

## ADAM THURSCHELL

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### EDUCATION:

University of Pennsylvania Law School  
Philadelphia, Pennsylvania  
J.D. May 1984

Yale University  
New Haven, Connecticut  
B.A. May 1980

### TEACHING EXPERIENCE:

- 8/06 - 5/07: **Visiting Associate Professor, Washington College of Law, American University.** Criminal Procedure; Criminal Law; Literature & Law (seminar).
- Since 8/03: **Associate Professor of Law, Cleveland-Marshall College of Law, Cleveland State University.** Criminal Law; Criminal Procedure I and II; Evidence; International Criminal Law; Law, Literature & Film.
- 8/98 - 8/03: **Assistant Professor of Law, Cleveland-Marshall College of Law, Cleveland State University.**
- 8/94 - 5/96: **Assistant Professor of Law, Oklahoma City University School of Law.** Criminal Law, Criminal Procedure I and II, Evidence, RICO Litigation seminar.
- 8/93 - 5/94: **Visiting Assistant Professor of Law, University of Tulsa College of Law.** Criminal Law, Criminal Procedure I.

### PUBLICATIONS AND MANUSCRIPTS:

#### Books

*Capital Punishment* (under contract). Forthcoming in “Critical Approaches to Law” series, GlassHouse Press (an imprint of Routledge) (London, 2008) (ms. under preparation).

*Agamben/Derrida: Four Essays on the Philosophy of the Political* (submission in process). Book proposal submitted and full manuscript solicited by two university presses (ms. under preparation).

**Articles and book chapters**

Social Science Research Network Author's Page (with links to abstracts for some of the below papers): <http://ssrn.com/author=272871>

“On Continental Philosophy in American Law” (solicited, not yet written), *Penn State Law Review* (forthcoming, January 2009) (symposium issue in honor of the 75<sup>th</sup> anniversary of Karl Llewellyn’s “On Philosophy in American Law”).

“Benjamin between Agamben and Derrida: Some *Plumpes Denken* about Political Messianism,” *Oxford Literary Review* (forthcoming, 2009) (special issue on Giorgio Agamben).

“Ethical Exception: Capital Punishment in the Figure of Sovereignty,” in Austin Sarat and Jennifer Culbert, eds., “Killing States: Lethal Decisions/Final Judgments,” a special issue of the journal *South Atlantic Quarterly* (forthcoming, 2007).

“Law and Literature and the Right to Death,” in Gert Hofmann, ed., *Figures of Law: Studies in the Interference of Law and Literature* (forthcoming, A. Francke Verlag).

“Radical Feminist Liberalism,” in Benjamin Pryor, ed., *Memory, Imagination, Feminism: On Drucilla Cornell* (forthcoming, State University of New York Press).

“Cutting the Branches for Akiba: Agamben’s Critique of Derrida,” in Andrew Norris, ed., *Politics, Metaphysics, and Death: Essays on Giorgio Agamben’s Homo Sacer* 173-197 (Duke University Press, 2005).

“Specters and Scholars: Derrida and the Tragedy of Political Thought,” 6 *German Law Journal* 87 (2005) (special memorial issue on Jacques Derrida) (available on-line at URL [www.germanlawjournal.com/article.php?id=540](http://www.germanlawjournal.com/article.php?id=540)).

“Critical Legal Studies,” in John Protevi, ed., *A Dictionary of Continental Philosophy* (Yale University Press, 2006) (available outside North America as *Edinburgh Dictionary of Continental Philosophy* (Edinburgh University Press)).

“After Ring,” 15 *Federal Sentencing Reporter* 97 (2002).

“Specters of Nietzsche: Potential Futures for the Concept of the Political in Agamben and Derrida” (ms.; available at [www.law.csuohio.edu/faculty/athurschwell/nietzsche.pdf](http://www.law.csuohio.edu/faculty/athurschwell/nietzsche.pdf)).

“Specters of Nietzsche: Potential Futures for the Concept of the Political in Agamben and Derrida” (abbreviated version), 24 *Cardozo L. Rev.* 1193 (2003).

“Federal Courts, the Death Penalty, and the Due Process Clause: The Original Understanding of the ‘Heightened Reliability’ of Capital Trials,” 14 *Federal Sentencing Reporter* 14 (2001).

