

KATE WEISBURD

The George Washington University Law School, 2000 H St. NW, Washington, D.C. 20052

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ACADEMIC EXPERIENCE

The George Washington University Law School

Associate Professor of Law (awarded tenure 2023)

2018-present

- 2023 Distinguished Faculty Service Award (awarded to the ‘professor of the year’ by the graduating class)

East Bay Community Law Center

University of California, Berkeley, School of Law

Founding Director, Youth Defender Clinic & Clinical Instructor

2012-2018

Death Penalty Clinic

University of California, Berkeley, School of Law

Lecturer & Supervising Staff Attorney

2007 –2012

EDUCATION

Columbia University School of Law, J.D., 2005

Public Interest Peer of the Year

Harlan Fiske Stone Scholar

Bernstein Litowitz Berger & Grossmann LLP Fellowship

Brown University, B.A., Public Policy, with honors, 2000

Harry S. Truman Scholar

Noah Krieger Prize for Outstanding Honors Thesis and Academic Achievement

PUBLICATIONS

Articles

Criminal Procedure Without Consent, 113 CALIF. L. REV. __ (forthcoming 2025)

“Legally Magic” Words: An Empirical Study of the Accessibility of Fifth Amendment Rights, 119 NW. U. L. REV. __ (forthcoming 2024) (with Roseanna Sommers)

Illegitimate Choices: A Minimalist(?) Approach to Consent and Waiver in Criminal Cases, WASH. U. L. REV. (forthcoming 2024) (symposium) (with Christopher Slobogin)

The Carceral Home, 103 B.U. L. REV. 1879 (2023)

- Winner, Reidenberg-Kerr Scholarship Award, Privacy Law Scholars Conference, 2023
- Selected for the Yale-Harvard-Stanford Junior Faculty Forum, 2023
- Selected for the Privacy Law Scholars Conference, 2023

Rights Violations as Punishment, 111 CALIF. L. REV. 1305 (2023)

- Selected for the Junior Faculty Workshop, American Constitution Society, 2023
- Selected for the University of Michigan Junior Scholars Conference, 2022
- Reviewed by Prof. Jonathan Simon for JOTWELL.COM, May 2, 2023

Punitive Surveillance, 108 VA. L. REV. 147 (2022)

- Winner, Privacy Papers for Policymakers Award, Future of Privacy Forum, 2022
- Winner, Reidenberg-Kerr Scholarship Award, Privacy Law Scholars Conference, 2021
- Honorable Mention, 2020 AALS Criminal Justice Junior Scholars Paper Competition
- Selected for the Privacy Law Scholars Conference, 2021
- Selected for the Technologies of Deception Conference, Yale Law School, 2022

[*Sentenced to Surveillance: Fourth Amendment Limits on Electronic Monitoring*](#), 98 N.C. L. REV. 717 (2020)

- Selected as “Must Read” article by the National Association of Criminal Defense Attorneys

[*Monitoring Youth: The Collision of Rights and Rehabilitation*](#), 101 IOWA L. REV. 297 (2015)

[*Prosecutors Hide, Defendants Seek: The Erosion of Brady Through the Defendant Due Diligence Rule*](#), 60 UCLA L. REV. 138 (2012)

- Cited in: *Dennis v. Pennsylvania Department of Corrections*, 834 F.3d 263 (3rd. Cir. 2016); *United States v. Nelson*, 979 F.Supp.2d 123 (D.D.C 2013); *Biles v. United States*, 101 A.3d 1012 (D.C. App. 2014); *Fisher v. Angelozzi*, 398 P.3d 367 (Or.App. 2017); *State v. Wright*, 67 A.3d 319 (Del. 2013) (Ridgely, J., dissenting).

