

## ANDREW D. SELBST

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### ACADEMIC APPOINTMENTS

UCLA School of Law, Assistant Professor of Law, 2020–Present

Data & Society Research Institute, Postdoctoral Scholar, 2017–2019; Affiliate Fellow, 2019–Present

Fordham Law School, Adjunct Professor, Spring 2019

Yale Law School Information Society Project, Visiting Fellow, 2016–2019

Georgetown University Law Center, Visiting Researcher, 2016–2017

Electronic Privacy Information Center, Scholar in Residence, Spring/Summer 2016

NYU School of Law, Information Law Institute, Privacy Research Fellow, 2011–2012

### EDUCATION

University of Michigan Law School

J.D., *cum laude*, 2011

- Executive Editor, *University of Michigan Journal of Law Reform*

Massachusetts Institute of Technology

M.Eng., Electrical Engineering and Computer Science, 2005

S.B., Electrical Science and Engineering, 2004

S.B., Physics, 2004

- Phi Beta Kappa, Tau Beta Pi (Engineering Honor Society)

### PUBLICATIONS AND WORKS IN PROGRESS

*Discrimination As Unfairness: Navigating Discrimination Injuries and Responsibility at the FTC* (in progress)

*Introduction: Generating Governance—An Essay Series on Strategies and Challenges in AI Regulation*, 70 *UCLA Law Review Discourse* \_\_ (forthcoming 2023)

*Deconstructing Design Decisions: Why Courts must Interrogate Machine Learning and Other Technologies* 85 *Ohio State Law Journal* \_\_ (forthcoming 2024) (with I. Elizabeth Kumar & Suresh Venkatasubramanian)

*Unfair Artificial Intelligence: How FTC Intervention Can Overcome the Limitations of Discrimination Law*, 171 *University of Pennsylvania Law Review* 1023 (2023) (with Solon Barocas)

*The Fallacy of AI Functionality*, 2022 ACM Conference on Fairness, Accountability and Transparency 959 (with I. Elizabeth Kumar, Aaron Horwitz & Inioluwa Deborah Raji)

*An Institutional View of Algorithmic Impact Assessments*, 35 *Harvard Journal of Law & Technology* 117 (2021)

*Negligence and AI's Human Users*, 100 Boston University Law Review 1315 (2020)

*The Hidden Assumptions Behind Counterfactual Explanations and Principal Reasons*, 2020 ACM Conference on Fairness, Accountability and Transparency 80 (with Solon Barocas & Manish Raghavan)

*Fairness and Abstraction in Sociotechnical Systems*, 2019 ACM Conference on Fairness, Accountability and Transparency 59 (with danah boyd, Sorelle Friedler, Suresh Venkatasubramanian & Janet Vertesi)

*The Intuitive Appeal of Explainable Machines*, 87 Fordham Law Review 1085 (2018) (with Solon Barocas)

- Honorable Mention, Privacy Papers for Policy Makers Award, 2018

*Disparate Impact in Big Data Policing*, 52 Georgia Law Review 109 (2017)

*Meaningful Information and the Right to Explanation*, 7 International Data Privacy Law 233 (2017) (peer reviewed) (with Julia Powles)

*A Mild Defense of Our New Machine Overlords*, 70 Vanderbilt Law Review En Banc 87 (2017) (invited response)

*Big Data's Disparate Impact*, 104 California Law Review 671 (2016) (with Solon Barocas)

- Awarded IAPP Paper Award at 2014 Privacy Law Scholars' Conference
- Privacy Papers for Policy Makers Award, 2014

*Contextual Expectations of Privacy*, 35 Cardozo Law Review 643 (2013)

*The Journalism Ratings Board: An Incentive-Based Approach to Cable News Accountability*, 44 University of Michigan Journal of Law Reform 467 (2011) (student note)

