Keith Porcaro

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Through research and practice, I study and support the governance of multistakeholder data collaborations, especially in health and civil society. I write and research on software-mediated advice-giving, from the interface design of decision-support tools to the emerging field of legal advice software. I also design interactive simulations and teaching support tools to help practitioners and students succeed in a digitizing world.

Academic Experience

Duke Law School   **2021-**

Rueben Everett Senior Lecturing Fellow
Director, Digital Governance Design Studio

- Tech Law & Policy Lab: Health Data Governance (Spring 2022, Spring 2023)
  A simulation-based class where groups of students, each representing different stakeholders, to design the governance of a health data collaboration for patients with "long Covid" and post-Covid syndromes.
- Founded and run the Digital Governance Design Studio, which helps technology-second organizations build trustworthy relationships with the data and technology systems they rely on, and helps students counsel non-technical clients on technology-related issues.
- Collaborated with Suffolk Law School's LIT Lab to design a "click trust" to govern the use of a machine learning-powered legal issue spotter tool, Spot.
- Collaborator on NSF-funded project to build tools to support governance of environmental data collaborations. Designed and prototyped a pitch game for environmental data sharing.
- Fundraising:
  - Ford Foundation, $100,000, 2022 – core support
  - Omidyar Foundation, $150,000, 2022 – supporting data/tech governance simulations and research
  - Confidential Partner + Donor, $246,000, 2022 – supporting the governance of a learning health network for patients with bipolar disorder

Research Affiliate, Duke Center on Law and Tech   2018-2020
- Supported student-led, grant-funded project examining attitudes toward COVID-related data collection efforts among undocumented communities.
- Co-organized Digital Governance Design Conference, a Nov. 2019 gathering of digital governance practitioners and academics.
- Fundraising:
  - Open Society Foundation, $85,000, 2019/2020 – supporting data governance guides for civil society, research on data trusts, and research on COVID data collection among undocumented communities.

Berkman Klein Center, Harvard University   **2017-2020**

Fellow (17-18), Affiliate (18-20)

Georgetown University Law Center   **2017-2019**

Adjunct Professor

Co-designed and -taught a practicum on Criminal Justice Technology, Policy, and Law. Students worked with partners on projects that explored how data and technology change criminal justice policy and practice. Partners included: Philadelphia District Attorney's Office, Texas Indigent Defense Commission, DC Office of the Attorney General, Texas Criminal Justice Coalition, and Maryland Governor's Office of Crime Control and Prevention.

Education

JD, Duke Law School, 2011

BSFS, Georgetown University School of Foreign Service, 2008

Professional Experience

small scale / Digital Public   **2017-**

Under the shingles Digital Public (2017-19) and small scale (2020-), helped clients answer difficult questions at the intersection of law and technology.

- **National Center for State Courts.** Wrote a handbook on winding down technology projects for local courts and developed an interactive "data gym" to teach courts how to develop data partnerships.
- **Mozilla Foundation.** Wrote a strategic research agenda and, later, a "red team" brief exploring data stewardship failure modes for Mozilla Foundation's Data Futures Lab.
- **Cincinnati Children's Hospital / ImproveCareNow.** Researched and wrote a report for a leading pediatric learning health network on building community-led governance.
- **Alameda County Legal Aid**. Helped a consortium of legal aid organizations design and build a referral system for housing issues in Alameda County, California.
- **Prospect Union + The Why Not Lab**. Designed and built Lighthouse: an interactive data governance maturity test for a global collaboration of unions.
- **Cape Cod Commercial Fisherman's Association.** Helped CCCFA identify possible strategies for helping small boat fishermen adapt to electronic monitoring and use data to improve their work.
- **ISED Canada**. For the innovation branch of the Canadian government, authored a paper on how legal trusts can be used to responsibly manage health data.

SIMLab / FrontlineSMS   **2014-2017**

CTO / General Counsel, SIMLab, 2016-2017
Head of Technology and Development / General Counsel, SIMLab, 2015-2016
Legal Project Director, FrontlineSMS, 2014

- Built and maintained SIMLab's legal and technical infrastructure; drafted contracts for partners and employees; rewrote SIMLab's bylaws. Spun for-profit business out of 501(c)(3).
- Led portfolio of client projects. Designed and evaluated technology projects for nonprofits and legal aid organizations in the US and abroad. Initiated $250K in new projects.
- Operationalized data protection processes for multi-country research project on attitudes toward police.
- Led the execution of a multiyear Google.org-funded project to expedite and track land titling processes in Odisha, India.
- Conducted technology trainings for civil society organizations in Iraq, Myanmar, and India.

Bar Admission

California, 2011 #281464

Select Publications

In Trust, Data, 105 Minnesota Law Review Headnotes 332, 2021
Trusts can help ameliorate digital governance challenges, including managing value allocation from multi-party data collaborations and unlocking equitable remedies that allow clawbacks of unauthorized data derivatives. Nonetheless, "data trusts" may not be an appropriate solution to protect a community against data-driven harms.

