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

Peer Reviewer

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

Amicus Brief Author

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