### WORKSHOPS AND INVITED PRESENTATIONS

#### **Deconstructing Design Decisions/The Legal Construction of Black Boxes**

- UCLA School of Law, April 2023
- We Robot Conference, September 2021
- Yale Law School Information Society Project, July 2021
- Privacy Law Scholars Conference, June 2021

#### **Unfair Artificial Intelligence: How FTC Intervention Can Overcome the Limitations of Discrimination Law**

- Privacy Law Scholars Conference, June 2022
- EPIC AI Policy Symposium, September 2021

#### **Automated Decisionmaking: The Goals of Explanation and Transparency**

- Informational Workshop, California Privacy Protection Agency, March 2022

#### **An Institutional View of Algorithmic Impact Assessments**

- Yale Law School, AI Governance Symposium, November 2021
- Max Planck Institute for Research on Collective Goods, June 2021
- University of Arizona James E. Rogers College of Law Faculty Workshop, April 2021

- Wayne State University Law School Gershenson Faculty Workshop, April 2021
- Junior Law and Technology Workshop, June 2020
- Privacy Law Scholars Conference, June 2020
- Conference on AI, Justice and Workforce Development, Rutgers University Newark, September 2019

#### **Negligence and AI's Human Users**

- Future of Tech and Society Discussion Group (Oxford), January 2021
- Privacy Research Group, NYU School of Law, April 2019
- IP Scholars Conference, August 2018
- Law and Society Annual Meeting, June 2018
- Privacy Law Scholars Conference, May 2018
- Internet Law Works in Progress Conference, March 2018
- Yale Law School Information Society Project, November 2017

#### **Disparate Impact in Big Data Policing**

- University of California Irvine Colloquium on Law & AI, April, 2020
- Shaping Justice Conference, University of Virginia School of Law, February 2018
- Law and Society Annual Meeting, June 2017
- Privacy Law Scholars Conference, June 2017

**Dispatches from the Fields: Interdisciplinarity in Practice**, Keynote, Graduate Law and Artificial Intelligence Conference, Cyberjustice Laboratory, University of Montreal, February 2019

#### **Fairness and Abstraction in Sociotechnical Systems**

- Cornell Tech/Law Colloquium, November 2018

#### **Big Data's Disparate Impact**

- Stanford Artificial Intelligence & Law Society, Stanford Law School, April 2018
- Human Rights Watch, November 2017
- Privacy & Technology Law Association, University of Michigan Law School, November 2017
- Analytics Frontiers Conference, University of North Carolina Charlotte, March 2017
- The Law and Business of People Analytics Conference, Saint Louis University School of Law, February 2016
- Center on Privacy & Technology, Georgetown University Law Center, October 2014
- Privacy Law Scholars Conference, June 2014

#### **The Intuitive Appeal of Explainable Machines**

- Sciences Po (Paris), "SMART Law" Course (Guest Lecture), March 2018
- HEC Paris Research Seminar, March 2018
- Explainable and Accountable Algorithms Workshop, Alan Turing Institute (London), January 2018
- Policy Issues Surrounding Artificial Intelligence, Algorithms, and Privacy, Seoul National University School of Law, August 2017
- Privacy Law Scholars Conference, June 2017
- Algorithms and Explanations Conference, NYU School of Law, April 2017

- Big Data Law & Ethics Colloquium, Wharton School, April 2017
- We, Robot Conference, March 2017
- Optimizing Government Workshop, University of Pennsylvania Law School, March 2017
- Innovation Policy Colloquium, NYU School of Law, March 2017

**The Fourth Amendment and Technology (Guest Lecture), Cornell Tech, March 2018**

**Meaningful Information and the Right to Explanation**

- FAT\* Conference, February 2018
- Data & Society Research Institute, December 2017

**How Do We Implement Discrimination Impact Assessments?, Ohio State Big Data & Criminal Law Roundtable, September 2017**

**Contextual Expectations of Privacy**

- Privacy Law Scholars Conference, June 2012
- Privacy Research Group, NYU School of Law, February 2012

