathan Franklin, 2021 Ill App (1st), Mikva, J. 190589-U

"El Aspecto Subjetivo en los Delitos de Homicidio. Visiones Comparadas," in Universidad Finis Terrae, El Derecho Penal Continental y los Anglosajon en la Era de la Globalizacion, (2016, Thomson Reuters) 51-92

"What is Criminal Law About?" 114 Michigan L. Rev. 1173-1205 (2016) (with Robert Weisberg)

"Why Law Matters For Our Obligations" 2 Critical Analysis of Law 268-280 (2015)

--"Highly Recommended," Legal Theory Blog

"The Coptown Case: Inviolable Status and Desert," Intrinsic and Instrumental Value (J. Abbarno, ed., University Press of America, 2015) 281-296

--"Highly Recommended," Legal Theory Blog

“Homicide,” Oxford Handbook on Criminal Law (M. Dubber & T. Hoernle, eds., Oxford University Press, 2014) 702-726

“Foundations of the Legislative Panopticon: *Bentham’s Principles of Morals and Legislation*,” Foundational Texts in Modern Criminal Law (M. Dubber, ed., Oxford University Press, 2014) 79-99

“The Authority to Proscribe and Punish Offenses Against International Law,” 63 U. Toronto L.J. 278-309 (2013)

“Law and Literature,” Modern Literary and Cultural Theory (Michael Groden, Martin Kreiswirth and Imre Szeman eds., Johns Hopkins University Press, 2012)

“Making the Best of Felony Murder,” 91 Boston University L. Rev. 403-559 (2011)

- featured by JOTWELL (“best recent articles in criminal law”)
- cited in *State v. Tucker*, 810 N.W. 2d 519 (Iowa Ct. App. 2012);
- cited in *State v. Mays*, 2012 Ohio 838 (Ohio Ct. App. 2012)
- cited in *State v. Tyshon Leteek Jones* 451 Md. 680 (2017)(opinion of highest court, imposing merger limitation on felony murder)
- cited in *Commonwealth v. Timothy Brown* 477 Mass. 805 (Mass. Sup. Jud. Ct., 2017))(minority opinion)
- cited in *U.S. v. Vederoff*, 914 F. 3d 1238 (U.S.C.A. 9th Circuit 2019)
- cited in *Fraser v. State*, Tex Ct. Crim App. Sept. 11, 2019, PD-0711-17 (dissent, Slaughter, J.)

“Critical Legal Studies” in A Companion to Philosophy of Law and Legal Theory (D. Patterson, ed., Blackwell, 2d ed., 2010) 267-278

“States of War: Defensive Force Among Nations,” 7 Ohio St. Crim. L. Rev. 439-461(2009)

“Victims and the Significance of Causing Harm,” 28 Pace Law Rev. 713-737(2008)

- excerpted in Chiesa, Substantive Criminal Law (2014)

“The Culpability of Felony Murder” 83 Notre Dame L. Rev., 965-1060 (2008)

- cited, brief of 66 advocacy organizations, *Miller v. Alabama*, 132 S. Ct. 1733 (2012)
- cited in *U.S. v. Delaney*, 717 F. 3d 553 (7th Cir. 2013, Posner, J.)
- cited in *U.S. v. Walker*, 252 F. Supp. 3d 1269 (U.S.D.C., Dist. Utah, 2017)
- cited in *Commonwealth v. Timothy Brown* 477 Mass. 805 (Mass. Sup. Jud. Ct., 2017) (minority opinion)
- cited in California Senate Committee on Public Safety Bill Analysis of SB 1437, eliminating felony murder accomplice liability and second degree felony murder (April 24, 2018).
- excerpted in LaFave, Modern Criminal Law (2011, 2017)

--excerpted in Kaplan, Weisberg & Binder, Criminal Law (2012, 2017, 2021)
--excerpted in Chiesa, Substantive Criminal Law (2014)
--excerpted in Robinson, Cahill & Baughman, Criminal Law: Cases and Controversies (2016, 2020)

“Aesthetic Judgment and Legal Justification,” 43 Studies in Law, Pol. & Soc. 79-112 (2008)

“The Meaning of Killing” in Modern Histories of Crime and Punishment (Markus D. Dubber and Lindsay Farmer eds. 2007) 88-114
--cited in U.S. v. Dylann Roof, 252 F. Supp. 3d 469 (U.S.D.C., D.S.C., 2017)

“Law and Literature” in the Johns Hopkins Guide to Literary Theory and Criticism (Michael Groden, Martin Kreiswirth and Imre Szeman eds., 2006)

