

DAVID G. ROBINSON
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EDUCATION

- Yale Law School—J.D.** 2009-2012
Knight Law & Media Scholar, Information Society Project
Submissions Editor, Yale Journal on Regulation, 2010
- Balliol College, Oxford—B.A., Philosophy and Politics** 2004-2006
Rhodes Scholar
- Princeton University—A.B., Philosophy, *magna cum laude*** 2000-2004
Senior Thesis, *The Public Puzzle of Civil Disobedience*, received Class of 1869 Prize in Ethics.
Gregory T. Pope '80 Prize in Science Writing.

EXPERIENCE

- Visiting Scholar, Social Science Matrix, UC Berkeley** 2021-
Visiting Berkeley while I complete my first book – currently under review with the Russell Sage Foundation – and draft my second.
- Faculty, Apple University (Contractor)** 2020-
Developing and teaching courses as part of Apple’s internal, company-wide education organization.
- Visiting Scientist, AI Policy and Practice Initiative, Cornell University CCIS** 2018-2021
Visiting Cornell as part of a MacArthur Foundation-funded interdisciplinary research program that combines law, public policy, and computer science. My research centers on the design and management of algorithmic decisionmaking. I am focused on learning from positive examples of public interest oversight and governance, where a broad spectrum of stakeholders (including non-experts) is able to understand and influence the design of an algorithmic system.
- Redesigned and taught *Ethics and Policy in Data Science* (Fall 2020), an upper-level undergraduate course.
 - Co-Chair of Program Committee, *ACM FAccT 2021*.
- Managing Director and Co-Founder, Upturn** 2011-2020
I co-founded this Washington, D.C.-based non-profit that advances equity and justice in the design, governance and use of digital technology. We have a track record of high impact, and often partner with leading civil rights and social justice organizations such as the Leadership Conference on Civil and Human Rights, the American Civil Liberties Union and the NAACP. We have repeatedly driven design changes at major technology companies, including Facebook, Google, and Airbnb. We are funded by unrestricted multi-year support from the Ford Foundation, Open Society Foundations, MacArthur Foundation, and Omidyar Network. At Upturn, I:
- Lead the team’s growing work on the role of automated decisions in criminal justice, including ongoing efforts to strengthen the public understanding and governance of courtroom risk assessment instruments.

- Served as lead drafter of [Civil Rights Principles for the Era of Big Data](#), the first major public intervention by national civil rights groups into the public debate on big data. Those principles, and our subsequent in-person coalition briefing of White House officials, led a White House report to conclude that “big data analytics have the potential to eclipse longstanding civil rights protections in how personal information is used in housing, credit, employment, health, education, and the marketplace.”

Adjunct Professor of Law, Georgetown University Law Center 2017-Present

Taught a seminar I proposed and designed, *Governing Automated Decisions*. The seminar explored how automated decisions are made, the unique governance challenges that they pose, and the emerging suite of legal and policy responses to these new challenges.

Visiting Fellow, Information Society Project at Yale Law School 2012-2017

Participated in the intellectual life and community of the cyberlaw research center at Yale.

Associate Director, Center for Information Technology Policy, Princeton University 2007-2009

Launched a joint research venture between Princeton’s School of Engineering and its Woodrow Wilson School of Public and International Affairs, as the first staff person of the newly established Center. Managed all aspects of the Center’s operations. Developed interdisciplinary research initiatives. Recruited researchers, students, and staff. Created public programs and events, ranging from a conference on “The Future of News” to a workshop on cloud computing. Developed relationships with Washington policymakers.

Managing Editor, *The American* 2006-2007

Launched a new national magazine of business and economics at the American Enterprise Institute. Designed, edited and managed daily website at American.com. More than 1.5 million unique viewers visited the site in its first year.

PUBLICATIONS

Books

1. *Voices in the Code* (Russell Sage Foundation, 2022)

From banks to courtrooms to social service offices, software-based decision-making wields growing power over our lives. Advocates, scholars and policymakers contend that high-stakes software should be made in a more transparent, inclusive and democratic way, but ideas about how to do so are still on the drawing board. This book describes a rare case of informed, transparent public debate over how an algorithm should navigate hard ethical tradeoffs: the redesign of the U.S. kidney allocation regime between 2003 and 2014. It then applies lessons from that experience to other policy domains.