#### **PANELS, ROUNDTABLES, AND INVITED COMMENTARIES**

**Participant, AI & Government Roundtable, University Colorado Law School, December 2020**

**Participant, AI and Justice in 2035 Roundtable, UCLA School of Law, February 2020**

**Panelist, Algorithmic Adjudication: Symposium: Algorithmic Criminal Justice?, UCLA School of Law, January 2020**

**Panelist, Automatic Discrimination: Algorithms, Big Data, and the Law of Employment Decisions, AALS Annual Meeting, January 2019**

**Panelist, Mapping the Solution Space: Toward Socially Beneficial and Accountable Algorithmic Systems, NYU Conference on Trade Secrets and Algorithmic Systems, NYU School of Law, November 2018**

**Panelist, User Data Control Panel, Fordham Intellectual Property, Media & Entertainment Law Journal Symposium, September 2018**

**Panelist, Workshop on Fair Representations and Fair Interactive Learning, Computing Community Consortium, March 2018**

**Panelist, Trade Secrets Institute Symposium: Keeping Secrets from the Public, Brooklyn Law School, February 2018**

**Participant, Intersectionality and Algorithmic Discrimination Workshop, Lorentz Center (Leiden, Netherlands), December 2017**

**Participant, Public Data Access Workshop, Rutgers Law School, September 2017**

**Discussant, Robert Brauneis & Ellen Goodman, *Algorithmic Accountability in the "Smart City,"* Big Data Law & Ethics Colloquium, Wharton School, April 2017**

**Discussant, Frederik Zuiderveen Borgesius, *Legal and Economic Aspects of Online Price Discrimination,* Privacy Law Scholars Conference, George Washington University School of Law, June 2016**

**Discussant, Rebecca Wexler, *Police Body Cameras and Other Warrantless Data Collection Upon Lawful Entry to the Home***, At the Intersection of Privacy and Property, NYU School of Law, May 2016

**Discussant, Hannah Bloch-Wehba, *Covert Courts: A First Amendment Right of Access to Electronic Surveillance Applications and Orders***, Freedom of Expression Scholars Conference, Yale Law School, May 2016

**Discussant, Kiel Brennan Marquez, *Private Dragnets***, Internet Law Works in Progress, New York Law School, March 2016

**Discussant, Jonathan Manes, *Secret Law***, Freedom of Expression Scholars Conference, Yale Law School, May 2015

**Discussant, Felix Wu, *The Ontology of Speech***, Privacy Law Scholars Conference, UC Berkeley School of Law, June 2013

### TESTIMONY AND ADVOCACY

**Comment on Proposed Rule: HUD's Implementation of the Fair Housing Act's Disparate Impact Standard**, Docket No. FR-6111-P-02, October 2019 (with Michele Gilman)

**Written Testimony**, New York City Council, Hearing on Open Algorithms Law, April 2019 (with Janet Haven)

**Panel Briefing on Algorithmic Discrimination**, Congressional Progressive Caucus, April 2018

**Presentation, *Meaningful Information and the Right to Explanation***, European Commission, DG Justice, January 2018

**Amicus Brief, *Carpenter v. United States***, Sup. Ct. No. 16-402 (OT 2017) (counsel of record; brief filed on behalf of Data & Society and fifteen scholars of technology and society, August 2017)

**Invited Participant, Data Discrimination Workshop**, New York City Commission on Human Rights, June 2017; February 2016

**Presentation, *Big Data's Disparate Impact***, DOJ Civil Rights Division, Housing Section, Washington, DC, December 2016

**Presentation, *Big Data's Disparate Impact***, CFPB Alternative Data Working Group, Washington, DC, September 2016

**Amicus Brief, *Birchfield v. North Dakota***, 136 S.Ct. 2160 (2016) (brief filed on behalf of the American Civil Liberties Union February 2016)

**Written Testimony, Equal Employment Opportunity Commission, EEOC at 50: Progress and Continuing Challenges in Eradicating Employment Discrimination**, July 2015 (with Solon Barocas)