“The Origins of American Felony Murder Rules,” 57 Stanford L. Rev. 59-208 (2004)
--excerpted in Dubber & Kelman, American Criminal Law (2005, 2008)
--excerpted in Kaplan, Weisberg & Binder, Criminal Law (2008, 2012, 2017, 2021)
--cited in U.S. v. Parks, 583 F. 3d 923 (2009) (6th Cir.)
--cited in Shivers v. State, 688 S.E. 2d 622 (2010) (Ga.)
--cited, brief of 66 advocacy organizations, Miller v. Alabama, 132 S. Ct. 1733 (2012)
--cited in Holley v. Commonwealth, 765 S.E. 2d 873 (Va. Ct. of Appeals 2014)
--cited in People v. Willis, 57 N.E. 3d 492 (IL App, 4th Dist. 2014)
--cited in Commonwealth v. Tejada, 473 Mass. 269 (Mass. Sup. Jud. Ct. 2015)
--cited in Commonwealth v. Timothy Brown 477 Mass. 805 (Mass. Sup. Jud. Ct., 2017)(Gants, J. majority opinion, abolishing felony murder in Massachusetts)
--cited in State v. Harrison, 914 NW 2d 178 (Iowa 2018)(Appel, Wiggins & Hecht, JJ. dissenting)
--cited in Fraser v. State, Tex Ct. Crim App. Sept. 11, 2019, PD-0711-17 (dissent, Slaughter, J.)
--cited in People v. Reichard, 949 N.W. 2d 64 (Sup. Ct. of Mich., 2021)

“The Rhetoric of Motive and Intent,” 6 Buffalo Criminal L. Rev. 1-96 (2002)
--excerpted in Dubber & Kelman, American Criminal Law (2005)
--cited in U.S. v. Ali, 870 F. Supp. 2d 10 (U.S.D.C., D.C. 2012)

“Punishment Theory: Moral or Political?” 5 Buffalo Criminal L. Rev. 321-372 (2002)

“Twentieth Century Legal Metaphors for Self and Society,” in Looking Back at Law’s Century (A. Sarat, R. Kagan, and B. Garth, eds. 2002, Cornell University Press) 151-184

“The Poetics of the Pragmatic: What *Literary Criticisms of Law* Offers Posner,” 53 Stanford L. Rev. 1509-1539 (2001)

“Framed: Utilitarianism and Punishment of the Innocent” 32 Rutgers L. J. 115-224

- (2001)(with Nicholas J. Smith)
--excerpted in Kaplan, Weisberg & Binder, Criminal Law (2004, 2008, 2012, 2017, 2021)
--cited in Commonwealth v. [Redacted], Crim. Action No. 2015-590, (Comm. Mass. Superior Ct.) April 7, 2016
- “Felony Murder and Mens Rea Default Rules: A Study in Statutory Interpretation” 4 Buff. Crim. L. Rev. 399-485 (2000)
- “Meaning and Motive in the Law of Homicide,” 3 Buff. Crim. L. Rev. 755-774 (2000)
--excerpted in Dubber & Kelman, American Criminal Law (2005)
- “The Law-as-Literature Trope” in Law and Literature (Michael Freeman and Andrew Lewis, eds., Oxford University Press, 1999) 63-89
- “Cultural Relativism and Cultural Imperialism in Human Rights Law,” 5 Buff. Hum. Rts. L. Rev. 211-221 (1999)
- “Cultural Criticism of Law” 49 Stanford L. Rev. 1149-1221 (1997)(with Robert Weisberg)
- “The Slavery of Emancipation,” 16 Cardozo L. Rev. 2063-2102 (1996)
- “Critical Legal Studies” in The Blackwell Companion to the Philosophy of Law and Legal Theory (D. Patterson, ed., 1995) 280-290
- “Institutions and Linguistic Conventions: The Pragmatism of Lieber's Legal Hermeneutics” 16 Cardozo L. Rev. 2169-2189 (1995)
- “The Case for Self-Determination” 29 Stanford J. Int. L. 223-272 (1993)
--Excerpted in International Law Anthology (A. D'Amato, ed. 1993)
--Reprinted in Self-Determination in International Law (Robert McCorquodale, ed., Ashgate/Dartmouth 2000)
- “Did the Slaves Author the Thirteenth Amendment? An Essay in Redemptive History” 5 Yale J. L. & Humanities 471-505 (1993)
- “Post-Totalitarian Politics” 91 Mich. L. Rev. 1491-1528 (1993)
--Excerpted in Modern Legal Theory (Stephen Hicks, ed., Rothman 1998)
- “What's Left?” 69 Texas L. Rev. 1985-2042 (1991)
--Excerpted in Jurisprudence: Contemporary Readings, Problems and Narratives (Robert Hayman & Nancy Levit, eds. 1994)
- “Revolution as a Constitutional Concept” in Association Internationale de Methodologie

- Juridique, Le Recours aux Objectifs de la Loi. (E. Story -- Scientia 1990) 341-352
- “On Hegel, On Slavery, But not on my Head!” 11 Cardozo L. Rev. 563-594 (1990)
- “Representing Nazism: Advocacy and Identity at the Trial of Klaus Barbie,” 98 Yale L.J. 1321-1383 (1989)
- “Mastery, Slavery and Emancipation,” 10 Cardozo L. Rev. 1435-1480 (1989)
- “Beyond Criticism” 55 U. Chi. L. Rev. 888-916 (1988)
- “On Critical Legal Studies as Guerilla Warfare,” 76 Georgetown L.J. 1-36 (1987)
- “Angels and Infidels: Hierarchy and Historicism in Medieval Legal History,” 35 Buffalo L. Rev. 527-599 (1986)
- “The Dialectic of Duplicity: Treaty Conflict and Political Contradiction,” 34 Buffalo L. Rev. 329-549 (1985)
- “Penal Reform and Progressive Ideology,” 9 Reviews in American History 224-232 (1981)