2. *Reclaiming Who We Are* (Trade book, in development)

Machines that judge people automatically – labelling us with scores and categories – are proliferating because they are now easy to build, and because large institutions find them useful. But these systems also shape individual imaginations, and change the stories we tell about who people are. Algorithmic labels can reinforce the natural illusion that innate characteristics dictate most of what people do, and they can make it seem that individuals, rather than systems or institutions, are responsible for social ills. Integrating insights from social psychology, Buddhist scripture, feminist philosophy, history and sociology, I argue that people-judging algorithms are a powerful tool for building the social world—one we can use more wisely.

Articles

1. Rediet Abebe, Solon Barocas, Jon Kleinberg, Karen Levy, Manish Raghavan, and David G. Robinson, [Roles for Computing in Social Change](#), ACM FAT* 2020

Recent scholarship has warned that computational work on fairness and justice may take too much for granted, failing to address deeper patterns of injustice and inequality. We acknowledge this risk yet argue that computing can indeed support larger social change. As a diagnostic, it can help document social problems. As a formalizer, it can change how problems and possible responses to them are understood. As rebuttal, it can illustrate the limits of computing. And as synecdoche, it can make long-standing social problems newly salient.

2. John Logan Koepke & David G. Robinson, *Danger Ahead: Risk Assessment and the Future of Bail Reform*, 93 WASH. L. REV. 1725 (2018).

Many jurisdictions are embracing pretrial risk assessment instruments. Such tools may make “zombie predictions,” blind to recent changes and local risks. The process of converting numbers into recommendations receives little if any public scrutiny. And the tools may short-circuit broader, needed debates. We argue that jurisdictions deploying such tools must use recent, local data, clearly define target outcomes, invest in data infrastructure, and embrace strong, inclusive community governance.

3. David G. Robinson, *The Challenges of Prediction: Lessons from Criminal Justice*, 14 I/S: J.L. & POL’Y FOR INFO. SOC’Y 151 (2018).

Using examples from the intersection of civil rights and criminal justice, I illustrate three broader challenges that can arise whenever law or public policy contemplates adopting predictive analytics as a tool: First, the difference between what matters and what the data measure; second, the difference between current goals and historical patterns; and third, the difference between public authority versus private expertise. After describing and illustrating each of these challenges, I describe strategies for addressing them.

4. Sergey Frolov, Fred Douglas, Will Scott, Allison MacDonald, Benjamin VanderSloot, Rod Hynes, Adam Kruger, Michalis Kallitsis, David G. Robinson, Steve Schultze, Nikita Borisov, J. Alex Halderman, and Eric Wustrow, *An ISP-Scale Deployment of TapDance*, Free and Open Communications on the Internet (FOCI ’17) Conference of USENIX Security (2017).

Over six years, we built a fundamentally new technology for fighting Internet censorship. Refraction networking – of which TapDance is one implementation – enlists Internet Service Providers in the fight against censorship, so that any secure web connection can become a pathway around censorship barriers. Here, we report the world’s first large-scale field trial of this strategy, in which we provided uncensored Internet connections to more than 50,000 users living in censored environments over a period of several weeks.

5. Joshua A. Kroll, Joanna Huey, Solon Barocas, Edward W. Felten, Joel R. Reidenberg, David G. Robinson, and Harlan Yu, *Accountable Algorithms*, 165 U. PA. L. REV. 631 (2017).

Many important decisions formerly made by people are now made by computers. Legal and policy tools designed for human decisionmakers are poorly suited to ensure that automated decisions are correct and fair. Drawing on computer science expertise, we propose a new governance strategy, using cryptography to prove that a decision is rule-bound and correct, even when the decision comes from a “black box” that is secret or is too complex for direct human inspection.

Honored with the Future of Privacy Forum’s “Privacy Papers for Policymakers” award for “the year’s leading privacy research and scholarship judged most useful for policymakers in the U.S. Congress, federal and state agencies, and around the world,” 2016.

