Kevin Frazier

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EDUCATION

University of California, Berkeley, School of Law, Order of the Coif, J.D.

Harvard Kennedy School, M.P.A.

University of Oregon, B.S., *Summa Cum Laude*, Economics, 4.22 GPA

EXPERIENCE

St. Thomas University College of Law, *Assistant Professor*, Miami, FL   Summer 2023 -
Joined the faculty as an assistant professor to teach constitutional law, administrative law, civil procedure, and the school's first Law and AI course.

The Lawfare Institute, *Fellow*   Summer 2024 -
Cover the effect of emerging technology on individual liberty through podcasts and essays. Podcast guests have included scholars such as Professor Ashley Deeks and former FCC Chair Tom Wheeler.

Institute for Law & AI (formerly Legal Priorities Project), *Research Affiliate*   Summer 2023 -
Collaborating with an international group of scholars to study the impact of AI on democratic institutions.

Chief Justice Mike McGrath, *Clerk*, Montana Supreme Court   Summer 2022-23
Served as a clerk in the Chief Justice's chambers for the 2022 Term during which I assisted in authoring opinions related to constitutional law, criminal law, administrative law, family law, and civil procedure.

Miller Institute, *Fellow*, UC Berkeley School of Law   Spring - Summer 2022
In collaboration with experts from around the Institute, studied and drafted legal scholarship related to emerging technology and anti-corruption.

Personalis, *Privacy Intern*, Menlo Park, CA   Summer 2021 - Spring 2022
Identified policy changes to ensure the company complied with China's Personal Information Protection Law, changes to the EU's General Data Protection Regulation, and California's privacy laws.

Edelson PC, *Law Clerk*, San Francisco, CA   Summer 2020 - Fall 2022
Evaluated the merits of state privacy and UDAP claims against emerging technology companies and drafted several related complaints.

Google, *Legal Assistant*, Mountain View, CA   Summer 2017 - 18
Reviewed and responded to more than 500 requests for user data from law enforcement agencies.

AFFILIATIONS

Senior Research Fellow, Constitutional Studies Program at the University of Texas at Austin   Fall 2024

Senior Research Affiliate, Institute for Law & AI   Fall 2023 - Present

SERVICE

Co-Director, Center of Law & AI Risk (effort to increase legal scholarship on AI risks)

Former Member, Montana Supreme Court Access to Justice (Self-Help Forms Committee)

PUBLICATIONS

[forthcoming essay] *An Empty Guarantee?*, Claude W. Pettit Law Review (Spring 2025).

[forthcoming] *A Human in the Ballot Box*, University of Louisville Law Review (Spring 2025)

[forthcoming] *AI Deference*, Loyola University Chicago Law Journal (Spring 2025)

[forthcoming] *Checking Anti-Constitutional Rivals*, Tennessee Law Review (Fall 2024)

[forthcoming] *The Curse Cuts Both Ways: Why a "Big" Federal Trade Commission is Bad for the Constitutional Order*, Journal of Law, Economics & Policy (Fall 2024)

[forthcoming] *Responding to a Shift in the Tectonic Plates of Constitutional Interpretation: The Framers' Benchmark for a Minimum Acceptable Theory*, Wake Forest Journal of Law and Policy (Summer 2024)

The Marketplace of Ideas Mandate: What the Postal Power Requires from Congress in the Age of AI, 34 Fordham Intell. Prop. Media & Ent. L.J. 779 (2024)

The Past, Present and Future of Platform Governance, 12 Journal of Regulatory Compliance 20 (2024)

Planting the Seeds of Safer AI, Journal of Law and Technology at Texas (2024)

The Rise of the Interdisciplinary Lawyer: Defending the Rule of Law in the Age of AI, 58 University of San Francisco Law Review 19 (2024) (republished in the *Romanian Judges' Forum Review*).