“Learning from the Federal Death Penalty,” Editor’s Observations, 14 *Federal Sentencing Reporter* 3 (2001) (with Douglas A. Berman).

“Friendship, Tradition, Democracy: Two Readings of Aristotle,” 5 *Law/Text/Culture* 271-325 (2001).

Entry on “Aesthetics,” in *The Philosophy of Law: An Encyclopedia*, ed. Christopher B. Gray (Garland Publishing, 1999).

“Radical Feminist Liberalism,” 51 *Rutgers L. Rev.* 745 (1999) (reviewing Drucilla Cornell, *At the Heart of Freedom: Feminism, Sex, & Equality* (Princeton U. Press, 1998)).

“Reading the Law,” in Austin Sarat and Thomas Kearns, eds., *The Rhetoric of Law* 275-332 (U. of Michigan Press, 1994).

“On the Threshold of Ethics,” 15 *Cardozo L. Rev.* 1607 (1994).

“Feminism, Negativity, Intersubjectivity” (with Drucilla Cornell), in *Feminism as Critique*, eds. Seyla Benhabib and Drucilla Cornell (U. of Minnesota Press, 1987).

“Equitable Relief: Enjoining Police Misconduct,” Chapter 15 of Avery and Rudovsky, *Police Misconduct: Law and Litigation*, 2d ed. (Clark Boardman, 1988).

## **PRACTICE EXPERIENCE:**

Since 7/03: **Co-counsel for defendant, United States v. Francois Karake (U.S. Dist.Ct., D.D.C.).** Federal capital prosecution; court-appointed defense counsel for a Rwandan citizen charged with killing American tourists in Uganda.

Since 12/02: **Consulting attorney, federal death penalty cases.** Consultant for defense in federal capital cases, assisting the Federal Death Penalty Resource Counsel.

4/00 - 6/02: **Cooperating attorney, New York State Capital Defender Office.** Participated with New York State’s capital public defender in appeal in People v. Stephen LaValle.

6/95 - 10/99: **Defense attorney, United States v. Terry Lynn Nichols.** Member of the defense team appointed by the court to represent Terry Lynn Nichols, charged with the bombing of the Alfred P. Murrah Federal Building in Oklahoma City.

- 8/90 - 8/93: **Goldman & Hafetz.** 500 5th Ave., 29<sup>th</sup> Fl., New York, NY 10110. Of counsel (started as associate). Criminal defense; primarily in federal white collar and organized crime prosecutions, with some complex federal civil litigation.
- 6/86 - 7/90: **Kairys & Rudovsky.** 924 Cherry St., Ste. 500, Philadelphia, PA 19107. Associate. Plaintiffs' civil rights litigation; practice areas included First and Fourth Amendment, police misconduct, race and sex harassment, civil RICO, Title VII public and private sector employment discrimination, and political process/election law litigation.
- 9/84 - 5/86: **Ballard, Spahr, Andrews & Ingersoll.** 1735 Market St., Philadelphia, PA 19103. Associate; member of the Tax Group.

**ACADEMIC PRESENTATIONS:**

- “Ethical Exception: Capital Punishment in the Figure of Sovereignty,” presented at *Killing States: Lethal Decisions/Final Judgments*, Amherst College, Amherst, Massachusetts, November 3-4, 2006.
- “Sovereignty, Literature, Death: Don DeLillo on the Authority of Terrorism,” presented at *The New Exceptionalism: Law and Literature Since 9/11*, Benjamin Cardozo Law School, New York, NY, October 29, 2006.
- “Politics, or, Juridical Death of the Ethical Other,” presented at the *Centennial Conference on Levinas & Law*, McGill University, Montréal, Canada, September 17-18, 2006.
- “Race, Terrorism and the Federal Death Penalty,” presented at *From Lynch Mobs to the Killing State : Race & The Death Penalty in America*, the Charles Hamilton Houston Institute for Race and Justice, Harvard Law School, Cambridge, Massachusetts, May 5-6, 2006.
- “The Curious Canonization of Saint Walter: Agamben on Paul, Benjamin and Political Messianism,” presented at panel on “St. Paul Among the Philosophers” (also organized panel), 2006 Law, Culture & the Humanities Conference, Syracuse, New York, March 17-18, 2006.
- “Law and Literature and the Right to Death,” presented at *Figures of Law: Interferences of Law and Literature*, University College Cork, Cork, Ireland, June 11, 2005.
- “*In Favorem Vitae*,” presented to Faculty of Law, University College Cork, Cork, Ireland, June 10, 2005.
- “Law and Literature and the Right to Death,” presented at the 2005 Law & Society Association Annual Meeting, Las Vegas, Nevada, June 3, 2005.