6. Harlan Yu & David G. Robinson, *The New Ambiguity of “Open Government”*, 59 UCLA L. REV. DISC. 178 (2012).

The phrase “open government” originally referred to politically sensitive disclosures of government information. But during President Obama’s first term, a new meaning emerged. A recent technocratic trend toward “open government data” has changed the public discourse so that now, even a repressive government can claim the mantle of openness if it uses open source or certain other technologies. We offer a new and clearer frame for the debate, separating the politics of open government from the technologies of open data.

Featured on syllabi at Columbia University’s School of International and Public Affairs, Toronto Munk School of Global Affairs, Hebrew University of Jerusalem, and the Global Law Program of Fundação Getúlio Vargas (Brazil).

7. David G. Robinson & J. Alex Halderman, *Ethical Issues in E-Voting Security Analysis* (invited paper). In Proc. 2nd Workshop on Ethics in Computer Security Research (WECSR), Castries, St. Lucia (March 2011).

This paper seeks to provide the first comprehensive assessment of real-world ethical challenges facing computer security researchers when they investigate security flaws in electronic voting systems. Issues explored include whether scientists should delay disclosing vulnerabilities until they can be fixed, and whether incumbent elected officials should have privileged access to information about vulnerabilities.

8. David G. Robinson, Harlan Yu & Edward W. Felten, *Enabling Innovation for Civic Engagement*, in OPEN GOVERNMENT: TRANSPARENCY, PARTICIPATION, AND COLLABORATION IN PRACTICE (2010).

Book chapter, updating “Government Data and the Invisible Hand” to provide additional practical guidance for government officials implementing our ideas. Intervened in the evolving discussion to argue that governments should allow anyone to retrieve the complete set of relevant published data (i.e., “bulk data”) that is of interest to them, rather than providing only a programmatic interface that returns a few records at a time.

9. David G. Robinson, Harlan Yu, William P. Zeller & Edward W. Felten, *Government Data and the Invisible Hand*, 11 YALE J. L. & TECH. 160 (2009).

We argue that the executive branch should focus on creating a simple, reliable and publicly accessible infrastructure that exposes the underlying data it seeks to disclose. Private actors, either nonprofit or commercial, are better suited to deliver government information to citizens and can constantly create and reshape the tools individuals use to find and leverage public data. We propose that federal websites themselves use the same open systems for accessing the underlying data as they make available to the public at large.

This article—first released in the summer of 2008—was a key point of reference for the incoming Obama administration, and substantially shaped the federal government’s first-ever “open data” policy. Featured on syllabi at Stanford, NYU Wagner Graduate School of Public Service, and Rutgers. “The rationale for Data.gov was laid out convincingly by David G. Robinson et al. in ‘Government Data and the Invisible Hand’” – Tim O’Reilly, *Government as a Platform*, in OPEN GOVERNMENT: TRANSPARENCY, PARTICIPATION, AND COLLABORATION IN PRACTICE (2010).

Public Reports

1. David G. Robinson and Logan Koepke, *Civil Rights and Pretrial Risk Assessment Instruments* (2019).

This Critical Issue Brief, commissioned by the MacArthur Foundation, answers two questions: First, why do many in the civil rights community oppose the use of pretrial risk assessment instruments? Second, what concrete reform strategies are available that would avoid risk assessment instruments entirely, or would sharply limit their role?

2. Aaron Rieke, Miranda Bogen, and David G. Robinson with Martin Tisné, *Public Scrutiny of Automated Decisions: Early Lessons and Emerging Methods* (2018).

This paper considers how the public can effectively scrutinize, understand, and govern automated decisions, based on an extensive review of computer and social science literature as well as dozens of semi-structured interviews and conversations with global digital rights advocates, regulators, technologists, and industry representatives. We also surveyed a broad array of real-world attempts to scrutinize automated systems, documenting the purpose of each inquiry, its methods, and its findings.

3. David Robinson and Miranda Bogen, *Data Ethics: Investing Wisely in Data at Scale* (Upturn 2016).

Newly feasible ways of collecting and using data open new avenues for philanthropic investment, but also create new risks. Public data can now be used in a growing variety of potentially harmful ways, even though its collection and use are not carefully regulated. Decisions driven by data at scale offer profound benefits in many areas of work, but also pose a risk of reinforcing longstanding social biases. And the human capital and institutional expertise for leveraging data at scale are concentrated in places the voluntary sector may not reach.