Short Pieces

- Review, Holloway, *Legal Fictions* and Bachman, *Literary Obscenities*, 93 American Literature 713-15 (2021)
- Review, Lawrence Friedman, *Crime Without Punishment: Aspects of the History of Homicide*, Crim. L. & Crim. Just. Books (2020)
- Review, Susanna Blumenthal, *Law and the Modern Mind*, Am. J. Legal Hist. (2016)
- Review, Jeremy Horder, *Homicide and The Politics of Law Reform*, Crim. L. & Crim. Just. Books (2013)
- Review, Stephen Best, *The Fugitive's Properties*, Law & History Rev. (2007)
- Review, Asher, Goodheart and Rogers, *Murder on Trial*, Am. J. Legal Hist. (2007)
- Review, Allyson May, *The Bar at the Old Bailey*, Am. J. Legal Hist. (2005)
- “Nicaragua No Dictatorship,” Buffalo News, August 26, 1987
--Reprinted in 3 The Lizard (Conference on Critical Legal Studies, 1988)

Talks

"Samuel Pillsbury's Contributions to Criminal Law Theory," Celebrating the Work of Samuel Pillsbury Symposium, Loyola Law School, March 2022

"Police Killing as Felony Murder," Markel Criminal Law Colloquium, Brooklyn Law School, October 2021

"Police Killing as Felony Murder," UB Law Faculty Workshop, August 2021

"Defunding Police," UB Law Faculty Workshop, August 2021

Panelist, "George Floyd, Policing and Race," UB Law School, April 2021

Commentator, Stephen Paskey, "Reframing Law's Domain," UB Law Faculty Workshop, February 2021

"Disbanding Police Agencies," U.N.C. Law Faculty Workshop, February 2021

"Disbanding Police Agencies," Hofstra Law Faculty Workshop, January 2021

"Prosecution and the Art of the Novel," Arts and Justice Workshop: The Future of Law & Literature, Stanford Humanities Center, November 2020

"Disbanding Police Agencies," UB Law Faculty Workshop, October 2020

"Felony Murder and Police Violence," Guilty Minds Conference, Academy for Justice, A.S.U. Law School, September 2020

"The Empty Idea of Content-Independence," Hart Legal Philosophy Seminar, University of Surrey Faculty of Law, U.K., July 2020

"Law's Contents and Discontents," Buffalo Law Faculty Workshop, August 2019

Commentator, Matt Dimick, "Marx and Legal Positivism," Buffalo Law Faculty Workshop, August 2019

Commentator, Anthony O'Rourke, "Punishing Self-Incrimination," Buffalo Law Faculty Workshop, August 2019

“The Puzzle of Inciting Suicide,” Virginia Criminal Law Review Conference, University of Virginia Law School, Charlottesville, April 2019

“An Upside Down View of Political Obligation,” Buffalo Law Faculty Workshop, January 2019

Comment, “How Does Law Rule?” Tempering Power Conference, Baldy Center, University at Buffalo, November 2018

Comment, Luis Chiesa, "Sexual Lynching," Buffalo Law Faculty Workshop, August 2018

“The Puzzle of Inciting Suicide” U.S.C.A. Armed Forces Criminal Law Conference, American University Law School, Wash. D.C., March 2018

“The Puzzle of Inciting Suicide” Guest Lecture, Columbia Law School, December 2017

“The Puzzle of Inciting Suicide,” Buffalo Law Faculty Workshop, December 2017

Commentator, Mark Bartholomew, “Neuromarks,” Buffalo Law Faculty Workshop, August 2017

Commentator, Luis Chiesa, “Entrenchment of Patterns of Criminality,” Buffalo Law Faculty Workshop, August 2017

“A Democratic Theory of Unconstitutional Vagueness,” Buffalo Law Faculty Workshop, August 2017

Moderator, “Misdemeanors Panel”; Commentator, “Incapacitation,” “Deterrence,” “Risk Assessment” & “Retribution” Panels, Academy for Justice Conference, Arizona State University Law School, February 2017

“Capital Punishment of Unintentional Felony Murder” Buffalo Law Faculty Workshop, August 2016

Commentator, Luis Chiesa, “Solving the Riddle of Rape by Deception,” Buffalo Law Faculty Workshop, August 2016

Commentator, Anthony O’Rourke, “Reforming Parallel Enforcement,” August 2016

“Patterns of Productivity and Impact at Public Law Schools,” Buffalo Law Faculty Workshop, February 2016

“Incapacitation,” Buffalo Law Faculty Workshop, January 2016

Commentator, Anya Bernstein “Constructing Context in Statutory Interpretation,” Buffalo Law Faculty Workshop, August 2015

“Why Obey Law?” Third Annual Conversation with The Dean and Faculty, Hodgson Russ, Buffalo, NY, June 2015

“The Civic Contract: Can the Liberal State Punish Hate Crimes? BCLC Conference, SUNY Buffalo Law School, May 2015

“Why the Authority of Law Matters,” Conference on A. Harel, “Why Law Matters” Rutgers Newark Law School, October 2014

“Figuring Out Ferguson,” Panel Discussion, SUNY Buffalo Law School, September 2014

“Homicide in the U.S. and the U.K.” Comparative Criminal Law Conference, Universidad Finis Terrae, Santiago, Chile, August 2014

