

Stuart Minor Benjamin

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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*, in History, 1987

Phi Beta Kappa

Alice Derby Lang Prize for the best senior essay in classical studies

PUBLICATIONS

Books

TELECOMMUNICATIONS LAW AND POLICY (2nd ed. 2006, 1st ed. 2001, and annual supplements) (with Douglas Lichtman, Howard Shelanski, and Phil Weiser)

Major Articles

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-present **FEDERAL COMMUNICATIONS COMMISSION:** Distinguished Scholar
Serve 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:** 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: Member of the Board
Direct the operations of a privately held real estate company