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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

INTERNET AND TELECOMMUNICATION REGULATION (1st ed. 2019) (with James B. Speta)

TELECOMMUNICATIONS LAW AND POLICY (4th ed. 2015, 3rd ed. 2012, 2nd ed. 2006, 1st ed. 2001, and annual supplements) (with coauthors)

Major Articles

[*The Paradoxical Impact of Scalia's Campaign Against Legislative History*](#), 105 CORNELL LAW REVIEW 1023 (2020) (with Kristen Renberg)

[*Administrative Power in the Era of Patent Stare Decisis*](#), 65 DUKE LAW JOURNAL 1561 (2016) (with Arti Rai)

[*Judicial Retirements and the Staying Power of U.S. Supreme Court Decisions*](#), 13 JOURNAL OF EMPIRICAL LEGAL STUDIES 5 (2016) (with Georg Vanberg)

[*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 (2009–present)
Associate Dean for Research (2005-2018)
Professor (2003–2008)
Teaching and Research Areas:
Internet and Telecommunications Law
First Amendment
Administrative Law
Law and Technology
- 2013–present **THE CENTER FOR INNOVATION POLICY AT DUKE LAW:** Co-Director
Co-direct center focused on independent analysis of policies for promoting technological innovation that enhances long-term social welfare
- 2014–2016 **FEDERAL COMMUNICATIONS COMMISSION:** Special Government Employee
Worked with the General Counsel on the Net Neutrality order and its defense in the D.C. Circuit
- 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

