

# **HILLARY BRAVE FARBER**

Professor of Law  
University of Massachusetts School of Law  
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## **ACADEMIC APPOINTMENTS**

**University of Massachusetts School of Law, Dartmouth, MA** **2011 – present**  
**Professor of Law (2017- ); Associate Professor of Law (tenure awarded, 2013); Associate Professor of Law (2011-2013)**

Courses: Criminal Law, Criminal Procedure, Evidence, Criminal Motions Practice, Scholarly Note Writing.

Faculty Service: Chair, Admissions Committee, 2013-2014; Co-Chair, Faculty Appointments Committee, 2015-16; Chair, Technology & Facilities Committee; 2016-17; Chair, Adjunct and Advising Committee, 2017-18; Chair, Tenure & Promotion Committee, 2018-20; Chair, Faculty Development Committee, 2020-2023; Chair, Faculty Appointments Committee, 2023-24; Faculty Advisor to LGBTQ+ student organization (OUTLaw); Criminal Law Society; National Lawyers Guild student chapter; Diversity, Equity and Inclusion Committee member, 2016-18; Institutional Planning and Accreditation Committee member, 2013-16.

**Boston College Law School, Newton, MA** **January – July 2022**  
**Visiting Professor of Law**  
Courses: Criminal Law, Criminal Motions Practice.

**Northeastern University School of Criminology and Criminal Justice, Boston, MA** **2006 - 2011**  
**Assistant Professor & Pre-Law Advisor**  
Courses: Criminal Procedure, Criminal Law.

**Northeastern University School of Law, Boston, MA**  
**Visiting Assistant Professor of Law**  
Courses: Professional Responsibility, Tactics and Trial Strategies in Criminal Litigation.

**Western New England College School of Law, Springfield, MA** **2005 – 2006**  
**Visiting Assistant Professor of Law**  
Courses: Criminal Law, Constitutional Criminal Procedure, Criminal Procedure: Adjudication, Evidence.

**New England School of Law, Boston, MA** **2004 –2005**  
**Visiting Assistant Professor of Law**  
Courses: Criminal Law, Criminal Procedure, Constitutional Criminal Litigation, Evidence.

**Harvard Law School, Cambridge, MA** **2001 – 2004**  
**Climenko/Thayer Lecturer on Law**  
Course: First Year Lawyering: legal analysis, appellate advocacy and lawyering skills.

**Suffolk University Law School, Boston, MA** **1999 – 2001**  
**Clinical Instructor**  
Courses: Juvenile Justice Clinic, Constitutional Criminal Procedure.

## **PROFESSIONAL EXPERIENCE**

**Florence Immigrant and Refugee Rights Project, Florence, AZ** **January – May 2019**  
**Volunteer Attorney.** Represented detainees in removal proceedings in immigration courts.

**New Hampshire Public Defender, Manchester, NH** **1992 - 1999**  
**Staff Attorney/Supervising Attorney.** Represented over 2,000 felony, misdemeanor, and juvenile clients. Supervised and mentored staff attorneys and legal interns in a state-wide public defender program. Extensive trial experience. Provided post-conviction relief, including state habeas corpus petitions and motions for new trial.

## **EDUCATION**

**Northeastern University School of Law, Boston, MA**  
J.D., 1992

**University of Michigan, Ann Arbor, MI**  
B.A., High Honors - Political Science, 1988

## **PUBLICATIONS**

*Truth and Technology: Deepfakes in Law Enforcement Interrogations*, 27 U. PA. J. CONST. L. \_\_\_\_ (FORTHCOMING 2025)

*Write Before You Watch: Policies for Police Body-Worn Cameras That Advance Accountability and Accuracy*, 61 AM. CRIM. L. REV. 59 (2024).

*Virtually Incredible: Rethinking Deference to Demeanor When Assessing Credibility in Asylum Cases Conducted by Video Teleconference*, 36 GEO. IMM. L.J. 515 (2022) (with L. Bradley).

*Drones As Instrumentalities of Criminal Activity*, VOL. 3 BELMONT CRIM. L.J. 4 (2020).

*Comparing Public Concern and Support for Drone Regulation to the Current Legal Framework*, 37 BEHAV. SCIS. & LAW 109 (2018) (with J. Hamm and A. Zwickle).

*Protecting Homeowner's Privacy Rights in the Age of Drones: The Role of Community Associations*, 44 FORDHAM URB. L.J. 623 (2017) (with M. Nodiff).

*Keep Out! The Efficacy of Trespass, Nuisance and Privacy Torts as Applied to Drones*, 33 GA. STATE UNIV. L. REV. 359 (2017).