Reports and Written Testimony

[*Carceral Control: A Nationwide Survey of Criminal Court Supervision Rules*](#), 58 HARV. C.R.- C.L. L. REV. 2 (2023) (invited symposium)

Written Statement, [*Reforming Pretrial Electronic Monitoring*](#), California Committee on Revision of the Penal Code, (Oct. 2022)

Foreword, Symposium: [*Addressing the Crisis in Policing Today: Race, Masculinity, and Police Use of Force in America*](#), 89 GEO. WASH. L. REV. 1357 (2022)

[*Electronic Prisons: The Operation of Electronic Ankle Monitoring the Criminal Legal System*](#) (co-authored with GW Law students: Varun Bhadha, Matthew Clauson, Jeanmarie Elican, Fatima Khan, Kendall Lawrenz, Brooke Pemberton, Rebecca Ringler, Jordan Schaer, Mikayla Sherman, and Sarah Wohlsdorf) (GW Law Paper Series, 2021)

Op-Eds

[*Exceptional Punishment*](#), INQUEST, Institute to End Mass Incarceration, Harvard Law School, Sept. 21, 2023.

[*Op-Ed: Women In Prison And Under Court Surveillance Will Suffer Under New Abortion Bans*](#), LA TIMES, July 5, 2022

[*Op-Ed: The Monster of Incarceration Quietly Expands Through Ankle Monitors*](#), LA TIMES, March 15, 2022 (with Alicia Virani)

[*The Case Against E-carceration*](#), INQUEST, Institute to End Mass Incarceration, Harvard Law School, July 30, 2021 (with James Kilgore & Emmett Sanders)

[*Concerns over 24/7 Government Location Surveillance Are Leaving Some People Out*](#), THE NATIONAL LAW JOURNAL, January 27, 2020

[*Prison Reform Needs to Start with Fixing Probation, Parole*](#), BLOOMBERG NEWS, June 13, 2019.

[*Electronic Monitoring Isn't Kid Friendly*](#), SACRAMENTO BEE, July 20, 2017 (with Catherine Crump & Christina Koningisor)

[*Ban the Other Box: Getting Suspended or Expelled Should Not Be the End of Hope*](#), THE MARSHALL PROJECT, June 15, 2016.

[*Pushing Students Out of Class a Bad Idea*](#), MERCURY NEWS, May 19, 2016

[*High Cost, Young Age: Sentencing Youth to a Life of Debt*](#), HUFFINGTON POST, Apr. 9, 2014.

TEACHING INTERESTS

Courses: Criminal Law, Criminal Procedure (Investigations and Adjudication), Evidence
Seminars: Race, Privacy, Technology, Civil Rights, Criminal Punishment, Juvenile Justice

CLERKSHIP

U.S. District Court for the Eastern District of California, Honorable Lawrence K. Karlton (2005 – 2007)

SELECTED PRESENTATIONS

Criminal Procedure Without Consent, Vanderbilt U. Criminal Law Roundtable (Nov. 2023)

The Carceral Home, Privacy Law Scholars Conference (June 2023)

“*Legally Magic*” Words: *An Empirical Study of The Accessibility Rights*, Law of Policing Conference, U. of Chicago Law School (June 2023)

The Carceral Home, Mid-Atlantic Criminal Law Roundtable (May 2023)

“*Legally Magic*” Words: *An Empirical Study of The Accessibility Rights*, Faculty Lunch, Work-in-Progress, George Washington University School of Law (April 2023)

“*Legally Magic*” Words: *An Empirical Study of The Accessibility Rights*, AALS Criminal Procedure Junior-Senior Conference (April 2023) (with Roseanna Sommers)

The Carceral Home, Law & Technology Colloquium, University of Virginia School of Law (March 2023)

The Carceral Home, Poverty Law Scholar’s Conference, U.C. Berkeley Law (March 2023)

Health, Equity, and Law After Dobbs, panelist, George Washington University and American University (March 2023)

Rights Violations as Punishment, Junior Faculty Workshop, American Constitution Society (Jan. 2023)

The Carceral Home, ABA-AALS Criminal Justice Roundtable, virtual (Dec. 2022)