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“Ethical Exception: The Death Penalty and the Philosophers,” presented at the 2004 Modern Languages Association Conference, Philadelphia, Pennsylvania, December 27, 2004.

“Benjamin between Agamben and Derrida: Some *Plumpes Denken* about Political Messianism,” presented at the 2004 British Critical Legal Conference, University of Westminster, London, England, September 3, 2004.

Organized symposium (and presented paper), *Sovereignty and the Right to Death: A Conference*, Cleveland-Marshall College of Law, Cleveland, Ohio, October 17-18, 2003.

Presented comment at panel titled, “Evil: What Good Is It?” at the 2003 Law, Culture & the Humanities Association Conference, Cardozo Law School/NYU Law School, New York, NY, March 9, 2003.

“Law and Literature and the Right to Death,” presented at the 16<sup>th</sup> Annual British Critical Legal Conference, University of North London, London, England, September 6-8, 2002.

“Specters and Scholars: Derrida and the Tragedy of Political Thought,” presented at the 2002 Law, Culture & the Humanities Association Conference, University of Pennsylvania Law School, Philadelphia, PA, March 8, 2002.

“Law and Literature and the Right to Death,” presented at *Legitimizing Fictions: A Symposium on Law and Literature*, Washington College of Law, American University, Washington, DC, March 1, 2002.

“Specters of Nietzsche,” presented at Nietzsche and Legal Theory: A Symposium, Benjamin Cardozo Law School, New York, NY, October 15, 2001.

“Perhaps, Perhaps Not: Potential Futures for the Doctrine of Sovereignty in Agamben and Derrida,” presented at the 15<sup>th</sup> Annual British Critical Legal Conference, University of Kent, Canterbury, England, September 8, 2001. Also participated on a plenary panel, speaking on “Poststructuralism and Critical Legal Studies.”

“Perhaps, Perhaps Not: Potential Futures for the Concept of the Political in Agamben and Derrida,” presented at the 4<sup>th</sup> Annual Conference on Law, Culture and the Humanities, University of Texas, Austin, TX, March 10, 2001.

“Philosophical Ideals and Professional Ethics: Reflections on the Aristotelian Revival in the Legal Academy,” presented at the 2<sup>nd</sup> Annual Conference on Law, Culture and the Humanities, Wake Forest University School of Law, Winston-Salem, NC, March 13, 1999.

“Teaching Ethics in an Age of Politics,” presented at the Conference on the Role of Advocacy in the Classroom (conference co-sponsored by AALS), University of Pittsburgh, Pittsburgh, Pennsylvania, June 2-4, 1995.

Respondent to paper, “The Law of Adorno,” presented at the 17th Annual Mid-South Philosophy Conference, University of Memphis, Memphis, Tennessee, February 24-26, 1995.

Chaired panel, “Author Meets Critics: Drucilla Cornell and The Philosophy of the Limit,” American Philosophical Association, Central Division 92nd Annual Meeting, Kansas City, MO, May 5, 1994.

Commentator at symposium on “On the Necessity of Violence to Any Possible Justice,” Benjamin N. Cardozo School of Law, New York, New York, October 1990.

Commentator at symposium on “Deconstruction and the Possibility of Justice,” Benjamin N. Cardozo School of Law, New York, New York, October 1989.

Commentator at symposium on “Hegel and Legal Theory,” Benjamin N. Cardozo School of Law, New York, New York, March 1988.

Co-presented paper at International Institute in Philosophy and Social Sciences, Conference on Culture and Politics, Dubrovnik, Yugoslavia, April 1985 (with Drucilla Cornell).