4. David Robinson and Logan Koepke, *Stuck in a Pattern: Early Evidence on “Predictive Policing” and Civil Rights* (Upturn 2016).

The term “predictive policing” refers to computer systems that use data to forecast where crime will happen or who will be involved. We surveyed the fifty largest U.S. police departments and found pervasive, fundamental gaps in what’s publicly known about such tools. Early research findings suggest that these systems may not actually make people safer – and that they may lead to even more aggressive enforcement in communities that are already heavily policed.

5. Aaron Rieke, David Robinson and Harlan Yu, *What ISPs Can See: Clarifying the Technical Landscape of the Broadband Privacy Debate* (Upturn 2016).

We provided an accessible, technically robust counterpoint to the idea that encryption obviates the need for privacy regulation of internet service providers, explaining that Internet providers can still see a significant amount of their subscribers’ Internet activity, and can still infer substantial amounts of sensitive information from that activity, even after strong encryption technologies are widely adopted. In its eventual order adopting strong privacy rules for broadband service, the FCC cited our report twelve times.

6. Aaron Rieke, David Robinson, and Harlan Yu, *Civil Rights, Big Data, and Our Algorithmic Future* (Upturn 2014).

Decisions that impact people’s civil rights are increasingly being made automatically, by computers. As a result, a growing number of important conversations about civil rights, which focus on how these decisions are made, are also becoming discussions about how computer systems work. This report offers a practical inventory of concrete examples in which big data impacts civil rights.

7. David Robinson Harlan Yu, and Anne An, *Collateral Freedom: A Snapshot of Chinese Users Circumventing Censorship* (Open Internet Tools Project 2013).

Internet users in China can't freely explore the Internet because of the regime's “Great Firewall,” a sophisticated infrastructure of technical filters and controls. We propose a new strategic approach to the problem, which we termed “collateral freedom”—maximizing the collateral economic cost of Internet censorship, without necessarily using the most elaborate encryption. Funders and advocates have embraced this new approach and continue to use this framing to guide their work.

Essays, Book Reviews, and Other Public Writing

1. *Reclaiming the Stories that Algorithms Tell*, O’Reilly Radar (May 27, 2020).
2. David G. Robinson, Hannah Jane Sassaman and Megan Stevenson, *Pretrial Risk Assessments: A Practical Guide for Judges*, 57:3 JUDGES’ J. 8 (2018).
3. *We’re Rewiring the Internet for Freedom*. Medium (August 14, 2017).
4. Grounds for Optimism about Grounds for Optimism: New Digital Metrics for Government Responsiveness (Commentary), 77 PUB. ADMIN. REV. 352 (2017).
5. *Airbnb’s Racism Problem Is Much Bigger Than a Few Racist Hosts*, Medium (July 31, 2016),
6. *Are We Rushing to Judgment Against the Hidden Power of Algorithms?* Freedom to Tinker (July 30, 2014).
7. *How to Free the Chinese Internet*, FOREIGN AFFAIRS (May 30, 2013).
8. Bookshelf: A Soft Spot for Hard Drives, WALL ST. J., Sept. 9, 2010, at A13 (reviewing Clifford Nass, *The Man Who Lied to His Laptop* (2010))
9. It All Happens So Suddenly, WALL ST. J., June 12, 2009, at A13 (reviewing Bill Wasik, *And Then There’s This* (2009)).
10. Cyber Civil Rights Symposium Participant, Concurring Opinions blog (April 2009) [1] [2] [3]
11. Net Gains, WILSON QUARTERLY, Spring 2008, at 103 (reviewing Lee Siegel, *Against the Machine* (2008)).
12. What Were We Talking About?, WALL ST. J., June 12, 2008, at A15 (reviewing Maggie Jackson, *Distracted: The Erosion of Attention and the Coming Dark Age* (2008)).

13. The Keepers of the Keyboard, WALL ST. J., April 13, 2006, at D8 (reviewing Jack Goldsmith & Tim Wu, *Who Controls the Internet? Illusions of a Borderless World* (2006)).
14. Review & Outlook, Internet Pirates, WALL ST. J., August 10, 2004, at A10.