*Sensing and Surveillance: Constitutional Privacy Issues of Unmanned Aircraft*, in UNMANNED AIRCRAFT IN THE NATIONAL AIRSPACE: CRITICAL ISSUES, TECHNOLOGY, AND THE LAW 225-250 (D. Dulo, ed., American Bar Association, 2015).

*Eyes in the Sky: Constitutional and Regulatory Approaches to Domestic Drone Deployment*, 61 Syr. L. Rev. 1 (2014).

*JDB v. North Carolina: Ushering in a New "Age" of Custody Analysis under Miranda*, 20 J. L. & POL'Y 117 (2011).

*A Parent's "Apparent Authority": Why Inter-Generational Co-Residence Requires a Reassessment of Parental Consent to Search Adult Children's Bedrooms*, 21 CORNELL J. L. & PUB. POL'Y 39 (2011).

*To Testify or Not to Testify: A Comparative Analysis of the Australian and American Approaches to Parent Child Testimonial Exemption*, 46 TEX. INT'L L.J. 109 (2010).

*Do You Swear to Tell the Truth, the Whole Truth, and Nothing but the Truth Against Your Child?* 43 LOY. L.A. L. REV. 551 (2010).

*Joining the Legal Significance of Adolescent Developmental Capacities with the Legal Rights Provided by In re Gault*, 60 RUTGERS L. REV. 125-173 (2007) (with D. Bishop).

*Constitutionality, Competence, and Conflicts: What is Wrong with the State of the Law When It Comes to Juveniles and Miranda?*, 32 NEW ENG J. ON CRIM. & CIV. CONFINEMENT 29 (2006).

*The Role of the Parent/Guardian in Juvenile Custodial Interrogations: Friend or Foe?*, 41 AM. CRIM. L. REV. 1277 (2004).

*Popular Culture as a Lens on Legal Professionalism*, 55 S.C. L. REV. 351 (2003) (with A. Scherr).

### **GRANT FUNDED RESEARCH**

Northeastern University, Office of the Provost, Research and Scholarship Development Grant, *Assessing the Legal and Social Significance of the Lack of A Statutory and Common Law Parent-Child Privilege*, Principal Investigator, \$7,500, AY 2008-2009.

### **SELECTED PRESENTATIONS**

*AI and the Fourth Amendment: Deepfakes, Data, and Dilemmas*, Journal of Constitutional Law Symposium, University of Pennsylvania School of Law, Philadelphia, PA. January 31, 2025.

*Technological Police Reform--Promises and Pitfalls*, " Law and Society Association Annual Conference. Denver, CO. June 5-9, 2024.

*Write Before You Watch: Policies for Police Body-Worn Cameras That Advance Accountability and Accuracy*, 23rd Annual Conference of the European Society of Criminology Eurocrim2023, Florence, Italy. September 6-9, 2023.

*Credibility Assessments in Humanitarian Protection Cases Adjudicated by Video*, International Workshop: Changing Landscapes of Immigration Detention, Faculty of Law, University of A Coruña, A Coruña, Spain. September 1-2, 2022.

*Unmanned Aerial Vehicles and Civil Justice -- Can Common Law Adjust to a Drone World?* Law and Economics Center, Antonin Scalia Law School, George Mason University. February 18, 2022.

*Virtually Incredible: Rethinking Deference to Demeanor When Assessing Credibility in Asylum Cases Conducted by Video Teleconference*. Law and Society Association Annual Conference. May 27, 2021.

*Legal and Humanitarian Issues at the Mexico-Arizona Border*, Northeastern University School of Public Policy and Urban Affairs Speaker Series. October 2020.

*Drones as Instrumentalities of Criminal Activity*, Belmont University Criminal Law Journal Symposium: Cyber Law in the in the Criminal Justice Context: from Investigation to Litigation.

Nashville, TN. March 6, 2020.

*U.S. Immigration Enforcement at the Southern Border: A First-Hand Account of the Legal and Humanitarian Crisis at the Mexico-Arizona Border*, Yale University. Rebellious Lawyering Conference. February 15, 2020.

If Words Could Kill - - *and Maybe They Can*. Law and Society Association Annual Conference, Toronto, Canada. June 7-10, 2018.

*Regulating New Technologies: Historical and Contemporary Cases*. Law and Society Association Annual Conference, Mexico City, Mexico. June 20-24, 2017.

Session Organizer and Presenter, *Novelty, Innovation, and the Legal Challenges of New Technologies: From Video Games to Drones*. Law and Society Association Annual Conference, National Security and Privacy Panel, New Orleans, LA. June 2-5, 2016.

