

HILLARY BRAVE FARBER

Associate Professor of Law
University of Massachusetts School of Law
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EXPERTISE: privacy, surveillance, technology, Fourth amendment, unmanned aircraft systems.

TEACHING EXPERIENCE

University of Massachusetts School of Law **July 2011 -**
Tenured Associate Professor of Law
Courses: Criminal Law, Criminal Procedure, Evidence, Criminal Motions Practice, Scholarly Writing.

Northeastern University School of Criminology and Criminal Justice & School of Law 2006 - 2011
Assistant Professor & Visiting Assistant Professor of Law
Courses: Criminal Procedure, Criminal Law, Tactics and Trial Strategies in Criminal Litigation, Professional Responsibility.

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

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

Harvard Law School, Cambridge, MA **July 2001 – July 2004**
Climenko/Thayer Lecturer on Law. Lectured on legal analysis, appellate advocacy and lawyering skills to 80-student first year section.

Suffolk University Law School, Boston, MA **January 1999 – May 2001**
Juvenile Justice Center. Instructed and supervised law students representing juveniles in delinquency matters. Assisted students with caseload management, investigation, motion practice, pleas and jury trials. Taught weekly course on juvenile law, criminal law & procedure, and advocacy skills. Maintained a caseload of serious felony and youthful offender cases.

PROFESSIONAL EXPERIENCE

New Hampshire Public Defender, Manchester, NH **September 1992 - December 1998**
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. Trial experience includes jury trials in Superior Court, including armed robbery, aggravated rape, drug trafficking, assault, and driving offenses. Approximately 100 bench trials. Provided post-conviction relief, including state habeas corpus petitions and motions for new trial. Developed and taught trial advocacy workshop to law student interns.

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

FAA's Drone Rules and Homeowners' Right to Privacy: Promoting Technology or a License to Snoop? 44 FORDHAM URB. L. J. __ (FORTHCOMING 2017).

Keep Out: The Efficacy of Trespass, Nuisance and Privacy Torts as Applied to Drones, 33 GA. ST. U. L. REV. __ (2016).

“UP IN THE AIR: Drones – What Leaders Need to Know”, Common Ground, 2016 (co-authored).

Eyes in the Sky and Privacy Concerns on the Ground, 41 HUMAN RIGHTS 23-25. AMERICAN BAR ASSOCIATION/SECTION OF CIVIL RIGHTS AND RESPONSIBILITIES (2016) (largely excerpted but updated with new introduction from my book chapter “Sensing and Surveillance: Issues of Privacy in Unmanned Aircraft”, which appears in Unmanned Aircraft in the National Airspace (American Bar Association 2015).

Let's Make it Easy to Be Responsible with Drones, PROVIDENCE JOURNAL, December 29, 2015. Available at: <http://www.providencejournal.com/article/20151229/OPINION/151229411/2011>

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

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.

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

Keep Your Eyes on Eyes in the Sky, Cape Cod Times, (January 10, 2014); <http://www.capecodonline.com/apps/pbcs.dll/article?AID=/20140110/OPINION/401100309/-1/OPINION0310>

Do Not Track Should Apply to Drivers Too, South Coast Today, March 6, 2014. <http://www.southcoasttoday.com/apps/pbcs.dll/article?AID=/20140306/OPINION/403060339>

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 a Parent Child Testimonial Exemption, 46 TEX. INT’L L. JOURNAL 109 (FALL 2010).

The Absence of A Parent-Child Evidentiary Privilege in the United States, American Bar Association, 12 CHILDREN’S RIGHTS 3 (SPRING 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. 551-624 (WINTER 2010).

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

“*Safe Homes’ Inherent Perils*” Boston Herald, February 23, 2008.

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

Juvenile Expunction Legislation and its Relationship to the Core Mission of the Juvenile Justice System, American Bar Association, 9 CHILDREN’S RIGHTS 17-19 (2007).

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 29-42 (2006).

The Role of the Parent/Guardian in Juvenile Custodial Interrogations: Friend or Foe?, 41 AM. CRIM. L. REV. 1277-1312 (2004).

Popular Culture as a Lens on Legal Professionalism, 55 S.C. L. REV. 351-389 (2003) (co-author).

GRANT SUPPORT

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.

INVITED PRESENTATIONS

Session Organizer and Presenter, Law and Society Association Annual Conference, National Security and Privacy Panel, New Orleans, LA. June 2-5, 2016. Session Chair for a panel presentation on the socio-legal implications of unmanned aircraft in the 21st century.

Speaker, Wolters Kluwer Computer Law, IP, and Privacy Law (CLIPP) Advisory Council’s 13th Annual Symposium, 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 give “Arnie Talk” to UMass Dartmouth community on issues of privacy raised by domestic drones. April 12, 2016.

Speaker, “Drones: The Impact on Individual Rights and Duties”, Massachusetts Bar Association, UMass Law, April 4, 2016.

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

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

Presenter, ABA Webinar. *Understanding Drone Privacy Law*. 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 aircrafts systems.

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

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

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

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

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

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

Panelist, "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.

Speaker, UAS: 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.

Presenter, "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.

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

Presenter, *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.

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

Presenter, *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.

Presenter, *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.

Presenter, *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.

Co-presenter, *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.

Presenter, *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, 8th Annual Zealous Advocacy Conference, Houston, TX, March 5-6, 2009.

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

Presenter, *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.

Presenter, *A Common Law Parent-Child Privilege in the Prosecution of Juveniles: Fundamental Fairness and Fundamental Protection*, Law and Society Association Annual Conference, Montreal, Quebec, 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, Quebec, May 29, 2008.

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

LEGISLATIVE TESTIMONY and COMMENTARY

Fox 25 News television appearances on domestic use of drones:

- February 25, 2014:
<http://www.myfoxboston.com/video?autoStart=true&topVideoCatNo=default&clipId=9880337>
- March 4, 2014:
<http://www.myfoxboston.com/video?clipId=9909960&topVideoCatNo=238258&autoStart=true>

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

FOX 25 News. The Constitutional Considerations in Relation to Law Enforcement's use of Global Positioning Systems 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 from state of legislation across the nation to fourth amendment jurisprudence. March 20, 2014.

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 Domestic Use of Drones: An Ethical Analysis*”, PUBLIC ADMINISTRATION REVIEW (2015).

Ad Hoc Reviewer, “*Applying Roper v. Simmons in Juvenile Transfer/Waiver Proceedings*,” CRIMINAL JUSTICE REVIEW (NOV. 2009).

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

Issue Editor, NATIONAL LAWYERS GUILD MASS DISSENT, Vol. 32, No. 4 (Summer 2009).

COMMUNITY SERVICE

American Constitution Society – Boston Chapter, Advisory Board, 2010 - present

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

National Lawyers Guild, Board Member, 2004- present

MEMBERSHIPS AND PROFESSIONAL AFFILIATIONS

Member, Massachusetts Bar and New Hampshire Bar

American Bar Association, Criminal Justice Section, 2012 - present

Law and Society Association, 2008 – present

National Association of Criminal Defense Lawyers, 2008-10

New England Innocence Project - Founding Member, 1999 - present

Boston Bar Association, 2009

Massachusetts Gay and Lesbian Bar Association, 2008

Society of American Law Teachers, member, 2004 - 2006

AALS Clinical Legal Education Section, member, 2002-4

Clinical Legal Education Association (CLEA), 1999- 2004