Commentator, Culpability and Causation Conference, Buffalo Criminal Law Center, May 2014

“Capital Punishment and Felony Murder” SUNY Buffalo Public Law Workshop, September 2013

“What is Criminal Law?” UB Philosophy Department, May 2013

“What is Criminal Law?” Pace Law School, Faculty Workshop, March 2013

“What is Criminal Law?” Vanderbilt Law School, Criminal Law Workshop, March 2013

“The Policy Panopticon,” Foundational Texts of Criminal Law Conference, University of Toronto Law School, November 2012

“Felony Murder,” Florida State U. Law School, October 2012

“Felony Murder,” Tulane Law School Faculty Workshop, September 2012

“Authority to Punish Offenses Against International Law,” International Criminal Jurisdiction Workshop, University of Toronto Law School, June 2012

“Comment, Duress in International Criminal Law” International Criminal Law Conference, Israel Institute for Advanced Studies, Dec. 2011

“The Possibility of International Criminal Law,” Israel Institute for Advanced Studies, Dec. 2011

“States of War: Self-Defense Among Nations,” Israel Institute for Advanced Studies, Dec. 2011

“Making the Best of Felony Murder,” Hebrew University Criminal Law Theory Workshop, Dec. 2011

“Making the Best of Felony Murder,” Georgetown Law School Faculty Workshop, Oct. 2011

“Making the Best of Felony Murder,” U. Toronto Law Faculty Criminal Law Workshop, February 2011

“Making the Best of Felony Murder” Arizona State University Law School Faculty Workshop, January 2011

“Legal History Author Meets Reader Panel-- Lea Vandervelde’s Mrs. Dred Scott: A Life on Slavery’s Frontier,” Law & Society Conference, Chicago, May 2010

“Victims and the Significance of Causing Harm,” Faculty Workshop, U. Conn. Law School, Jan. 2009

“Representing Value: The Meaning of Institutions,” U. Toronto Law & Literature Workshop, Dec. 2008

“Victims and the Significance of Causing Harm,” Victims and Criminal Justice Symposium, Pace Law School, April 2008

Comments on, Mateo Taussig-Rubbo, “Outsourcing Sacrifice,” University at Buffalo Law Library podcast series, February 2008

“The Culpability of Felony Murder,” Buffalo Law Faculty Workshop, December 2007

“Felony Murder and the Theory of Culpability,” 3rd Annual Criminal Justice Roundtable, Yale Law School, April 2007

“From Killing to Causing,” Modern Histories of Criminal Law Conference, Buffalo Criminal Law Center, June 2005

“Legal Aesthetics,” Regional Sociolegal Studies Conference, Baldy Center, May 2005

Comment on French, “Murder in Tibet,” Baldy Center Faculty Seminar, December 2004

“The Origins of American Felony Murder Rules,” Buffalo Law Faculty Workshop, October

2004

“Representing Value: The Meaning of Institutions,” Stanford Legal Theory Colloquium, Stanford Law School, April 2004

Comment on LaClau, “Institutional Analysis and Post-Structuralism,” Baldy Center Faculty Seminar, December, 2003

“The Rhetoric of Motive and Intent,” Buffalo Law Faculty Workshop, Feb. 2003

“Legal Metaphors for Self and Society,” Brooklyn Law School Legal Theory Workshop, (Feb. 2002)

“Punishment Theory: Moral or Political?” Buffalo Law Faculty Workshop, (Feb. 2002)

“Normative Dimensions of Cultural Criticism of Law,” Law as Literature Conference, Johann Wolfgang Goethe University, Frankfurt, Germany (October 2001)

“Literary Criticisms of Law,” Yale Legal Theory Workshop (October, 2000)

“Framed: Utilitarianism and Punishment of the Innocent,” Stanford Distributive Justice Colloquium (April 2000)

“Beyond Sovereignty,” A.S.I.L., Washington D.C. (April 2000)

“Legal Metaphors for the Self in Twentieth Century Social Thought” Law 2000 Conference, Amherst Mass. (October ’99)

“Mens Rea Default Rules and Felony Murder” Model Penal Code Conference, Buffalo Criminal Law Center (October ’99)

“Narrative Criticism of Law” NYU Law Faculty Workshop (September ’99)

“Felony Murder as a Crime of Negligence” Buffalo Law Faculty Workshop (July ’99)

“Universality and Cultural Relativism in Human Rights” A.S.I.L., Washington D.C. (April ’99)

“History and the Authority of Law” Legal History Section, AALS Conference, New Orleans (January ’99)

Commentator, “Affirmative Action for Hispanics” at Hispanic Identity Conference, Buffalo Philosophy Department (October ’98)

“The Law-as-Literature Trope” Law and Literature Conference, University of London (June ‘98)

Presenter “Constitutional Essentialism” by Michael Vorenberg, Buffalo History Department Faculty Colloquium (April ‘98)

“Child Abuse, Felony Murder and the Nanny Case,” Baldy Center Workshop, Buffalo (January ‘98)

Commentator, Federal Criminal Law Reform Conference, Buffalo (November ‘97)

“Narrative Criticism of Law,” Buffalo Law Faculty Workshop (September ‘97)

“The Coptown Case: Punishment and Inviolability,” Society for Value Inquiry, D’Youville College (June 1997)