PUBLIC AND PROFESSIONAL SERVICE

1. Co-organizer, *AI100 workshop on Prediction in Practice*, Cornell Tech, June 20-21 2019
2. Program Committee service: ACM Conference on Fairness, Accountability and Transparency (Co-chair 2021, member 2018, 2019, 2020); Black in AI Workshop (2019) Fairness Accountability and Transparency in Machine Learning (2016).
3. Expert panelist at ministerial preparation summit for the Open Government Partnership, French Ministry of Higher Education and Research, “Ce Que Peut La Recherche Pour Un Gouvernement Ouvert?” (What Can Research Do For Open Government?) (Oct. 11, 2016).
4. Resource Council member, Open Media and Information Companies Initiative (Sept. 2016–)
5. Expert briefing on broadband privacy for Federal Communications Commission staff (Jan. 28, 2016).
6. Expert participant in coalition meetings to brief government officials on big data and civil rights. Prompted by the Civil Rights Principles for the Era of Big Data, including Senate, White House, and FTC staff.
7. Presentation at the World Bank on “The New Ambiguity of Open Government” (with Harlan Yu) (April 12, 2012).
8. Testified before U.S. House of Representatives, Committee on Oversight and Government Reform, on “The American Recovery and Reinvestment Act of 2009: The Role of State and Local Governments,” Apr. 21, 2009.
9. Member, U.S. Public Policy Committee, Association for Computing Machinery (USACM) 2007–2019. Lead Drafter, USACM Recommendations on Open Government (Feb. 5, 2009).

GUEST LECTURES

1. Kidney Allocation as Algorithmic Governance – Center for the Study of Law and Society, Berkeley Law (April 8, 2019).
2. From Facial Recognition to Moral Recognition: Early Experiences in AI, Ethics and Law, McGill University (Nov. 8, 2018).
3. Guest Lectured on predictive policing in Law 2.0: How Technology is Changing Practice and Ethics, University of Calgary Faculty of Law (Oct. 28, 2016).
4. Guest Lectured on predictive policing in When Machines Decide: The Promise and Peril of Living in a Data-Driven Society (Oct. 20, 2016).
5. Seminar on Cyber-Disasters: Guest taught, at a Yale Law School seminar on disasters, a special session on Cyber-Disasters. Selected and annotated the readings; framed and led the discussion. Eugene Fiddell, primary instructor for the seminar, wrote afterwards “to thank you again for your extraordinary presentation. As you could see, the students were highly engaged.” (Mar. 6, 2012).
6. “Attention, Distraction, and Information Glut.” Future of News Workshop, Center for Information Technology Policy, Princeton University (May 15, 2008) [[video](#)].

SELECTED PANELS AND PRESENTATIONS

1. Data & Society Research Institute, *Governing an Algorithm in the Wild* (Dec. 8, 2020) [[video](#)]
2. Berkeley Center for Law and Technology, *Technology Expertise in Law and Policy* (Feb. 2020)
3. Mistakes with AI in Criminal Justice: Early Lessons for Googlers, internal simulcast presentation to a worldwide audience of Google employees (August 2, 2018).
4. The Morality of Risk Assessment and Preventative Detention as a Means of Bail Reform, Rebellious Lawyering Conference, Yale Law School (Feb. 16, 2018). Zombie Predictions and the Future of Bail Reform, Information Society Project at Yale Law School (Feb. 15, 2018).

