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EDUCATION **YALE LAW SCHOOL, J.D.**, 1991
Yale Law Journal, Volume 100: Book Review Editor

YALE COLLEGE, B.A., *Summa Cum Laude*, History, 1987
Phi Beta Kappa
Alice Derby Lang Prize for the best senior essay in classical studies

PUBLICATIONS

Books **TELECOMMUNICATIONS LAW AND POLICY** (3rd ed. 2012, 2nd ed. 2006, 1st ed. 2001, and annual supplements) (with coauthors)

Major Articles *Algorithms and Speech*, 161 **UNIVERSITY OF PENNSYLVANIA LAW REVIEW** 1445 (2013)

Standing the Test of Time: The Breadth of Majority Coalitions and the Fate of U.S. Supreme Court Precedents, 4 **JOURNAL OF LEGAL ANALYSIS** 445 (2012) (with Bruce Desmarais)

Bootstrapping, 75 **LAW & CONTEMPORARY PROBLEMS** 115 (2012)

Transmitting, Editing, and Communicating: Determining What “The Freedom of Speech” Encompasses, 60 **DUKE LAW JOURNAL** 1673 (2011)

Fixing Innovation Policy: A Structural Perspective, 77 **GEORGE WASHINGTON LAW REVIEW** 1 (2009) (with Arti Rai)

Tennis with the Net Down: Administrative Federalism Without Congress, 57 **DUKE LAW JOURNAL** 2111 (2008) (with Ernest Young)

Who’s Afraid of the APA? What the Patent System Can Learn from Administrative Law, 95 **GEORGETOWN LAW JOURNAL** 269 (2007) (with Arti Rai)

Evaluating E-Rulemaking: Public Participation and Political Institutions, 55 **DUKE LAW JOURNAL** 893 (2006)

Evaluating the FCC’s National Television Ownership Cap: What’s Bad for Broadcasting Is Good for the Country, 46 **WILLIAM & MARY LAW REVIEW** 439 (2004)

Spectrum Abundance and the Choice Between Private and Public Control, 78
NEW YORK UNIVERSITY LAW REVIEW 2007 (2003)

The Logic of Scarcity: Idle Spectrum as a First Amendment Violation, 52 DUKE
LAW JOURNAL 1 (2002) (selected for presentation at the 2002 Stanford/Yale
Junior Faculty Forum in the category of Constitutional Law — Theoretical
Foundations)

Proactive Legislation and the First Amendment, 99 MICHIGAN LAW REVIEW 281 (2000)

*Stepping into the Same River Twice: Rapidly Changing Facts and the Appellate
Process*, 78 TEXAS LAW REVIEW 269 (1999)

Equal Protection and the Special Relationship: The Case of Native Hawaiians,
106 YALE LAW JOURNAL 537 (1996)

EMPLOYMENT

Fall 2003–present DUKE UNIVERSITY SCHOOL OF LAW: Douglas Blount Maggs Professor of Law

Teaching and Research Areas:

Telecommunications Law

Administrative Law

First Amendment

Law and Technology

Native American Law

2005–present DUKE UNIVERSITY SCHOOL OF LAW: Associate Dean for Research
Develop and implement initiatives designed to enhance faculty scholarly
productivity and the intellectual climate of the Law School

2009–2011 FEDERAL COMMUNICATIONS COMMISSION: Distinguished Scholar
Served as the inaugural distinguished scholar, developing long-range initiatives
and advising the Chairman

2001–2003 UNIVERSITY OF TEXAS SCHOOL OF LAW: Rex G. & Edna Baker Professor in
Constitutional Law

1997–2001 UNIVERSITY OF SAN DIEGO SCHOOL OF LAW: Associate Professor

Spring 2001 UNIVERSITY OF TEXAS SCHOOL OF LAW: Visiting Associate Professor

Fall 2000 UNIVERSITY OF PENNSYLVANIA LAW SCHOOL: Visiting Associate Professor

1996–1997 PROFESSOR LAURENCE TRIBE, HARVARD LAW SCHOOL: Associate
Drafted appellate briefs and revisions to Constitutional Law treatise

1995–1996 JUSTICE DAVID H. SOUTER, UNITED STATES SUPREME COURT: Law clerk

- 1992–1995 **UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF LEGAL COUNSEL:**
 Attorney-advisor
 Drafted legal opinions and provided legal advice to the Executive Branch on questions of federal statutory and constitutional law; reviewed proposed legislation for constitutionality; briefed and argued *Applegate v. United States*, 25 F.3d 1579 (Fed. Cir. 1994), a takings case
- Fall 1992 **LEGAL RESOURCES CENTRE**, Port Elizabeth, South Africa: Staff attorney
 Assisted in trial preparations for a major land claim on behalf of the Mfengu of Tsitsikamma, who were removed from their land in 1977
- 1991–1992 **JUDGE WILLIAM C. CANBY, JR., UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**, Phoenix, Arizona: Law clerk
- Summer 1991 **UNITED STATES DEPARTMENT OF JUSTICE, ENVIRONMENT DIVISION, APPELLATE SECTION:** Summer law clerk
 Wrote the United States' brief in *Wyoming ex rel. Sullivan v. Lujan*, 969 F.2d 877 (10th Cir. 1992), a standing case
- 1987–1988 **WUHAN URBAN DESIGN INSTITUTE**, Hubei, China: Instructor
 Taught English to students in a Chinese university and studied Mandarin
- Summer 1986 **BLACK SASH**, Johannesburg, South Africa: Caseworker
 Served as a caseworker advising black South Africans on their rights and remedies in areas including immigration, labor and housing
- 1984–present **STARMOUNT COMPANY**, Greensboro, North Carolina: Chair of the Board
 Direct the operations of a privately held real estate company