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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** (4th ed. 2015, 3rd ed. 2012, 2nd ed. 2006, 1st ed. 2001, and annual supplements) (with coauthors)
- Major Articles *Administrative Power in the Era of Patent Stare Decisis*, 65 **DUKE LAW JOURNAL** ____ (forthcoming 2016) (with Arti Rai)
- Judicial Retirements and the Staying Power of U.S. Supreme Court Decisions*, 13 **JOURNAL OF EMPIRICAL LEGAL STUDIES** 5 (2015) (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 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