“Cultural Criticism of Law” Critical Uses of History Conference, Stanford Law School (December 1996)

Commentator, Rethinking Federal Criminal Law Conference, S.U.N.Y. at Buffalo Law School (November 1996)

“Interpretation in Progressive Jurisprudence” S.U.N.Y. at Buffalo Faculty Workshop (June 1996)

“Progressive Jurisprudence and its Hermeneutic Crisis,” University of Arizona Law School (February 1996)

Commentator, History of Punishment Panel, American Society for Legal History Conference, Houston (October 1995)

Commentator, Tax Interpretation Panel, Critical Tax Theory Conference, S.U.N.Y. at Buffalo (September 1995)

Commentator, Legality Morality & Drugs Conference, S.U.N.Y. at Buffalo Philosophy Department (September 1995)

“Narrative Criticism of Law” S.U.N.Y. at Buffalo Faculty Workshop (June 1995)

“A Democratic Theory of Customary International Law,” International Jurisprudence Colloquium N.Y.U. (April 1995)

“The Slavery of Emancipation,” Critical Legal Studies Conference, Washington, D.C. (March 1995)

“The Slavery of Emancipation,” Slavery & Law Conference, Cardozo Law School (February 1995)

“The Slavery of Emancipation,” Constitutions and Survivor Narratives Conference, Center for Cultural Studies, U.C. Santa Cruz (January 1995)

“Hermeneutic Criticism of Law,” S.U.N.Y. at Buffalo Faculty Workshop, June 1994.

“Did the Slaves Author the Thirteenth Amendment?,” Organization of American Historians, Atlanta, April 1994.

“Deconstructive Criticism of Law,” Rutgers-Camden Law School, October 1993.

“New Historicism in International Law Scholarship,” New Directions in International Law Scholarship Conference, Essex, Massachusetts, October 1993.

“Literary Criticisms of Law,” Stanford Law School, April 1993.

“Literary Criticisms of Law,” University of California at Berkeley, Law Faculty Workshop, April 1993.

“Literary Criticisms of Law,” Buffalo Works-in-Progress Workshop, March 1993

“Deconstructive Criticism of Law,” Indiana University Law School, invited, February 1993

“The Case for Self-Determination,” Stanford Law School, Leah Kaplan Lecture on Human Rights, April, 1992

“Redemptive History: Slave Testimony and Constitutional Interpretation,” Stanford Law School Workshop, April, 1992.

“Redemptive History,” U.C.L.A. Legal Theory Workshop, January, 1992.

“Redemptive History,” Yale Legal Theory Workshop, November 1991.

“Redemptive History,” Columbia Law School Workshop on Critical Race theory, November 1991.

“International Law and Middle East Conflict,” Stanford Centennial, September 1991.

“Is There a Constitutional Right to Welfare?” Debate, Summer Session Speakers Series, University of Michigan Law School, June 1991.

“Deconstruction and Democracy,” Critical Perspectives Lecture Series, University of Michigan Law School, April 1991.

“Critical Legal Studies,” History of American Legal Thought Lecture Series, University of Michigan Law School, March 1991.

“Self-sale and Redemption in the Slave South,” University of Michigan Legal Theory Workshop, December 1990.

“The Slavery of Emancipation,” Post-emancipation Societies Project workshop on Slavery, Law and Ideology, University of Michigan Center for Afro-American Studies, November 1990.

“Revolution as a Constitutional Concept,” Second Annual Congress, International Association for Legal Methodology, Louvain-La-Neuve, Belgium, September 1990.

“Friendship and Instrumental Culture,” Graduate Group on Theory, S.U.N.Y. at Buffalo, February 1990.

“The Rule of Law in Nazi Germany,” Holocaust Conference, S.U.N.Y. at Buffalo, February 1990.

“Revolution as a Constitutional Concept: A Comparative Perspective,” American Society for Legal History, National Conference, San Francisco, October 1989.

“The Justification and Excuse of Torture,” Law, Legitimation and Violence Conference, S.U.N.Y. at Buffalo, February 1989.

“Master, Slave and Domination,” 11th National Conference on Critical Legal Studies, American University, Washington, D.C., October 1988.

“Manumission and Emancipation,” 11th National Conference on Critical Legal Studies, American University, Washington, D.C., October 1988.

“Mastery, Slavery and Emancipation,” Hegel and Legal Theory Conference, Cardozo Law School, New York City, March 1988.

“Domination and Liberation in Critical Legal Studies,” Socialist Scholars Conference, City University of New York, April 1987.

“Towards a Theory of Racist Legal Consciousness,” 10th National Conference on Critical Legal Studies, Loyola Law School, Los Angeles, California, January 1987.

“Critical Legal Studies as Guerilla Warfare,” Baldy Center Working Group on Constitutional

Rights, Law Faculty Forum, S.U.N.Y. at Buffalo, November 1986.

“Criminal Law Doctrine as Discipline,” Buffalo Theory Consortium, Forum on Foucault and Critical Theory, S.U.N.Y. at Buffalo, February 1985.

“Deconstruction, Doctrine and Detective Fiction,” Conference on Critical Legal Studies “Summer Camp,” Gloucester, Massachusetts, January 1984.