Presenter, Wolters Kluwer Computer Law and Intellectual Property and Privacy Advisory Council Annual Meeting. Chicago, IL. May 2, 2016.

Speaker, MSU Drone Colloquia sponsored by the Environmental Science and Policy Program at Michigan State University, E. Lansing, MI. April 14, 2016.

Selected by University Wide Committee to deliver “Arnie Talk” to UMass Dartmouth community on issues of privacy raised by domestic drones. April 12, 2016.

*Drones: The Impact on Individual Rights and Duties*, Massachusetts Bar Association, UMass Law School, April 4, 2016.

*Drone Law: Look Out for Soaring Legal Issues*, Massachusetts Continuing Legal Education (MCLE) Seminar. Boston, MA. February 25, 2016.

Presenter, Community Association Institute (CAI). Webinar presentation to real estate lawyers and community association managers about drone capabilities, risks and privacy concerns. January 12, 2016.

*Understanding Drone Privacy Law*, American Bar Association Webinar. December 15, 2015

Presenter, National Council of State Legislators, Fall Forum, Washington, DC. Dec. 8, 2015. Addressed group of state lawmakers nationwide on privacy related issues pertaining to unmanned aircraft systems.

*The Present Future of Air Space: Emerging Legal Issues of Drones and Commercial Space Travel*, American Bar Association Annual Meeting. Chicago, IL. August 1, 2015.

Session Organizer and Presenter, Law and Society Association Annual Conference, National Security and Privacy Panel, Seattle, WA. May 28-31, 2015.

*UAVs: the FAA, the Courts, and the Industry*, Association for Unmanned Vehicle Systems International (AUVTI) New England Chapter Annual Meeting. Waltham, MA. May 20, 2015.

Speaker, Loyola University Chicago Law Journal Symposium, Privacy in a Data Collection Society. Loyola University Law School, Chicago, IL. April 10, 2015.

*Legislating Private Use of Unmanned Aircraft Systems: Is There Really a Need for That?*, UMass Legal Studies Colloquium, UMass Club, Boston, MA. April 24, 2015.

*Domestic Drone Deployment: Eyes in the Sky and Privacy Concerns on the Ground*, Boston College Law School, American Constitution Society. Boston College Law School, Newton, MA. March 16, 2015.

*The Present Future of Air Space: Emerging Legal Issues of Drones and Commercial Space Travel*, ABA Annual Meeting. Boston, MA. August 7, 2014.

*Drone Home: Constitutional, Regulatory and Policy Issues Pertaining to Unmanned Aerial Surveillance*. American Constitution Society, Boston Chapter, Social Law Library, Boston, MA. May 28, 2014.

*Constitutional and Regulatory Approaches to Domestic Drone Deployment in the United States*, Flinders Law School, Adelaide, South Australia. February 17-18, 2014.

Guest Speaker, University New South Wales Law School, Sydney, Australia. Gave lecturer to law faculty on privacy and regulatory issues related to unmanned aerial surveillance in U.S. February 12-14, 2014.

Presenter, Using Drones in the News and Entertainment Industries, Southwestern Law School, Los Angeles, CA. February 7, 2014.

*Eyes in the Sky: Constitutional and Regulatory Approaches to Domestic Drone Deployment*, Fourth Annual Constitutional Law Colloquium, Loyola University Law School, Chicago, IL. November 1-2, 2013.

Moderator & Panelist, "The Lockdown: April 2013 and Beyond", Legal Forum on Aftermath of Marathon Bombings and the Legality of the Watertown Lockdown, Northeastern University School of Law, December 2013.

Fellow, National Institute for Teaching Ethics and Professionalism (NIFTEP), Spring 2012 Workshop, Seattle, WA. June 22-24, 2012.

Presenter, National Council of Juvenile and Family Court Judges (NCJFCJ), Evidence in Juvenile and Family Courts, Reno, NV. September 19-21, 2011.

*A Parent's "Apparent" Authority*, Law and Society Association Annual Conference, San Francisco, CA. June 3, 2011.

*To Testify or Not to Testify: Assessing the Legal and Social Significance of a Testimonial Parent-Child Privilege*, National Conference on Juvenile and Family Law, National Council of Juvenile and Family Court Judges, Reno, NV. March 28, 2011.

*Adolescents in Society: Their Evolving Legal Status*, Brooklyn Law Review Symposium, Brooklyn Law School, Brooklyn, NY. March 18, 2011.

*When Worlds Collide: Tensions in Family Law*, International Society of Family Law & The Midwest Family Law Consortium Regional Meeting, University of Missouri-Kansas City, Kansas City, MO. June 4, 2010.