Carceral Surveillance in the United States, Strathclyde Law School, Scotland (Oct. 2022)

Carceral Surveillance in the United States, Paris-Panthéon-Assas University, France (Oct. 2022)

Reforming Pretrial Electronic Monitoring, Cal. Comm. on Revision of the Penal Code (Oct. 2022)

Punitive Surveillance, EuroCrim Conference, Spain (Sept. 2022)

Privacy in the Carceral Home, International Academy of Law and Mental Health, France (July 2022)

Privacy in the Carceral Home, Law & Society Annual Meeting, Portugal (July 2022)

Prison Abolition and Pedagogy: Teaching Students to Thrive in a System They Seek to Dismantle, panelist, Law & Society Annual Meeting, Portugal (July 2022)

Carceral Homes: Policing the Home, Body and Mind, Decarceration Works-in-Progress (June 2022)

Punishment Exceptionalism & The Future of Decarceration, Virtual Criminal Law Faculty Workshop (April 2022)

Punishment Exceptionalism & The Future of Decarceration, University of Michigan Junior Scholars Conference (April 2022)

Equality in Law Enforcement/Criminal Law, Just Health Symposium, panelist, GW Law (March 2022)

Punitive Surveillance, Technologies of Deception Conference, Yale Law School, Information Society Project (March 2022)

Penalties for Formerly Incarcerated People, Ohio State Journal of Criminal Law, Symposium (Feb. 2022)

Punishment Exceptionalism & The Future of Decarceration, Faculty Lunch, Work-in-Progress, Washington University in St. Louis Law School (Jan. 2022)

Punishment Exceptionalism & The Future of Decarceration, Faculty Lunch, Work-in-Progress, Penn State Law School (Nov. 2021)

Alternatives to Incarceration, ABA Criminal Justice Section Annual Meeting (Nov. 2021)

Punishment Exceptionalism & The Future of Decarceration, Decarceration Works-in-Progress (July 2021)

Punitive Surveillance, Privacy Law Scholars' Conference (May 2021)

Punitive Surveillance, Mid-Atlantic Criminal Law Roundtable (May 2021)

Section on Criminal Justice: Beyond 2020: Decarceral, Anti-Racist and Non-Traditional Teaching, panelist, AALS Annual Meetings, virtual (Jan. 2021)

Surveillance Abolition, ABA-AALS Criminal Justice Roundtable, virtual (Nov. 2020)

Punitive Surveillance, Faculty Lunch, Work-in-Progress, Drexel University Law School (Oct. 2020)

Visions of Change: A Series on Racial Justice in American Law: New Visions for Criminal Justice, moderator (Oct. 2020)

Addressing the Crisis in Policing Today: Race, Masculinity, and Police Use of Force in America, moderator, GW Law Review Symposium, virtual (Oct. 2020)

Challenging Electronic Monitoring in Juvenile Court, National Juvenile Defender Leadership Summit, virtual (Oct. 2020)

Punitive Surveillance, CrimFest, virtual (July 2020)

Punitive Surveillance, Law and Society Annual Meeting, virtual (May 2020)

A Way Forward: Reform Efforts & the First Step Act, Washington & Lee Journal of Civil Rights and Social Justice 2019 Symposium (Nov. 2019)

The Future of Electronic Monitoring in Juvenile Court, moderator & co-host, U.C. Berkeley School of Law & East Bay Community Law Center (Oct. 2019)

Youth Wellbeing: Implications of US Policy and Practice, panelist, Brown University Noah Krieger '93 Memorial Reunion (Oct. 2019)

Challenging Probation Discretion, National Juvenile Defender Leadership Summit (Oct. 2019)

New Scholars Workshop, Southeastern Association of Law Schools, 2019 Annual Conference (July 2019)

Sentenced to Surveillance, CrimFest, Brooklyn School of Law (July 2019)