“Race-Dependent Vouchers and Black Educational Opportunity,” University of Pennsylvania Law School, January 1982.

“Substantive Liberty and the Legacy of the Fuller Court,” Princeton University Politics Department, December 1981.

“Paradox and Punishment: The Rhetoric of Capital Punishment,” U.C.L.A. Legal Philosophy Circle, November 1980.

“The Empty Coffin: Unpacking the Countermajoritarian Difficulty,” University of Washington Law School, March 1980.

“The Empty Coffin: Unpacking the Countermajoritarian Difficulty,” U.S.C. Law School, November 1979.

Courses Taught

Advanced Criminal Law; Comparative Law; Constitutional Law; Criminal Law; Criminal Procedure; International Human Rights; International Law; Perspectives on Legal Education; Research & Writing; Slavery & Emancipation

Seminars Taught

Constitutional History; Criminal Law Theory; Democracy; International Jurisprudence; International Law Colloquium; History of American Criminal Law; Interpretation; Law as Literature; Law & Humanities Workshop; Legal Values; Master & Slave; Medieval Law & Society; Punishment; Revolutions; Theories of Free Speech; Theories of Justice

Student Supervision

Ph.D. Committees: Royce Kallerud (English), Heidi Baun (Comp. Lit.); Anna Schatz (Comp. Lit.), Joe Schneider (English), Victoria Tillotson (Comp. Lit.); Oren Zeve

(Philosophy), Nick Smith (Philosophy)

M.A. Committee: Carla McKenzie (American Studies)

LL.M. Theses Chaired: Hisham Ramadan, Corinne Schuenemann, Jennifer Fields, John Camerota, James Valenti, Rich Bitter, Hollie Erick

Intensive Research Supervised: Dara Silberstein, Jane Smith, Robin Barnes, Geoffrey Hale

Grants, Fellowships and Honors

Hodgson Russ Faculty Scholar, 2014-

Member, SUNY Distinguished Academy, 2012

Institute for Advanced Studies, Hebrew University, Visiting Scholar, Dec. 2011

SUNY Distinguished Professor 2011

University at Buffalo Distinguished Professor 2002

Listed among "50 Most Prolific Law Professors" in James Lindgren and Daniel Seltzer, "The Most Prolific Law Professors and Faculties," 71 Chi.-Kent L. Rev. 781 (1996)

Leah Kaplan Lecture in Human Rights, Stanford 1992

Leah Kaplan Visiting Professor of Human Rights, Stanford, 1991-2

Baldy Center for Law and Social Policy Grant, Faculty Seminar: Institutional Analysis of Law, Politics & Society (with others) 2003-4

University at Buffalo Conferences in the Disciplines Program 1996 (with Dubber & Ewing), 1998 (with Dubber & Wooten)

Baldy Center for Law and Social Policy (with Dubber & Ewing 1996)

Baldy Center for Law and Social Policy, Human Rights Working Group (with Sylvester) 1993, 1994, 1995

Distinguished Professor Research Stipend 2004-2014

Dean's Faculty Fellowship 1995, 1996, 1998, 2000-2003

Magavern Faculty Fellowship 1988, 1993, 1997, 1999

Dana Fellowship in Comparative Jurisprudence 1980-81

Past and Current Professional Affiliations

International Association for Legal Methodology; Conference on Critical Legal Studies; American Society for Legal History; American Society for International Law; New Approaches to International Law Project; American Association of Law Schools sections on Criminal Justice, Law and Humanities, Jurisprudence; Association for the Study of Law, Humanities and Culture; Italian Society for Law & Literature.

Editorships

Editorial Advisory Boards: Buffalo Law Review; Buffalo Human Rights Law Review; Buffalo Criminal Law Review; New Criminal Law Review.

Symposium Editor: Buffalo Criminal Law Review, issue 6-1: The New Culpability: Motive, Emotion and Character in the Criminal Law

Referee

Promotion and Tenure Reviews: Brooklyn Law School; Cardozo Law School; Cleveland-Marshall Law School; Harvard Law School (2); Hofstra Law School; Loyola University Law School; Rutgers at Camden Law School (2); Rutgers at Newark Law School (3); Stanford Law School (3); Thomas Jefferson Law School; Tulane University Law School; University at Buffalo Law School (10); University at Buffalo Philosophy Department (2); University of Arizona Law School (2); University of Arkansas (Little Rock) Law School; University of Connecticut Law School; University of Idaho Law School; University of Kentucky Law School; University of New Hampshire Philosophy Department; University of Pennsylvania Law School; University of Southern California Law School; University of Toronto Law School; York University Department of Humanities.

Editorial: Aspen Law & Business, Cambridge University Press, Edward Elgar, Nelson-Hall Publishing, NYU Press, Oxford University Press, Palgrave MacMillan, Princeton University Press, Rowman & Littlefield, Stanford University Press, University of Michigan Press, University of Pennsylvania Press, Westview Press; Antipode, British J. American Legal Studies, Buffalo Law Review, Buffalo Criminal Law Review, Criminal Law & Philosophy, Griffith University L. J., J. of College Science Teaching, Law & Policy, Law & Society Review, Law & Social Inquiry, New Criminal Law Review, Philosophia, Philosophy & Rhetoric, Studies in Law Politics & Society, The Journal of Controversial Ideas, University of Chicago Law Review, Yale Law Journal,

Grant: American Council of Learned Societies, Dutch Social Science Research Council, European Science Foundation, Israel Science Foundation, Leverhulme Trust.

