

ful hire for our intellectual property program, for the University's wider genomic initiatives and, above all, for the faculty and students at Duke Law School," he said. "She is everything you would want in a teacher and a colleague: insightful, charismatic, influential, open-minded, a theoretician of note and an important contributor to public policy debates. Arti's scholarship is some of the most interesting work done by the new generation of biotech patent scholars, but her stature in the field is that of a scholar who has been around for a much longer time."

Rai said she was attracted to Duke Law because of its strong faculty and the resources both within the School and the University as a whole that will allow her to pursue her interest in the life sciences. She doesn't work in an intellectual vacuum, though. To Rai, the point of policy, law and health care is to help people to live better lives. "I believe there are good answers to social problems," she said. "We need people who can step back and try to come up with options that don't represent the interests of just a single group." ❧

## Arti K. Rai

### PREVIOUS POSITION

Assistant professor of law, University of Pennsylvania Law School

### SAMPLING OF RECENT SCHOLARSHIP

"Bayh-Dole Reform and the Progress of Biomedicine," *Law & Contemporary Problems* (2002) (with Rebecca Eisenberg)

"Specialized Trial Courts: Concentrating Expertise on Fact," 17 *Berkeley Tech. L.J.* 258 (2002)

"Comments on Health Care Fraud and Abuse," *Journal of Legal Studies* (2002)

LAW AND THE MENTAL HEALTH SYSTEM, 3rd Edition (1999) (with Professors Ralph Reisner and Chris Slobogin)

### LAW SCHOOL ATTENDED

Harvard, graduated *cum laude* in 1991

### FAMILY

Husband, Stuart Benjamin

### HOBBIES

Avid reader of non-fiction and fiction, particularly Russian literature

# Wired In

## Stuart Benjamin Pursues Intersection of Law and Technology

**W**hen Stuart Benjamin looks to the world of technology, both present and future, he sees fascinating questions of law take shape. For example, he asks, how should the Internet be regulated? Like a newspaper? Like a television station? Or with some new model?

"Part of the appeal of telecommunications law to me is that this is an area that's putting a great deal of pressure on existing institutions," said Benjamin, a premier expert in telecommunications law who joins Duke Law this fall from the University of Texas School of Law. "I have a great interest in technology in general, but particularly in how legal institutions respond to technological change."

In the classroom, Benjamin says, his students are treated as lawyers, better preparing them for the world they'll face after they graduate. With experience that ranges from a U.S. Supreme Court clerkship to legal work for the United States Department of Justice to academia, Benjamin is well prepared to lead such classroom discussions. "I really do see the teaching of law as a dialogue. The questions we face are genuinely hard and often changing, and I always challenge my students because that's how lawyers operate. You kick around ideas with other lawyers and you reason it out."

His teaching career has included positions with the University of Pennsylvania Law School, the University of San Diego School of Law and Texas as well as his new position at Duke.

Dean Katharine Bartlett points to Benjamin's wide range of knowledge and study as well as his success in areas that

Duke Law specifically has focused on developing. "Stuart Benjamin promises to make a real difference at Duke Law School," she said. "He writes broadly across a number of important subject matter areas in addition to telecommunications — he is interested in the many different ways that technology and the law intersect. He also brings enormous intellectual energy to Duke and a commitment to making Duke Law School an even more charged, exciting academic community."

Benjamin points to two formative influences that turned him to the study of law. The first is his own family history. Both of his parents are lawyers, and the law became part of the fabric of his life from an early age. The second was his experience in South Africa in 1986 when he worked offering advice to black South Africans on their rights in areas such as immigration, labor and housing. The apartheid era was coming to an end, and



STUART BENJAMIN

government crackdowns made for a frighteningly oppressive environment. A Yale undergraduate at the time, Benjamin learned from that experience just how much people need lawyers to protect their rights. "It was there that I really got a sense that lawyers could help individuals on a one-to-one level and also to help to bring about more systemic changes." He returned to South Africa in 1992 to serve as a staff attorney at the Legal Resources Centre in Port Elizabeth.

**"Duke Law School is the dominant law school in a growing region of the country, and I'm very bullish on its future," he said. "I really think that Duke Law School is poised for ever greater things."**

Another experience that shaped him – and readily translates into his classroom performance – was his clerkship for Supreme Court Justice David H. Souter from 1995-96. Benjamin said that clerkship helped him understand the nuances of how the Supreme Court operates, how the Justices interact with one another and how decisions are made. He also learned how the best and most persuasive arguments are crafted and delivered. "Sometimes you have to go back and rethink something about an argument," he said. "This is something I often will stress in class. I tell students to imagine they've just made an argument in court and then to imagine what their opponent would say."

Benjamin says he is excited to join the Duke Law faculty because of the dynamic environment, excellent professors to work with and high-quality student body. "Duke Law School is the dominant law school in a growing region of the country, and I'm very bullish on its future," he said. "I really think that Duke Law

School is poised for ever greater things." Fellow professors at Duke say he will be a part of that growth.

Professor of Law Jeff Powell said Duke has gained an independent thinker and excellent lawyer in Benjamin, who offers creativity, intellect and straightforwardness. Powell and Benjamin came to know one another when they worked together in the Office of Legal Counsel of the U.S. Department of Justice in the mid-1990s. "He knows government institutions from the inside in a way that many lawyers don't," Powell said. "He also is not somebody who marches to someone else's drummer. He has shown that amply through his scholarship."

That scholarship includes *Telecommunications Law and Policy*, the leading casebook in telecommunications law, which he co-authored with Douglas Lichtman and Howard Shelanski.

Benjamin said his approach to writing resembles his approach in the classroom. "I think that the way I get my ideas is to think about questions that I believe are unanswered and often not focused on by other people," he said. "They usually are questions about how legal institutions respond to technology. I try to write my papers the way I reason about that: take a few reasonable starting premises and see where it takes me." ♡

## Stuart Minor Benjamin

### PREVIOUS POSITION

Rex G. & Edna Baker Professor, University of Texas School of Law

### SAMPLING OF RECENT SCHOLARSHIP

TELECOMMUNICATIONS LAW AND POLICY (with Douglas Lichtman and Howard Shelanski) (2001)

"Proactive Legislation and the First Amendment," 99 Michigan Law Review (2000)

"Stepping in to the Same River Twice: Rapidly Changing Facts and the Appellate Process," 78 Texas Law Review (1999)

### LAW SCHOOL ATTENDED

Yale Law School, graduated in 1991

### FAMILY

Wife, Arti Rai

### HOBBIES

Surfing the Internet, playing tennis, hiking, watching plays

# The Search Ends

## Zelenak Adds Further Excellence in Tax Law to Duke

From Lawrence Zelenak's perspective, he has a pretty easy time providing students with a learning experience they can enjoy more than they might expect. After all, many of them come into his classes on basic tax law expecting something boring and intangible. But what he offers them is insight into the institutions and rules that form the major basis of give and take between most people and the government – a fascinating field.

"People come in thinking the class is going to be like a visit to the dentist," said Zelenak, a nationally known tax expert who joins Duke Law this fall after serving as a professor at Columbia Law School since 2001. "They have very low expectations. But they find, to their surprise, that it is inherently interesting stuff."

In addition to basic tax law and torts, he also teaches a course on corporate tax, which he describes as being at the technical and professional level. "It's a fairly intense course," he said. "It's like a bridge between law school and practice." He intends that students finish the course with many of the skills they'll need to get started in tax practice.