

Kevin Frazier, Esq., M.P.A.

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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, state 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 the rule of law 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, drafted a paper on property rights over deep-sea
minerals in the South China Sea. The *Ocean and Coastal Law Journal* published the paper in 2023.

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.

PUBLICATIONS

[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)

[forthcoming] *Rule of Law in the Age of AI, A Different Alignment Problem: AI, the Rule of Law, and
Outdated Legal Institutions and Practices*, 19 Journal of Business and Technology Law (Summer 2024)

[forthcoming] *An Ethical Vision for Lawyers in the 21st Century*, 45 *La Verne L. Rev.* (Summer 2024)

The Need for an International AI Research Initiative: How to Create and Sustain a Virtuous Research-Regulation Cycle to Govern AI, 19 *Washington Journal of Law, Technology & Arts* 62 (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)

A Novel Means to Increase Access to Local News: Analyzing the Benefits and Costs of Zero-Rating, 32 *Cath. Univ. J. L. & Tech.* 27 (2024)

The Ghost Justice: A Means to Scare the Special Interests Controlling Retention Elections of State Supreme Court Justices, 18 *Charleston Law Review* 71 (2024)

Administrative X-Risk: Pinpointing the Flaws of an AI Regulatory Scheme Reliant on Administrative Action, 63 *Washburn Law Journal* 181 (2024) (symposium issue)

Practice Guide: How to Integrate AI and Emerging Technology into Your Practice and Comply with Model Rule 3.1, 25 *Minn. J.L. Sci. & Tech.* 67 (2024) (symposium issue)

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)

An "F" in Judicial Education: Why Emerging Technologies and New Risks Demand Judicial Education Reform, 50 *Ohio Northern University Law Review* 27 (2024)

Corner Crossing: Unlocking Public Lands or Invading the Airspace of Landowners?, 46 *Public Land and Resources Law Review* 92 (2023)

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

Learning From Mistakes: A Guide to Expanding the Oversight Board, 31 *Catholic University Journal of Law & Technology* 51 (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)

Closing a Commons: How a Novel Property Regime Can Promote Peace and Efficient Extraction of Deep Sea Resources in the South China Sea, 28 *Ocean & Coastal L.J.* 37 (2023)

Residence Hopping: Protecting the Principle of One Person, One Vote, One Place, 22 *Appalachian Journal of Law* 1 (2023)

Resolving the Public Land Paradox: Exposing Landlocked School Trust Lands as a Breach of Trust, 24 *Vermont Journal of Environmental Law* 266 (2023)

Age Before Fundamental Right? Resolving the Contradiction Presented by an Age Restriction on Running for Executive Offices in Montana's Constitution, 28 *Barry Law Review* 81 (2023)

Why YIMBYism Isn't Enough; The Need for Locals in my Backyard, 12 *Arkansas Journal for Social Change and Public Service* 1 (2022)

Crowdsourced State Constitutional Revisions, 74 *Rutgers University Law Review* 1463 (2022)

Policy Proposals for the United States to Protect the Undersea Cable System, 13 *Case Western Reserve's Journal of Law, Technology and the Internet* 1 (2022)

Why Meta Users Need a Public Advocate: A Modest Means to Address the Shortcomings of the Oversight Board, 28 *Richmond Journal of Law & Technology* 596 (2022)

CO-AUTHORED PUBLICATIONS

An International Consortium for AI Risk Evaluations, arXiv (2023). Selected to NeurIPS Workshop SoLaR 2023.

PRESENTATIONS

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, "Practicing Law in the Age of AI: Practice Guide – How to Integrate AI and Emerging Technology into Your Practice and Comply with Model Rule 3.1," *AI in Legal Research and Decision-Making Opportunities and Risks Symposium*, hosted by the Minnesota Journal of Law, Science & Technology, virtual, February 2024.

Led workshop (virtually) at the 2023 HumanTech Summit titled, AI in Legal Practice – From Prototype to Practice, hosted by SWPS University, Warsaw, Poland, December 2023

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.

“Unlocking Access to Public Lands.” Served as a panelist alongside Austin Smith Jr., Haley Sir, and Elijah Brown. The Public Interest Environmental Law Conference is hosted by the University of Oregon School of Law. Eugene, OR, March 2023.

REGULATORY SUBMISSIONS

Comment in response to Office of Management and Budget's Request for Comment on Circular A-4, Regulatory Impact Analysis. Submitted June 19, 2023 in collaboration with Legal Priorities Project.

SELECT WRITINGS FOR A POPULAR AUDIENCE

“A National Advisory Referendum on AI?,” Lawfare (June 2024)

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

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

“AI, Bioweapons, and Corporate Charters: The Case for Delaware Revoking OpenAI’s Charter,” Harvard JOLT Digest (May 2024)

“Return of the National Nanny or Restoration of the Cop on the Beat: The FTC’s Impending Proposed Rule on Commercial Surveillance,” Federalist Society Review (May 2024)

“Rediscovering and Realizing the Anti-Power-Concentration Principle,” Yale Journal on Regulation: Notice & Comment Blog (Mar. 2024)

“Real Deal Part II – The People’s Chamber,” Fordham Law Voting Rights & Democracy Project (Apr. 2024)

“America’s Democracy Needs the Real Deal,” Fordham Law Voting Rights & Democracy Project (Mar. 2024)

“Sounding the Alarm: AI’s Impact on Democracy and News Integrity,” Fordham Law Voting Rights & Democracy Project (Jan. 2024)

“Updating the Legal Profession for the Age of AI,” Yale Journal on Regulation: Notice & Comment Blog (Dec. 2023)

“The Right to Reality,” Lawfare (Dec. 2023)

"Use Specialized Juries in AI Litigation," The Regulatory Review (a publication of the Penn Program on Regulation) (Nov. 2023)

"North Dakota Budget Bill Struck Down as Violation of ‘Single Subject’ Constitutional Rule," Brennan Center (Oct. 2023)

"In Montana's Right to Participation, the Seeds of a Better Democracy," Brennan Center (Oct. 2023)

"New Technology Requires New Regulatory Ambitions," The Regulatory Review (Oct. 2023)

"How overregulating AI could make the technology more dangerous," San Francisco Chronicle (Oct. 2023)

"The Case for Prioritizing the Creation of an AI Benchmarking Consortium," Lawfare (Sept. 2023)

"Modernizing State Constitutions Helps Judges Do Their Jobs," Brennan Center (Aug. 2023)

"How Congress Should Regulate AI in the Short-Term," Harvard Kennedy School Review (July 2023)
(co-authored with Mari Dugas)

"When Elections Threaten the Rule of Law: The Good Governance Paradox of Judicial Elections,"
Lawfare (Feb. 2023)

MEDIA CITATIONS

Discussion of the "right to reality" proposed in my earlier scholarship in "Why 'right to reality' has become a rallying cry in the age of AI," Julia Malleck, Digital Frontier (May 8, 2024).

Analysis of how lawyers should review AI tools in "Look before you leap into AI, experts advise," Dan Heilman, Minnesota Lawyer (Feb. 22, 2024).

Evaluation of the City of San Francisco's AI guidance for employees in "S.F. finally created AI rules for city workers. Here's what they say," Chase DiFelicianantonio, San Francisco Chronicle (Jan. 9, 2024).

Analysis of proper use cases of generative AI tools in "This is where AI doesn't belong, according to experts," Chase DeFelicianantonio, San Francisco Chronicle (Oct. 27, 2023).

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