

KATE KLONICK

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EDUCATION

Yale Law School, Ph.D. in Law, expected 2018, New Haven, C.T.

Georgetown University Law Center, J.D., 2012, Washington, D.C.

The Georgetown Law Journal, Senior Online & Development Editor

Ipsa Loquitur: The Georgetown Law Journal Online, Managing and Founding Editor

New York University School of Law, Visiting student, September—December 2011, New York, N.Y.

Research Assistant to Vicki Been, *Furman Center for Real Estate and Urban Policy*

Brown University, A.B., Concentration in Modern American History with Honors, 2006, Providence, R.I.

Demonstrated second major and selected graduate coursework in Cognitive Neuroscience

ACADEMIC PUBLICATIONS

A New Taxonomy for Online Harms, B.U. L. REV. ANNEX (Nov. 3, 2015), <http://www.bu.edu/bulawreview/klonick-a-new-taxonomy-for-online-harms/>.

Among online harms, cyber harassment and cyber bullying have relatively clear definitions. But what online shaming has been less well defined; often it is difficult to tell where shaming stops and where harassment or bullying begin. Just like cyber bullying or cyber harassment, online shaming often involves repeated verbal aggression over time, but it has another key element: shaming also involves the attempt by a person or persons to enforce either a real, or perceived, violation of a social norm. Giving these harms clear definitions and placing them in a taxonomy will make it more difficult for perpetrators of online harassment and bullying to hide behind an ill-defined delineation between normative shaming and illegal harassment or bullying.

Re-Shaming the Debate: Social Norms, Shame, and Regulation in and Internet Age, forthcoming 75 MD. L. REV. (2016). http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2638693

Advances in technology communication have dramatically changed the ways in which social norm enforcement is used to constrain behavior. Nowhere is this more powerfully demonstrated than through current events around online shaming and cyber-harassment. Low cost, anonymous, instant, and ubiquitous access to the Internet has removed most — if not all — of the natural checks on shaming. This article ties together the current conversation around online shaming and cyber-bullying and cyber-harassment with the larger legal discussion around social norms and shaming sanctions. It argues that the introduction of the Internet has altered the social conditions in which people speak and thus changed the way we perceive and enforce social norms. Accordingly, online shaming is (1) an over-determined punishment with indeterminate social meaning; (2) not a calibrated or measured form of punishment; and (3) of little or questionable accuracy in who and what it punishes. In thus reframing the problem, this article looks at the viability of the legal, normative, private, and State solutions to controlling online shaming. It argues that looking only to State regulation will be an inefficient and ineffective solution. Instead, it proposes using the realizations from the shame debate, successful uses of online norm enforcement, and private remedies to inform the debate around State intervention.

Comparing Apples to Applejacks: Cognitive Science Concepts of Similarity Judgment and Derivative Works, 60 J. COPYRIGHT SOC'Y U.S.A. 365 (Spring 2013). <http://ssrn.com/abstract=2442392>

Perhaps more than any other area of law, copyright law is grounded in the subjectivities of human perception. This is especially true in regard to derivative works, where courts and legislatures have long struggled to create laws and tests that outline qualities and categories for determining similarity between original and derivative



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material. The issue of how to create reliable strictures to judge something as subjective as similarity is not, however, unique to the law. Cognitive scientists have asked the same question for decades, creating various models to explain how people prioritize, categorize, and judge features in determining similarity between two or more objects or ideas. This article examines the doctrine surrounding the derivative works right and transformation factor under the fair use test; provides a brief history and summary of cognitive science and psychology's ideas about human perception of generalization, similarity, and categorization; and analyzes the derivative works and fair use doctrine with the insight of cognitive psychology. This article's analysis suggests possible improvements to judicial frameworks, and future applications for cognitive psychology in copyright laws and ways in which attorneys might use such biases to their advantage.

Note, *Not in My Atlantic Yards: Examining Netroots' Role in Eminent Domain Reform*, 100 GEO. L.J. 263 (2011). <http://ssrn.com/abstract=2442347>

Following the Supreme Court's decision in *Kelo v. City of New London*, which expanded the state's power to condemn private property and transfer it to other private owners under the Fifth Amendment, there have been significant calls to curb the power of eminent domain through statutory reform. Those in favor of such reform, argue such legislation is needed to protect private property rights against rising state power, while those opposed argue that empowering the public in land use decisions slows development and ultimately economic progress. This Note argues that incorporating public approval need not come at the cost of expediency. Rather, using the Atlantic Yards project in Brooklyn as a case study, this Note demonstrates that advances in technology provide increased community connectivity, involvement and transparency—which can then be used to streamline the public-hearing process. Using the lessons of netroots, the insights of e-Rulemaking, and the classic public hearing model of land use, this note outlines a new solution to the classic problem between developers and landowners. Thus, a public empowered by statutory reform can couple with Internet political activism to create a new and more efficient approach to traditionally ineffective public forums at little-to-no cost to continued land and real estate development.