**Amicus Brief, *North Carolina Board of Dental Examiners v. Federal Trade Commission*** 135 S.Ct. 1101 (2015) (brief filed on behalf of Public Citizen, Inc., August 2014)

**Roundtable Participant, Improving Government Performance in the Era of Big Data Opportunities and Challenges for Federal Agencies**, White House Office of Science and Technology Policy and Massive Data Institute, Georgetown University McCourt School of Public Policy, June 2014

### TEACHING

#### UCLA School of Law

Torts (Fall 2022, Fall 2021, Fall 2020, Spring 2020;)  
Information Privacy and Data Protection (Spring 2022, Spring 2021)  
Law, Technology & Society (Fall 2021, Fall 2020)

#### Fordham School of Law

Governing the Algorithmic Society (Spring 2019)

### OTHER WRITING

*A New HUD Rule Would Effectively Encourage Discrimination by Algorithm*, Slate (August 19, 2019)

*The Legislation that Targets the Racist Impacts of Tech*, New York Times (May 7, 2019) (with Margot Kaminski)

*Accountable Algorithmic Futures: Building empirical research into the future of the Algorithmic Accountability Act*, Data & Society: Points (April 19, 2019) (with Madeleine Elish & Mark Latonero)

*Supreme Court Must Understand: Cell Phones Aren't Optional*, Wired (November 29, 2017) (with Julia Ticona)

*FTC Report: Big Data Can Create Opportunities or Shut People Out*, HL Chronicle of Data Protection (January 15, 2016)

*Losing Out on Employment Because of Big Data Mining*, New York Times, Room for Debate (August 6, 2014) (with Solon Barocas),

*FCC Tries to Revive Net Neutrality Without Rocking The Boat; Politically Weak Decision Could Prove Disastrous*, Consumer Law and Policy Blog (February 20, 2014),

*The D.C. Circuit's Net Neutrality Decision Is Bad For Consumers*, Consumer Law and Policy Blog (January 15, 2014),

### SERVICE

#### UCLA School of Law

Faculty Advisory Committee, UCLA Institute for Technology, Law and Policy, 2021–Present

Faculty Admissions Committee, Fall 2022

iL Curriculum Reform Committee 2021–22

Undergraduate Task Force, 2020–21

Colloquium Committee, Spring 2020

Organizer, Junior Faculty Workshop (2020-21)

### **Other Professional**

Program and Planning Committee, Privacy Law Scholars' Conference, 2022–Present

Program Committee, AIES Conference, 2022

Program Committee, FAccT Conference, 2018–19; 2020–21 (CRAFT),

Steering Committee, Annotation and Benchmarking on Understanding and Transparency of Machine learning Lifecycles (ABOUT ML), Partnership on AI, 2019–2022

Program Committee, PrivaCI Conference, 2019–20

Program Committee, Machine Learning and the Law, NIPS Symposium, December 2016

Co-Organizer, NYU/Princeton Conference on Mobile and Location Privacy: A Technology and Policy Dialog, New York University School of Law, April 2012

### **PROFESSIONAL EXPERIENCE**

**Hogan Lovells US LLP**, Senior Associate, Communications, 2015–2016

**Hon. Jane R. Roth**, United States Court of Appeals for the Third Circuit, 2014–2015

**Public Citizen Litigation Group**, Alan Morrison Supreme Court Assistance Fellow, 2013–2014

**Hon. Dolly M. Gee**, United States District Court for the Central District of California, 2012–2013

**Analog Devices, Inc.**, Design Engineer, 2006–2008

**Cirrus Logic, Inc.**, Analog IC Design Engineer, 2005–2006

**Analog VLSI and Biological Systems Lab at MIT**, Graduate Research Assistant, 2004–2005

### **BAR MEMBERSHIPS**

New York; District of Columbia, U.S. Supreme Court; U.S. Court of Appeals for the Third Circuit