Privacy, Data Protection, Security and Surveillance, Law and Society Annual Meeting (June 2019)

Watched Youth: Challenging Surveillance of Youth in School and Juvenile Court, panelist, National Juvenile Defender Leadership Summit, Minneapolis, MN (Oct. 2018)

Eliminating Court Fees in Juvenile Court, panelist, U.C. Berkeley School of Law, Policy Advocacy Clinic Convening, Berkeley, CA (Feb. 2018)

Social Justice Lawyering, Association of American Law Schools Conference on Clinical Legal Education, (May 2017)

Reassessing Electronic Monitoring for Youth, Electronic Frontier Foundation (Sept. 2016)

Sentenced to Surveillance: The Transformation of Community Supervisions Through Consensual Electronic Search Conditions, NYU Clinical Law Review Writers' Workshop (Sept. 2016)

The Criminalization of Childhood Poverty, panelist, Berkeley Law Alumni Weekend (Sept. 2016)

New Directions: Affirmative Litigation & Policy-Making Strategies for Challenging the Carceral State, panelist, U.C. Berkeley School of Law (March 2016)

Carpetchaggers or Collaborative Colleagues? panelist, Association of American Law Schools Conference on Clinical Legal Education, Baltimore, MD (May 2016)

Electronic GPS Monitoring & House Arrest: The Hidden Costs of "Alternatives" to Detention, panelist, National Juvenile Defender Leadership Summit, Salt Lake City, UT (Oct. 2015)

Nicked and Dimed: Why Defenders Should Be Concerned About Juvenile Court Fees, panelist, National Juvenile Defender Leadership Summit, Salt Lake City, UT (Oct. 2015)

Post-Adjudication Workshop, panelist, Pacific Juvenile Defender Center Roundtable, Sacramento, CA (Sept. 2015)

Financial Security for Boys and Men of Color, panelist, A Gathering of Leaders, PolicyLink, New Orleans, LA, (Sept. 2015)

Plugged in or Tuned Out? Teaching a New Generation of Tech-Savvy Clinical Students, panelist, Association of American Law Schools Conference on Clinical Legal Education, Palm Springs, CA (May 2015)

Holistic Defense and Resource Building, panelist, Holistic Defense Symposium, Bronx Defenders (May 2014)

Monitoring Youth: The Collision of Rights and Rehabilitation, NYU Clinical Law Review Writers' Workshop, New York, NY (Sept. 2014)

Prosecutors Hide, Defendants Seek: The Erosion of Brady Through the Defendant Due Diligence Rule, UCLA Law Review Scholar Forum, Los Angeles, CA (Oct. 2012)

SELECTED MEDIA APPEARANCES

[*Electronic Monitoring Has Widened Its Net Amid COVID*](#), TRUTHOUT, Oct. 4, 2021

[*Other than prison, electronic monitoring is 'the most restrictive form' of control, research finds*](#), NBC News, Sept. 23, 2021

[*Incarcerated at home: The rise of ankle monitors and house arrest during the pandemic*](#), NBC NEWS, July 5, 2021

[*Illinois Will End Cash Bail — And Limit Use Of High-Tech Incarceration*](#), THE INTERCEPT, Jan. 17, 2021

[*D.C. Defendants Wear Ankle Monitors That Can Record Their Every Word and Motion*](#), WASHINGTON CITY PAPER, Oct. 8, 2019

[*Chicago Is Tracking Kids With GPS Monitors That Can Call And Record Them Without Consent*](#), THE APPEAL, April 8, 2019

SERVICE & PROFESSIONAL AFFILIATIONS

- Advisory Board, Electronic Privacy Information Center
- Leadership Committee, Privacy Law Scholar's Conference
- GW Law School Service: Appointments Committee (2023-2024); Teaching Committee (2021-2023); Strategic Planning Committee (2020-2021); Intellectual Life Committee (2018-2020); Clerkship Committee (2018-2019)

BAR ADMISSION

California (since 2006)