*Competence and Compellability of Parents as Witnesses against Their Children: A Comparative Perspective between the U.S. and Australia*, Law and Society Association Annual Conference, Chicago, Illinois. May 27, 2010.

Session Chair, *Author Meets Reader: Juveniles At Risk: A Plea for Preventative Justice*, Law and Society Association Annual Conference, Chicago, Illinois. May 27, 2010.

*Objecting When the Parent-Child Relationship is Used to the Detriment of Your Client*, New Hampshire Public Defender State-Wide Training, Concord, NH. February 26, 2010.

*The Ins and Outs of Working with Parents*, National Juvenile Defender Center Leadership Summit, Denver, CO. October 16-18, 2009.

Presenter, Children and the Law Junior/Senior Faculty Workshop, Washington and Lee School of Law, Lexington, VA. July 16-17, 2009.

*Do You Swear to Tell the Truth, the Whole Truth, and Nothing But the Truth Against Your Child? Why the Juvenile Justice Paradigm Necessitates Recognition of a Parent-Child Testimonial Privilege*, Center for Children, Law & Policy, University of Houston Law Center, 8<sup>th</sup> Annual Zealous Advocacy Conference, Houston, TX. March 5-6, 2009.

*New Legal Issues Pertaining to Juvenile Confessions*, Center for Children, Law & Policy, University of Houston Law Center, 8<sup>th</sup> Annual Zealous Advocacy Conference, Houston, TX. March 5-6, 2009.

*Do You Swear to Tell the Truth, the Whole Truth, and Nothing But the Truth Against Your Child?* Northeastern University School of Law Faculty Colloquia, Boston, MA. September 25, 2008.

*A Common Law Parent-Child Privilege in the Prosecution of Juveniles: Fundamental Fairness and Fundamental Protection*, Law and Society Association Annual Conference, Montreal, Canada. May 31, 2008.

Session Chair/Discussant, *No Fair or All's Fair? Perceiving Justice in Courts and Trials*, Law and Society Association Annual Conference, Montreal, Canada. May 29, 2008.

Presenter, *Crafting More Effective Motions to Suppress: Legal Aspects and Practical Considerations*, Massachusetts Continuing Legal Education, Boston, MA. April 18, 2008.

## **ADDITIONAL PUBLICATIONS AND MEDIA APPEARANCES**

Quoted in Vanessa Swales, *Drones Used in Crime Fly under the Law's Radar*, THE NEW YORK TIMES, Nov. 3, 2019. See <https://www.nytimes.com/2019/11/03/us/drones-crime.html>.

Quoted in Thomas Harrison, *Mom Can Testify in Son's Defense, Mass. High Court Rules*, COURTHOUSE NEWS SERVICE, July 20, 2021. See <https://www.courthousenews.com/mom-can-testify-in-sons-defense-mass-high-court-rules/>.

Quoted in Greg Noone, *Police Use of Drones is Setting the Stage for Private Sector Deployments*, TECH MONITOR, April 22, 2021.

ABC6 Rhode Island News, television appearance discussing the novel legal issues in the criminal

case, *Commonwealth v. Michelle Carter*. October 9, 2018.

“UP IN THE AIR: Drones – What Leaders Need to Know”, COMMON GROUND, 2016 (with Marvin Nodiff, Esq).

*Let's Make it Easy to Be Responsible with Drones*, PROVIDENCE JOURNAL, (December 29, 2015). Available at: <https://www.providencejournal.com/story/opinion/2015/12/29/make-it-easy-to-be/32819533007/>

*Eyes in the Sky and Privacy Concerns on the Ground*, 11 THE SCITECH LAWYER 6-9. AMERICAN BAR ASSOCIATION/SECTION OF SCIENCE AND TECHNOLOGY LAW, SUMMER 2015.

*Keep Your Eyes on Eyes in the Sky*, CAPE COD TIMES, (January 10, 2014); <https://www.capecodtimes.com/story/opinion/2014/01/10/keep-your-eyes-on-eyes/40957668007/>

*Do Not Track Should Apply to Drivers Too*, STANDARD TIMES, (March 6, 2014). <https://www.southcoasttoday.com/story/opinion/columns/guest/2014/03/06/your-view-do-not-track/38503374007/>

FOX 25 News live television appearances concerning domestic use of drones, privacy and state and local legislation. February 25, 2014 and March 4, 2014.

FOX 25 News television appearance providing expert legal analysis following oral argument before Supreme Judicial Court in criminal appeal, *Commonwealth v. Everett Connelly*. May 2, 2009.