Faculty Service

Chaired: Appointments Committee (sixteen times); Development Committee (throughout capital campaign); Strategic Planning Committee; Admissions Policy Committee; Speakers Committee; Research Planning Committee; Committee on Law Ph.D; Law Ph.D. Implementation Team; Bylaws Committee; Promotion & Tenure Committee Subcommittee on Visiting Committees (for 10 years); Research Metrics Implementation Team.

Directed: Criminal Law Concentration, Law Faculty Workshop, Distinguished Speakers Series (co-director)

Served on: Bylaws Committee; Promotion and Tenure Committee; Appointments Committee; Reaccreditation Self-Study Committee; Admissions Committee; Development Committee; Buffalo Law Review Advisory Committee; Academic Program and Policy Committee; Faculty-Student Relations Board; Ad Hoc Committee on Conference Center; Committee on Law Ph.D.; Faculty Scholar Review Committee; Decanal Transition Committee; Committee on Baldy Center; International Law Curriculum Committee (Stanford); Criminal Law Curriculum Committee (Stanford); Criminal Law Curriculum Committee (Vanderbilt).

University Service

Committee on Mentoring
Faculty & Staff Planning Committee (COVID response)
Chairs' Advisory Council
Research Deans Committee
Excellence in Scholarship and Creative Activities Committee
Distinguished Academy
Distinguished Professor/Chancellor's Award Selection Committee (2012-2015)
President's Review Board Chair (2008-11)
President's Review Board (2001-4)
Chancellor's Advisory Committee Panel (2004-)
Chancellor's Advisory Committee Chair
Law Dean Search Committee Chair
Graduate School Faculty
Baldy Center Advisory Board
Baldy Center Fellows Selection Committee
Baldy Center Committee on Law & Policy,
Baldy Center Committee on Faculty Seminar & Conference Center,
Baldy Center Committee on Grant Review,
Baldy Center Committee on Conference Review
Baldy Center Theory Group
Philosophy Department Philosophy of Law Search Committee
Jewish Thought Program Director Search Committee
UB Athletic Department "Honorary Coach"
Law and Comparative Literature Joint Degree Program Co-Director
Critical Theory Group, Steering Committee
International Human Rights Center, Steering Committee
Co-chair, Workshop on Slavery, Law and Ideology, Post-Emancipation Societies Project (Michigan)

Professional and Community Service

Pro Bono Publico consultation

The Sentencing Project (felony murder reform)(2021-2022)
Skadden, amicus brief in NYSRPA v. Bruen, appeal to SCOTUS
(second amendment issue)(2021)
NY State Parole Board (submission on felony murder issues in Brinks truck
robbery case)(2021)
Campaign Zero (felony murder reform)(2021)
Protect Democracy (election law issue)(2021)
Epstein & Weil (8th Amendment challenge to federal mandatory LWOP for felony
murder accomplices)(2020)
Office of the State Public Defender, Montana (juvenile felony murder liability)(2019)
Rosenblum, Schwartz & Fry (federal sentencing) (2018)
Office of the Ohio Public Defender (felony murder appeal to Ohio Sup. Ct) (2016)
State Public Defender, California (amicus brief in Watkins v. California in support of
cert. petition to SCOTUS)(2013)
Monroe County, NY Public Defender (felony murder case) (2013)
Federal Public Defender, W.D. Washington (felony murder case) (2012)
Office of the Ohio Public Defender (research memorandum on constitutionality of
felony murder predicated on assault) (2012)
San Francisco Public Defender (felony murder appeal) (2010)
Marin County Public Defender (research memorandum on international law issues in
capital case) (1998)
New York State Department of Law (securities fraud prosecution) (1994)
Kennedy, Stoeckl & Martin (construction of state constitutional and statutory
provisions governing public libraries) (1989)
National Lawyers Guild (First Amendment lawsuit against Secret Service) (1985)

Compensated consultation for

Lotempio P.C., (construction of NY VTL) (2017)
British Columbia Public Defender (expert opinion letter on foreign law, extradition
to US for murder) (2013)

Media consultation for

Boston Globe (2021)
Louisiana Advocate (2021)
Injustice Watch (2021)
Alabama Political Reporter (2021)
Milwaukee Journal Sentinel (2021)

The Atlantic (2020)
Wall Street Journal (2020, 2021)
NPR Criminal (2018)
PBS Newshour (2018, 2019)
The Marshall Project (2018), (2021)
The Appeal (2017)
SLATE (2016)
Reply All (2016)
New York Times (2007, 2021, 2021)

Media Notice

Nazgol Ghandnoosh, Emma Stammen & Connie Budaci, "Felony Murder: An On-Ramp for Extreme Sentencing" March 23, 2022, Sentencing Project.org

Megan Twohey & Gabriel J.X. Vance, "Where the Despairing Log On and Learn Ways to Die," NY Times, 12/9/2021

Jason Willick, "The Left, The Ahmaud Arbery Verdict, and 'Felony Murder'", Wall Street Journal, 11/29/2021

