

# Kiel Brennan-Marquez

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## EDUCATION

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Yale Law School • J.D. • 2011

Pomona College • B.A. • 2008 • Philosophy & Religious Studies

## CURRENT POSITION

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### University of Connecticut School of Law

Associate Professor & William T. Golden Scholar, 2018-

*Courses* • Constitutional Law; Law & Technology; Evidence; Criminal Procedure/Policing; Constitutional Theory

*Accolades* • Finalist, Zirkel Teaching Award (2020); average course evaluation 4.7/5 (institutional mean: 4.5/5)

*Service* • Clerkships committee; appointments committee; moot court coach & advisor; Federalist Society advisor

## PUBLICATIONS

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### Articles & Essays

*Quantitative Stare Decisis* • in-progress

*Pareto Policing* • in-progress

*Information Uncapitalism* • in-progress (with Daniel Susser)

*The Trial Lottery* • in-progress (with Stephen Henderson & Darryl Brown)

*Indeterminacy, Uncertainty, and Automation* • NEW CRIM. L. REV. (forthcoming) (with Vincent Chiao)

*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 2018 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)

Selected by National Association of Criminal Defense Lawyers' "Getting Scholarship into Courts" Project

Reprinted in the SEARCH & SEIZURE LAW REPORT

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

*Offensive Searches: Toward a Two-Tiered Theory of Fourth Amendment Protection* • 52 HARV. C.R.-C.L. L. REV. 103 (2016) (with Andrew Tutt)

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

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

*The Epistemology of Iqbal and Twombly* • 26 REGENT U. L. REV. 167 (2013)

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

### **Book Chapters**

*“Fair Notice” in the Age of Artificial Intelligence*, in THE OXFORD HANDBOOK OF ETHICS AND ARTIFICIAL INTELLIGENCE (eds. Dubber & Pasquale) (2020)

### **Shorter Pieces**

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

Reply to Gabriel Mendlow, “Why Is It Wrong to Punish Thought?”

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

Reply to Ronald Allen & Michael Pardo, “Relative Plausibility and its Critics”

*Interpreting Constitutional Provisions in Tandem* • 61 HOW. L. J. 601 (2018)

*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)

Reviewing RICHARD POSNER, REFLECTIONS ON JUDGING

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

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

Reply to Jed Rubenfeld, “The Riddle of Rape-by-Deception and the Myth of Sexual Autonomy”

## **SELECTED PRESENTATIONS**

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*The Political Theory of Predictive Policing* • June 2020 • Luiss School of Law (Rome)

*Strange Loops* • Oct. 2019 • Cornell Tech

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

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

*Artificial Intelligence and the Explainability Problem* • June 2019 • United Technologies

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

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

*Reconceptualizing Police Deception* • May 2019 • Berkeley 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

*The “Lawyer v. Human” Problem in Corpus Linguistics* • Feb. 2019 • BYU 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

*Artificial Intelligence and Role-Reversible Judgment* • May 2018 • GW Law

*Extremely Broad Laws* • Feb. 2018 • South Carolina Law

*Interpreting Constitutional Provisions in Tandem* • Oct. 2017 • Howard Law

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

*Extremely Broad Laws* • Aug. 2017 • Georgetown Law

## PROFESSIONAL SERVICE

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### Peer Reviewer

*International Journal of Evidence and Proof*

*Law, Probability, and Risk*

*Yale Law Journal*

Cambridge University Press

Oxford University Press

### Amicus Brief Author

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

## OTHER EXPERIENCE

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### Georgetown University Law Center

Research Fellow & Adjunct Professor of Law, 2017-2018

### HunchLab

Policy & Design Consultant, 2017-2018

### New York University Law School

Postdoctoral Research Fellow & Adjunct Professor of Law, 2015-2017

### Southern District of New York

Law Clerk to Hon. Shira A. Scheindlin, 2014-2015

### Information Society Project

Resident Fellow, 2012-2014

### WilmerHale

Summer Associate, 2010

### Community Legal Services of East Palo Alto

Summer Legal Intern, 2009