Detain/Release, MIT Computational Law Review, 2021
I describe a web-based simulation built to teach students about pretrial risk assessments, and an accompanying lesson. The key twist: despite the risk assessment producing mostly spurious assessments, users build mental models to adapt to the risk assessment's perceived strengths and weaknesses, as communicated by its interface design.

Building responsible governance for learning networks, (peer-reviewed), Learning Health Systems Journal, 2021
This essay describes a governance audit of the ImproveCareNow (ICN) learning network, a collaborative data-sharing community of patients, parents, doctors, and researchers. It describes approaches for transitioning governance of a data collaboration to its community, for maintaining long-term nonprofit governance, escalating novel data-sharing decisions spurred by machine learning, and designing safe online spaces for community members.

To Join or Not to Join (A Health Data Collaboration): An Opportunity for Improvement
lead author, with N. Pajor, J. Barnard, K. Safier, and P. Margolis
(peer-reviewed) AMSPDC Pages, Journal of Pediatrics, 2021.
This essay describes a preliminary effort to build decision-support tools to help health systems join and evaluate data collaborations. Even comparatively "low-risk" data collaborations—health networks focused on quality improvement with common contracting language, the contract approval process currently takes a year, on average. We suggest strategies for department chairs to develop a more rigorous approach to managing potential and extant collaborations.

The Real Harm Behind Crisis Text Line's Data Sharing, WIRED, 2022.

It's Time To Burn Health Consent Forms, WIRED, 2022.

Select Talks

Detain/Release: Designing Pretrial Risk Assessments, Pretrial Conference, Delaware Center for Justice, 2021 (invited workshop)

Data governance for learning networks (keynote)*,* Learning Networks Conference, Cincinnati Children's Hospital 2019

Rethinking health data governance, Yale Law School, 2019

Dirty Data, Bad Decisions (panel), CogX, 2019

How technology fails us, and what we can do about it, SAGE Publishing, 2018

Roll for Initiative, Clinical Innovation Conference, Suffolk Law School, 2018

Conversations on public impact: How data trusts can preserve and protect your digital initiatives, Digital.gov, March 2018

Making Legal Services Explorable, Innovations in Technology Conference, Legal Services Corporation, 2017

Trusts for Digital Governance, RightsCon, 2016

Media

Fastcase 50 Honoree, 2019

"10 Questions: Crafting tech solutions for legal aid", ABA Journal, June 2016

Other Writing and Talks

"Click to Agree" – an occasional newsletter on the future of legal advice

- "Hello world, mixed ownership, and ethical mouthfeel – July 2021
- "Business casual contracts" - July 2021
- "If a fiduciary grows in the forest, will anyone notice?" – September 2021

Other writing

- "How fuzzing can help courts regulate legal software", Medium, 2020
- "Oracle v. Google highlights the urgent need for open court APIs", Medium. 2020
- "Detain/Release: Simulating algorithmic risk assessments at pretrial", Berkman Klein Center, 2019
- This one weird trick prevents cancer research from going up in smoke, Medium, 2017
- Making Public Services Explorable, Medium, 2016
- In trust, data. Or, why Ello is answering the wrong question, Medium, 2015
- "The Digital Land Lab", World Bank Land & Poverty Conference, 2015

- Whispering When Everyone is Listening: Technology Deployments in High-Risk Environments (with Laura Walker Hudson). Communications technology and humanitarian delivery: challenges and opportunities for security risk management, European Interagency Security Forum, 2014

Invited panels, talks, and guest lectures

- Guest Lecture, "Detain/Release", Access to Justice: Law Reform, Georgia State School of Law, Fall 2021
- "Redesigning Research Within A Learning Health System" (panel) Learning Networks Research Conference, Summer 2021
- Guest Lecture, "Detain/Release", Access to Justice: Law Reform, Georgia State School of Law, Spring 2020.
- Guest Lecture, "Detain/Release", Suffolk University School of Law, Fall 2019
- Guest Lecture, "The Current and Future State of Legal Self-Help Technology", Laboratory Seminar in Applied Design and Legal Empowerment, Northeastern University School of Law, Summer 2018
- "Too crazy to fail? A bold vision for the future of data governance" (panel), CogX, June 2018
- Design Workshop, Duke Law Eviction Diversion Program / Civil Justice Clinic, Duke Law School, February 2018.
- Workshop, "Access Tech Tools Initiative", Duke Law Clinical Programs / Center on Law and Technology, Duke Law School, February 2017.
- "How I learned to stop worrying and love evaluations." Legal Services Corporation, 2017 Technology Innovation Grants Conference.
- "Thinking in Ecosystems." Legal Services Corporation. 2016 Technology Innovation Grants Conference
- Making Complexity Friendly. Legal Services Corporation. 2016 Technology Innovation Grants Conference.