**LEGAL/PROFESSIONAL PRESENTATIONS:**

“Winning Issues from Recent Legal Developments – U.S. Supreme Court” (invited plenary lecture before 500 capital attorneys and investigators) and “Aider and Abettor Issues” (workshop presentation), at the 2005 Capital Case Defense Seminar of the California Attorneys for Criminal Justice and California Public Defenders Association, Monterey, California, February 20-21, 2005.

“Blakely v. Washington: What’s Happened and What’s Likely to Come,” Cuyahoga County Bar Association, Cleveland, Ohio, December 1, 2004.

“Recent Legal Developments” and “United States v. Fell: Why the Court Found the Federal Death Penalty Unconstitutional,” Federal Death Penalty Strategy Session, Austin, Texas, March 14, 2003.

“Motions in a Capital Case,” Death Penalty Seminar of the Ohio Association of Criminal Defense Lawyers, Columbus, OH, November 18, 1999.

“Trying a High-Profile Death Penalty Case: Lessons from the Oklahoma City Bombing Trial of Terry Nichols,” Cleveland-Marshall College of Law, Cleveland, OH, October 13, 1999.

Addressed the Death Penalty Seminar of the Ohio Association of Criminal Defense Lawyers on “Mitigation in a Capital Case,” Columbus, OH, November 19, 1998.

Addressed the 6<sup>th</sup> Circuit Practice Institute, sponsored by the Federal Bar Association, Cincinnati Chapter, on “Review of Significant 6<sup>th</sup> Circuit Decisions,” Cincinnati, OH, October 29, 1998.

Addressed the NAACP Legal Defense Fund, Inc.’s Annual Death Penalty Seminar on “Reflections on the Terry Nichols Case,” Airlie Conference Center, Warrington, VA, July 24, 1998.

**SIGNIFICANT LITIGATION:**

United States v. Francois Karake, — F.Supp.2d —, 2006 WL 2374463 (D.D.C. 2006) – federal capital case charging three Rwandan citizens with murder of two American tourists in Ugandan national park; district court suppressed defendants’ statements as the product of torture.

United States v. Fell, 360 F.3d 135 (2d Cir. 2004) – government appeal from judgment holding the federal death penalty facially unconstitutional.

People v. LaValle, 3 N.Y.3d 88, 817 N.E.2d 341, 783 N.Y.S.2d 485 (N.Y. Court of Appeals, 2004) – case declaring New York State death penalty statute unconstitutional.

United States v. Terry Lynn Nichols (U.S. D.Colo.; 10<sup>th</sup> Circuit; U.S. Supreme Court) – federal trial and appeals of one of the two men accused of bombing the Oklahoma City federal building.

United States v. Salerno, 505 U.S. 317 (1992) – on the brief (with Michael Tigar) for defendant-respondents.

City of Canton, Ohio v. Harris, 489 U.S. 378 (1989) – on the brief (with David Rudovsky) for respondent Harris.

Nichols v. Reno, 124 F.3d 1376 (10th Cir. 1997) – civil challenge under the APA to Death Penalty Notice in U.S. v. Nichols.

Nichols v. Alley, 71 F.3d 347 (10th Cir. 1995) – mandamus petition resulting in disqualification of all judges in the State of Oklahoma from sitting in United States v. Nichols.

Matter of Grand Jury Subpoena of Rochon, 873 F.2d 170 (7th Cir. 1989) – appeal from order disqualifying Attorney General Edwin Meese and Assistant Attorney General William Bradford Reynolds from participating in a grand jury investigation into racially-motivated death threats directed by some FBI special agents against Special Agent Donald Rochon.

**BOARDS, MEMBERSHIPS, ETC.:**

Organizing Committee, Association for the Study of Law, Culture & the Humanities (2005- )

Member, National Association of Criminal Defense Lawyers (2004- )

**ADMITTED TO PRACTICE:**

Bars of New York and Pennsylvania (inactive status in Pennsylvania); United States Supreme Court; United States Courts of Appeals for the Third, Seventh and Tenth Circuits; United States District Courts for the Southern and Eastern Districts of New York and for the Eastern District of Pennsylvania.