RECENT SELECT NON-ACADEMIC PUBLICATIONS

The Science of Blame: Why we respond to tragedies all wrong, VOX, www.vox.com/2015/4/14/8400093/germanwings-blame (Apr. 14, 2015).

In the wake of tragedies, our impulse to blame is strong, but also complicated and imperfect. Punishing someone for a past event does not consistently prevent bad events in the future. Conversely, making things safer in the future does not always provide the satisfaction of vindication from punishment. Having a better understanding of why we blame and what is being sought through blame, can perhaps lead society to a more satisfactory and productive end.

Stingrays: Not Just for Feds! How local law enforcement uses an invasive, unreliable surveillance tool, SLATE, http://www.slate.com/articles/technology/future_tense/2014/11/stingrays_imsi_catchers_how_local_law_enforcement_uses_an_invasive_surveillance.html (Nov. 10, 2014).

Cell-phone simulators, also known as Stingrays, mimic a cell-phone tower, forcing all nearby mobile phones and devices to connect to it. Once connected, every phone in the radius of the Stringray (which can be up to several kilometers) reports its number, GPS location, and the numbers of all outgoing calls and texts. Federal law enforcement have long used these devices for surveillance and tracking, but now local police are using them too, and often without warrants or judicial oversight. The result is a potentially dangerous new method to circumvent the 4th Amendment that can give rise to the militarization of local police forces thus threatening citizens' right to privacy.

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LEGAL AND WRITING EXPERIENCE

Yale Law School, Cultural Cognition Project, *Director of Student Labs*, September 2015—present, New Haven, C.T.

Yale Law School, Information Society Project, *Resident Fellow*, September 2014—present, New Haven, C.T.

U.S. Court of Appeals, Second Circuit, *Clerk to Hon. Richard Wesley*, August 2013—August 2014, Geneseo, N.Y.

U.S. District Court, Eastern District of N.Y., *Clerk to Hon. Eric Vitaliano*, August 2012—August 2013, Brooklyn, N.Y.

Venable, LLC, *Summer Associate*, Summer 2011, Washington, D.C.

Professor Jane Stromseth, *Research Assistant*, Summer 2010—Fall 2011, Washington, D.C.

Talking Points Memo, *Investigative Reporter and Blogger*, May—December 2008, New York, N.Y.

Merrill Lynch, *Junior Speechwriter*, September 2007—May 2008, New York, N.Y.

Esquire Magazine, *Editorial*, 2007—June 2007, New York, N.Y.

ABCNews.com, *Writer and Associate Producer*, 2006—2007, New York, N.Y.

PRESENTATIONS & CONFERENCES

Philosophy, Law and Neuroscience Paradigms of *Mens Rea*: The Voluntariness Criterion in Criminal Law. European University Institute, June 2015, *Participant*.

Societal Implications of Robots Symposium. Brown University, May 2015, *Participant*.

Freedom of Expression Scholars Conference. Yale Law School, May 2015, *Discussant*.

Beyond IP 2. Yale Law School, March 2015, *Commentator*.

Works in Progress Intellectual Property. U.S. Patent Trade Office, February 2015, *Presenter on Comparing Apples to Apple Jacks: Cognitive Science Similarity Judgment in Copyright*.

Public Health in the Shadow of the First Amendment. Yale Law School, October 2014, *Participant*.

MEDIA

Karishma Mehrotra, *Popular herbal remedy at center of trademark fight*, The Boston Globe (June 16, 2015) (discussing genericide defense and trademark generally).

Callum Borchers, *Periscope, Meerkat threaten teams' hold on video feeds*, The Boston Globe (May 18, 2015) (discussing copyright distribution issues of new streaming services).

Eric Felten, *Jury Weighs 'Blurred Lines' Case*, Voice of America (March 6, 2015) (discussing significance to music and copyright law of the Blurred Lines case).

BAR MEMBERSHIP

New York State