5. Zombie Predictions and the Future of Bail Reform, Data & Society Research Institute (Nov. 2, 2017).
6. Automated Decisions and the Quantified Society, Mozfest private workshop (Oct. 25, 2017).
7. Big Data, Fall Policy Conference, Democratic Attorney General Association (Sept. 14, 2017).
8. Predictive Analytics: Cross-Cutting Issues of Law, I/S Symposium, Ohio State University Moritz College of Law (Mar. 24, 2017).
9. For the People, By the Robots? Democratic Governance in a Machine-Learning Era, Optimizing Government Project, University of Pennsylvania Law School (Feb. 20, 2017) [[video](#)].
10. Data-Driven Innovation and Machine Learning as Tools for Social Justice and Economic Opportunity, Google Next Generation Leadership Summit (Dec. 8, 2016).
11. Big Data and Civil Rights: A Field Report from Washington, DC, Vanderbilt Law School (Oct. 18, 2016).
12. Weapons of Math Destruction, The New America Foundation – proposed, organized and moderated a fireside chat with author Cathy O’Neill on her new book, *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy*, and a panel discussion afterwards. (Oct. 17, 2016) [[video](#)].
13. The Intersection of Poverty and Data: How Big and Open Data Helps and Harms People in Poverty, Philly Tech Week (May 5, 2016).
14. Opening the Black Box: Big Data, Automation, and Algorithmic (In)Justice, Rebellious Lawyering Conference at Yale Law School (Feb. 19, 2016).
15. Panelist, Dynamic Trends in the Collection and Use of Consumer Online Data, State of the Net 2016 (Jan. 25, 2016) [[video](#)].
16. Predictive Policing: Prejudicial ‘Pre Crime’ or Helpful Sociological Analysis?, Computers, Freedom and Privacy conference (Oct. 13, 2015).
17. Firestarter presentation on Accountable Algorithms, Algorithms and Accountability Conference, Information Law Institute, NYU School of Law (Feb. 28, 2015) [[video](#)].
18. Firestarter presentation on opportunities in data and civil rights, Data & Civil Rights: Why “Big Data” Is a Civil Rights Issue (Oct. 30, 2014) [[video](#)].
19. Panelist at Federal Trade Commission Workshop, “Big Data: A tool for inclusion or exclusion?” (Sept. 15, 2014). Remarks and comment were extensively cited in subsequent FTC report.
20. The Intersection of Privacy and Civil Rights, Computers, Freedom and Privacy (June 9, 2014).
21. The Public-Private Surveillance Partnership: Myth or Reality?, RightsCon Silicon Valley (Mar. 4, 2014) (panel moderator).
22. Collateral Freedom: A Snapshot of Chinese Users Circumventing Censorship, Ideas Lunch presentation, Information Society Project at Yale Law School (Jan. 29, 2014).
23. The Anti-Botnet Cases, Law and Computer Science Conference, University of Pennsylvania School of Law (June 25, 2013).
24. Proposed topic for, and helped plan, YLS Information Society Project’s spring 2011 conference, “From Mad Men to Mad Bots: Advertising in the Digital Age.” Hosted on-stage fireside chat with Edward W. Felten, then Chief Technologist of the Federal Trade Commission (Mar. 25-26, 2011).

SELECTED MEDIA APPEARANCES

Quoted or featured as an expert in: *The Wall Street Journal*, *The Washington Post*, *Science*, *Associated Press*, *FOX Business*, *Al Jazeera America*, *Haaretz*, *CNET News*, *OZY*, *Mic.com*, *The American Prospect*, and *The Nation*. Archived media includes:

1. [Weapons of Math Destruction](#), *Science for the People* (Mar. 31, 2017).
2. [Ethics and Civil Rights in a Big Data World](#), *Rewiring Government Podcast* (Nov. 16, 2016).

3. [“Predictive Policing” Isn’t Just Science Fiction—It’s Real, and it’s Out of Control](#), WashingTech Policy Podcast (Nov. 7, 2016).
4. [When Computers Made Decisions, it’s Political](#), NetPositive Podcast (July 28, 2016).
5. [The Sharing Economy’s Discrimination Problem](#), The Stream – Al Jazeera English (July 5, 2016).

PROFESSIONAL AND ACADEMIC REFERENCES

Prof. Jack M. Balkin, Knight Professor of Constitutional Law and the First Amendment, and Director of the Information Society Project, Yale Law School.

Prof. Danielle Citron, Morton & Sophia Macht Professor of Law, University of Maryland Francis King Carey School of Law.

Prof. J. Alex Halderman, Professor of Computer Science & Engineering, University of Michigan and Director, Center for Computer Security and Society.

Prof. Karen Levy, Department of Information Science, Cornell University

Prof. Edward W. Felten, Robert E. Kahn Professor of Computer Science and Public Affairs Emeritus, Princeton University.

Prof. James Grimmelmann, Professor of Law, Cornell Tech and Cornell Law School.

Mr. Eugene R. Fidell, Senior Research Scholar in Law and Florence Rogatz Visiting Lecturer in Law, Yale Law School.