Richard Fausset, Tariro Mzezewa & Rick Rojas, "Three Men are found Guilty of Murdering Ahmaud Arbery," NY Times, 11/24/2021

Vinny Vella, "Fanta Billity was Killed by Police: So Why were Two Teens Charged?" Philadelphia Inquirer, 11/21/2021

Charles Davis, "Prosecutors Charged Two Teens with Murder over the Death of an Eight year-old Girl. It will be Tough to Prove, an Expert Says," Insider, 11/12/2021

Alexandra Kukulka & Sam Roe, "Who killed Johnny: A Chicago police officer shot a teen in the back but his accomplice went to prison," USA Today, 10/28/2021

Alexandra Kukulka & Sam Roe, "Chicago Police shooting of Teen Highlights Felony Murder Laws," Milwaukee Journal Sentinel, 10/27/2021

Emily Wilder, "13 States Can Charge Unarmed Civilians With Murder When Other People Are Killed By the Police," BuzzFeed 8/24/2021

Shoba Mahadev & Steven Drizin, "Felony Murder, Explained" The Appeal 3/4/2021

Shaila Dewan, "People Died at the Capitol. Can Rioters be Held Accountable?" New York Times 2/2/2021

Carissa Hessick, "Felony Murder and the Storming of the Capitol " Lawfare 1/14/2021

Andrea Cipriano, "Can 'Defunding' Solve the U.S. Police Crisis?" The Crime Report 1/4/2021

"76th & Yates" Criminal #150, PRX (NPR) 10/23/2020

Jacob Gershman, "The Controversial Legal Doctrine at the Heart of the Floyd, Brooks, Arbery Cases," Wall Street Journal 7/9/2020

Jesse Paul, "Colorado poised to review murder law that can send people to prison for life-- even when they didn't kill anyone," Colorado Sun, 1/6/2020

Luke Nozicka, "KC-area Teens Didn't Pull the Trigger but are Charged with Murder: Is that Justice?" Kansas City Star, 9/22/2019

- Tim Prudente, "Prison Terms for Killing of Baltimore County Police Officer Amy Caprio Draw Attention to Felony Murder Rule," Baltimore Sun, 9/17/2019
- Jake Griffin, "Controversial Felony Murder Rule Under Microscope After Lake County Shooting," Daily Herald 8/16/2019
- Beth Schwartzapfel, "D'Angelo Burgess Fled from Police. Does That Make Him a Killer?" The Marshall Project 5/30/2019
- Gabe Rosenberg & Paige Pflieger, "Masonique Saunders Reaches Plea Deal to Avoid Adult Murder Charge," WOSU, NPR 5/9/2019
- Andrew Downing, "Cover: The Case of Masonique Saunders," Columbus Alive, 5/1/2019
- Harrison Keegan, "Felony Murder in Missouri: How You Can Be Convicted Without Killing Anyone," Springfield News-Leader, 1/9/2019
- Katie Rose Quandt, "A Killer Who Didn't Kill," SLATE, 9/18/2018
- Katie Rose Quandt, "Curtis Brooks Didn't Kill Anyone. So Why is He Labeled a Murderer for Life?" The Appeal, 9/18/2018
- Abbie Vansickle, "If He Didn't Kill Anyone, Why is it Murder?" New York Times 6/27/2018
- Tanasia Kenney, "The Felony Murder Rule: Why it's Important to Understand," Atlanta Black Star, 8/22/2016
- Alison Flowers, "Charged with Murder, But They Didn't Kill Anyone—Police Did," Chicago Reader, 8/18/2016
- Jon Campbell, "After the NYPD Opened Fire on an Unarmed, Mentally Ill Man in Times Square, Who Gets the Blame?" Village Voice, 8/10/2016
- "Officer Facing Murder Charge in Death Opts for Bench Trial," The Record 6/7/2016
- "Officer Facing Murder in Prisoner Death Opts for Bench Trial," Intelligencer 6/7/2016
- "Van Driver in Freddie Gray Case Elects Bench Trial," Orlando Sentinel 6/7/2016
- "Another Freddie Gray Officer Opts for Bench Trial," Jet 6/7/2016
- "Officer Facing Murder Opts for Bench Trial," ABC 7 Eyewitness News 6/6/2016
- "Officer Facing Murder in Prisoner Death Opts for Bench Trial," Bucks County Courier Times, 6/6/2016
- "Freddie Gray: Another Officer Selects Bench Trial," Ebony, 6/7/2016
- "Baltimore Officer Who Drove Van in Freddie Gray Case Opts for Bench Trial," Chicago Tribune 6/7/2016
- Juliet Linderman, "Officer Facing Murder in Prisoner Death Opts for Bench Trial," Washington Post, 6/6/2016
- "Cleveland to PAY \$6M to Family of Tamir Rice," USA Today, 4/25/2016
- "Kristine Guerra, "Controversial Felony Murder Cases in Other States," Indianapolis Star, 4/20/2015
- "UB Law Faculty Members Named SUNY Distinguished Professors," NY Daily Record, 5/25/2011
- Klaus Lüderssen, "Dem Gentleman wird selbst im Recht alles zur schönen Kunst," Frankfurter Allgemeine Zeitung 10/9/2001
- Anthony Julius, "Witnessing the Truth," Times Literary Supplement, 6/16/2000