Kiel Brennan-Marquez

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EDUCATION

Yale Law School • J.D. 2011
Pomona College • B.A. 2008

ACADEMIC APPOINTMENTS

Current

University of Connecticut School of Law
Professor of Law, 2022-present

> Courses • Constitutional Law; Civil Procedure; Evidence; Law & Religion; Law & Big Data; Policing
> Committee Service • Appointments (chair, 2022-23; member, 2019-20, 2023-24); Clerkships (2018-23)

Past

University of Connecticut School of Law
Faculty Director, Center on Community Safety, Policing, and Inequality, 2021-2024
Associate Professor of Law & William T. Golden Scholar, 2018-2022

Yale Law School
Visiting Associate Professor, Spring 2021 (co-teaching Constitutional Theory)
Resident Fellow, Information Society Project, 2012-2014

Georgetown University Law Center
Research Fellow & Adjunct Professor of Law, 2017-2018

New York University Law School
Postdoctoral Research Fellow & Adjunct Professor of Law, 2015-2017

SCHOLARSHIP

In progress

Merciless Machines

Poetic Injustice

Beauty and Elegance as Paradigms of Judgment

Articles, Essays, and Book Chapters

Judging Demeanor, 109 MINN. L. REV. _ (forthcoming 2025) (with Julia Simon-Kerr)

Micro-Costs, 113 GEO. L. J. _ (forthcoming 2025) (with Brendan Maher)

Mercy and Automation, ALGORITHMIC TRANSFORMATIONS OF POWER: BETWEEN TRUST, CONFLICT, AND UNCERTAINTY (Burchard and Spiecker eds.) (2025)

Role-Reversibility, AI, and Equitable Justice—Or: Why Mercy Cannot Be Automated, 114 J. CRIM. L. & CRIMINOLOGY 1 (2023) (with Stephen Henderson)

Search and Seizure Budgets • 13 U.C. IRVINE L. REV. 389 (2023) (with Stephen Henderson)

Privacy, Autonomy, and the Dissolution of Markets • KNIGHT INSTITUTE DATA & DEMOCRACY SERIES (2022) (with Daniel Susser)

Aggregate Stare Decisis • 97 IND. L. J. 571 (2022)

Temporal Buffer Zones • 40 YALE L. & POL'Y REV. 465 (2022) (with Doug Spencer)

Beware of Giant Tech Companies Bearing Jurisprudential Gifts • 134 HARV. L. REV. F. 434 (2021)

Toward A Political Theory of Police Violence • 53 CONN. L. REV. 693 (2021)

The Trial Lottery • 56 WAKE FOREST L. REV. 1 (2021) (with Stephen Henderson & Darryl Brown)

Algorithmic Decision-Making When Humans Disagree About Ends • 24 NEW CRIM. L. REV. __ (2021) (with Vincent Chiao)

"Fair Notice" in the Age of Artificial Intelligence • THE OXFORD HANDBOOK OF ETHICS OF ARTIFICIAL INTELLIGENCE (Dans, Dubber & Pasquale eds.) (2020)

Rethinking the Relationship Between Punishment and Policing • 17 OHIO ST. J. CRIM. L. 399 (2020)

Strange Loops: Apparent v. Actual Human Involvement in Automated Decision-Making • 34 BERK. J. L. & TECH. 745 (2019) (with Karen Levy & Daniel Susser)

Extremely Broad Laws • 61 ARIZ. L. REV. 641 (2019)
> Selected for presentation at the Yale/Harvard/Stanford Junior Faculty Forum

Artificial Intelligence and Role-Reversible Judgment • 109 J. CRIM. L. & CRIMINOLOGY 137 (2019) (with Stephen Henderson)
> Reviewed on JOTWELL by Frank Pasquale

The Constitutional Limits of Private Surveillance • 66 U. KAN. L. REV. 485 (2018)

Fourth Amendment Anxiety • 55 AM. CRIM. L. REV. 1 (2018) (with Stephen Henderson)

"Plausible Cause": Explanatory Standards in the Age of Powerful Machines • 70 VAND. L. REV. 1249 (2017)

Fourth Amendment Fiduciaries • 84 FORDHAM L. REV. 611 (2015)

Statutes and Democratic Self-Authorship • 56 WM. & MARY L. REV. 115 (2014) (with Paul Kahn)

A Modest Defense of Mind-Reading • 15 YALE J. L. & TECH. 214 (2013)

Shorter Pieces

Ballership • 53 CONN. L. REV. ONLINE 2 (2021)

The Probabilism Debate that Never Was? • 23 INT'L J. EVID. & PROOF 141 (2019)

Big Data Policing and the Redistribution of Anxiety • 15 OHIO ST. J. CRIM. L. 487 (2018)

Outsourced Law Enforcement • 18 U. PA. J. CONST. LAW 797 (2016)

The Faces of Judicial Naiveté • 29 CONST. COMMENT. 257 (2014)

Going Through the Motions • 17 GREENBAG 2D 381 (2014)

A Quite Principled Conceit • 80 U. CHI. L. REV. DIALOGUE 81 (2013)

SELECTED PRESENTATIONS

Mercy and Automation • October 2024 • Yale Law

Consent, Waiver, and the Fourth Amendment • May 2024 • Georgetown Law

AI and Role-Reversible Judgment • October 2023 • Michigan Law

Judging Demeanor • July 2023 • Brooklyn Law

Demeanor Evidence • May 2023 • Vanderbilt Law

Constitutionalism Amid Polarization • May 2022 • Connecticut Supreme Court

The Dissolution of the Fourth Amendment • March 2022 • Penn Law

The End of Probable Cause • February 2021 • UCLA Law

Search and Seizure Budgets • August 2020 • Southeastern Law School Association

Artificial Intelligence and the Future of Law Enforcement • Sept. 2019 • Goethe University

Big Data and the Future of Insurance • June 2019 • Travelers Insurance

The Constitutional Limits of Private Surveillance • June 2019 • Connecticut Judicial Institute

Rethinking the Relationship Between Punishment and Policing • June 2019 • Toronto Law

The "What You Do, Not Who You Are" Principle • May 2019 • Vanderbilt Law

Aggregate Stare Decisis • March 2019 • Arizona Law

"Fair Notice" in the Age of Artificial Intelligence • March 2019 • Toronto Law

Artificial Intelligence and Role-Reversible Judgment • Sept. 2018 • Arizona Law

Extremely Broad Laws • June 2018 • Harvard-Yale-Stanford Junior Faculty Forum

Jurisphobia • May 2018 • Georgetown Law

Big Data Policing and the Redistribution of Anxiety • Sept. 2017 • OSU Law

PROFESSIONAL SERVICE

<u>Peer Reviewer</u>

Cambridge University Press
Columbia Law Review
Harvard Law Review
International Journal of Evidence and Proof
Law, Probability, and Risk
Oxford University Press
Stanford Law Review
Yale Law Journal

<u>Amicus Brief Author</u>

Gamble v. U.S., 587 U.S. __ (2019), Brief of Criminal Procedure Professors in Support of Petitioner

OTHER EXPERIENCE

HunchLab
Policy & Design Consultant, 2017-2018

Southern District of New York
Law Clerk to Hon. Shira A. Scheindlin, 2014-2015

WilmerHale
Summer Associate, 2010

Community Legal Services of East Palo Alto
Summer Legal Intern, 2009