FOX 25 News television appearance on the constitutional considerations in relation to law enforcement's use of global positioning systems (GPS) on the outside of private vehicles. April 23, 2009.

WBUR – Radio Boston. Legislative and privacy issues pertaining to unmanned aerial surveillance. Other guests included State Senator Robert Hedlund, and ACLU policy director. March 13, 2014.

KNPR – Nevada Public Radio, 60-minute radio program covering all aspect of domestic use of unmanned aerial surveillance across the nation. March 20, 2014.

*The Absence of A Parent-Child Evidentiary Privilege in the United States*, American Bar Association, 12 CHILDREN'S RIGHTS 3 (2010).

*A Parent-Child Evidentiary Privilege*, 32 MASS DISSENT 10 (NOVEMBER 2009).

*Safe Homes' Inherent Perils*, BOS. HERALD (Feb. 23, 2008), <https://www.bostonherald.com/2008/02/23/safe-homes-inherent-perils/>.

*Juvenile Expunction Legislation and its Relationship to the Core Mission of the Juvenile Justice System*, American Bar Association, 9 CHILDREN'S RIGHTS 17 (2007).

## **LEGISLATIVE TESTIMONY**

Testified before the Massachusetts Joint Committee on the Judiciary in support of Senate Bill 1670: An Act Relative to Parent Child Privilege, Massachusetts State House, Boston, MA, October 27, 2009.

Testified before Boston City Council Committee on Public Safety, Resolution on BPD Policy to Provide Blanket Immunity From Prosecution in its Safe Homes Program, Boston, MA, June 3, 2008.

Testified before the Massachusetts Joint Committee on the Judiciary in support of Senate Bill 2195: Purging of Juvenile Delinquency Records, Massachusetts State House, Boston, MA, September 17, 2007.

Testified before the Massachusetts Joint Committee on the Judiciary relating to SB 1076: Purging of Juvenile Delinquency Records, Massachusetts State House, Boston, MA, June 21, 2005.

### **EDITORIAL EXPERIENCE**

Reviewer, *The Development of Unmanned Aircraft System Regulations and Policies in Sudan*, JOURNAL OF AVIATION TECHNOLOGY AND ENGINEERING (2023).

Reviewer, *Why the FAA Needs to Extend Existing Regulations on Drones and Implement Mandatory Geofencing*, J.L. & TECH. POL'Y (2021).

Reviewer, Todd Berger, INVESTIGATIVE CRIMINAL PROCEDURE IN FOCUS (2019).

Reviewer, *Drones and Invasions of Privacy: An International Comparison of Legal Responses*, UNIV. NEW S. WALES L.J. (2018).

Reviewer, *The Domestic Use of Drones: An Ethical Analysis*, PUB. ADMIN. R. (2015).

Reviewer, Jens David Ohlin, CRIMINAL LAW: DOCTRINE, APPLICATION, AND STRATEGY (2014).

Ad Hoc Reviewer, *Applying Roper v. Simmons in Juvenile Transfer/Waiver Proceedings*, CRIM. J.R. (NOV. 2009).

Ad Hoc Reviewer, *Crime Victims' Perceptions of County District Attorneys' Offices: An Empirical Investigation*, CRIME, LAW & SOCIAL CHANGE (OCT. 2007).

### **PROFESSIONAL HONORS**

Governor Appointee, Massachusetts Law Enforcement Body Worn Camera Task Force, 2021-2022

2020 Pro Bono Lawyer of the Year, The Florence Immigrant and Refugee Rights Project, Phoenix, AZ

Uniform Law Commission, Drafting Committee for Tort Law Relating to Drones, 2016 - 2018

Massachusetts Bar Admissions Curriculum Committee, 2017-2018

American Constitution Society – Advisory Board, Boston Chapter, 2010 – 2016

### **MEMBERSHIPS AND PROFESSIONAL ACTIVITIES**

Admitted to practice law in Massachusetts and New Hampshire

Suffolk Lawyers For Justice – Board Member 1999 - present  
Co-Chair – CLE Committee 1999-2001

Law and Society Association, 2008 – 2023

American Association of Law Schools, 2013 - present

National Lawyers Guild, Board Member, 2004- 2017

American Bar Association, Criminal Justice Section, 2012 - 2014

National Association of Criminal Defense Lawyers, 2008 - 2010

New England Innocence Project - Founding Member, 1999

Massachusetts Gay and Lesbian Bar Association, 2008

Society of American Law Teachers, member, 2004 - 2006

AALS Clinical Legal Education Section, member, 2002 -2004

Clinical Legal Education Association (CLEA), 1999 - 2004