In Event of an (AI) Emergency: Interpreting Continuity of Government Provisions in State Constitutions, 40 Santa Clara High Technology Law Journal 191 (2024)

Adjudicating Existential Risk: Suggestions to Increase the Capacity of the Bench to Decide Complex Scientific and Technological Claims, 5 Notre Dame Journal of Emerging Technology (2024)

Privacy Lost: How the Montana Supreme Court Undercuts the Right of Privacy, 13 Seattle Journal of Technology, Environmental, & Innovation Law 1 (2023)

The Law Review Revolution, 30 Virginia Journal of Social Policy & the Law 150 (2023)

The Next Required Law School Course: History of America's Foundings, 54 St. Mary's Law Journal 1025 (2023)

PRESENTATIONS

Selected to present my paper, "AI Deference" at The Future of Law in an AI World Symposium hosted by the Federalist Society. Washington, D.C., October 8, 2024.

Outlined for a section of the Montana State Bar the risks and benefits of use of generative AI tools by lawyers and explored how best to comply with evolving rules of professional conduct. Missoula, Montana. September 27, 2024.

Discussed specific policy proposals for securing the undersea cable system with upwards of one hundred congressional staffers as part of the Congressional Study Group on Foreign Relations and National Security. Virtual. August 16, 2024.

Designed and oversaw a workshop and simulation on emergency powers for the Existential Risk Lab at the University of Chicago. July 18-19, 2024.

Virtually shared presentation titled, "Identifying, Using, and Assessing AI Tools in Practice," for the State Bar of Montana. Attendees received CLE credit. March 2024.

Presented paper titled, "Administrative X-Risk: Pinpointing the Flaws of an AI Regulatory Scheme Reliant on Administrative Action," and served on a panel with Associate Dean Aram Gavoor, Association Dean Keith Robinson, and Professor David Rubinstein, *AI's Constitutional Moment: Rights, Federalism and Separation of Powers*, hosted by Washburn University School of Law, Topeka, KS, November 2023

Presented paper titled, "Information Asymmetry, Institutional Capacity, and the Need for an Independent, Non-governmental Emerging Risk Regulator," *AI Safety and Law Conference*, hosted by the Center for AI Safety, San Francisco, CA, August 2023

"Ask App Not to Track? Addressing National Security and Data Privacy Vulnerabilities in Wearable Technology." Served as a panelist alongside Professor Anne McKenna and Razvan Miutescu. Hosted by the Catholic University Journal of Law and Technology, Washington, D.C., March 2023.

SELECT WRITINGS FOR A POPULAR AUDIENCE

"Selling Spirals: Avoiding an AI Flash Crash," Lawfare (November 2024)

"A Neo-Jeffersonian Approach to Antitrust Would Better Protect Individual Liberty," ProMarket (November 2024)

"A Rallying Cry Against Lockstepping," Brennan Center (October 2024)

"Unlocking AI for All: The Case for Public Data Banks," Lawfare (October 2024)

"The Antitrust Guarantee," Regulatory Review (September 2024)

"What Does the Guarantee Clause Actually Guarantee?." Lawfare (September 2024)

"A Compromise to Fund the Federal Trade Commission's Office of Technology," Lawfare (September 2024)

"Why we need an AI safety hotline," MIT Tech Review (September 2024)

"The Antitrust Revival: The Moralists' Comeback," Yale Journal on Regulation Notice & Comment Blog (August 2024)

"AI Will Displace American Workers—When, How, and To What Extent is Less Certain," Lawfare (August 2024)

"The Federal Trade Commission Needs To Stay in its Lane," Reason (July 2024)

"Deference to AI?," Law & Liberty (July 2024)

"The Concern for Human Flourishing at the Core of Antitrust Law," Federalist Society Review (July 2024)

"The Responsibility and Power of Platforms to Tackle Inauthentic Content," Lawfare (June 2024)

"The Neo-Brandeisians Are Half Right," Law & Liberty (June 2024)

AWARDS AND FELLOWSHIPS

Mentor, Inaugural AI Futures Fellowship, Mexico City, Mexico, November 2023-March 2024.

Participant, Tech and Cybersecurity Policy Workshop, Tufts University, Boston, MA, June 2023.

Law Fellow, Fellowship at Auschwitz for the Study of Professional Ethics, Berlin, Germany, June 2023

Finalist, Rhodes Scholarship, Rhodes Trust, Seattle, WA, 2014

INTERESTS

Swimming ("Escaped" from Alcatraz) | running (2nd in age group in Woodside Ramble 50k ultra); hiking