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Wayne State University Law School
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EMPLOYMENT

Wayne State University Law School
468 West Ferry Mall
Detroit, MI 48202

Professor, 1999-present
Associate Professor, 1993-99
Assistant Professor, 1988-93

Cardozo School of Law
Yeshiva University
55 Fifth Avenue
New York, NY 10003

Visiting Scholar, Howard M. Squadron
Program in Law, Media and Society, spring
2000

Federal Communications Commission
Office of Plans and Policy
Washington, DC 20554

Legal Scholar in Residence, 1997-98

U.S. Department of Justice
Civil Division (Appellate Staff)
Washington, D.C. 20530

Professor in Residence, 1993-94

Shea & Gardner
1800 Massachusetts Avenue NW
Washington, DC 20036

Associate, 1987-88 and 1984-85

University of Tokyo
Institute of Journalism and
Communication Studies
Hongo, Bunkyo-ku, Tokyo 113, Japan

Visiting Scholar, 1986-87

The Hon. Thurgood Marshall
Supreme Court of the United States
Washington, DC 20543

Law Clerk, 1985-86

The Hon. Ruth Bader Ginsburg
United States Court of Appeals
District of Columbia Circuit
Washington, DC 20001

Law Clerk, 1983-84

EDUCATION

Columbia Law School
New York, NY 10027

J.D. 1983

- * Writing and Research Editor, Columbia Law Review (Head of Notes and Comments Department)
- * 1982-1983, 1980-1981 James Kent Scholar; 1981-1982 Harlan Fiske Stone Scholar
- * Class of 1912 Prize (Contracts)
- * Young B. Smith Prize (Torts)
- * Charles Bathgate Beck Prize (Property)
- * Robert Noxon Toppan Prize (Constitutional Law)
- * Consolidated Edison Essay Award (First Amendment)

Harvard College
Cambridge, MA 02138

A.B. 1980

- * Graduated cum laude, concentrating in Government.

PUBLICATIONS

*Communications Law: Cases and Materials (in progress; should be finished in Summer 2000)

*ICANN and the Problem of Legitimacy (in progress; for publication in Duke L. Rev.)

*Internet Governance (in Japanese; Itsuko Yamaguchi trans.), in Cyberspace Law (Makoto Ibusuki ed. 2000).

A substantially revised version of this chapter is forthcoming in an English-language edition of the book; an Italian-language edition is also Scheduled for publication.

*Hardware-Based ID, Rights Management, and Trusted Systems, 52 Stan. L. Rev. — (forthcoming 2000).

A shortened and revised version of this article will be published in Victor Bouganim et al., *The Commodification of Information: Political, Social and Cultural Ramifications* (forthcoming 2001).

*Broadcasting and Related Media, in *Encyclopedia of the American Constitution* (Supplement II) (Leonard W. Levy, et al., eds.) (forthcoming 2000)

*The Internet and "Telecommunications Services," *Universal Service*

Mechanisms, Access Charges and Other Flotsam of the Regulatory System, 16 Yale J. on Reg. 211 (1999).

This article will also be published in Internet Telephony (Lee McKnight ed., forthcoming 2000); an earlier version of the article appears in Competition, Regulation and Convergence: Current Trends in Telecommunications Policy Research 297 (Sharon Gillett and Ingo Volgelsang eds. 1999).

*US Media Law Update, 4 Media & Arts L. Rev. [Australia] 199 (1999)

*The New Broadcast Regulation (in progress, if I ever get back to it)

*Technology, Free Expression and the Law, Update on Law-Related Education, Fall 1998, at 6

*New Media and Old Debates (review of Rationales & Rationalizations: Regulating the Electronic Media (Robert Corn-Revere ed. 1997)), Jurist Books-on-Law (July 1998), available at <<http://jurist.law.pitt.edu/lawbooks/revjul98.htm#Weinberg>>

*Rating the Net, 19 Hastings Comm/Ent L.J. 455 (1997).

This article has also been published in The V-Chip Debate: Labeling and Rating Content from Television to the Internet 221 (Monroe E. Price ed. 1998); an earlier version appears in Interconnection and the Internet (Gregory L. Rosston & David Waterman eds. 1997).

* Cable TV, Indecency and the Court, 21 Colum.-VLA J.L. & Arts 95 (1997)

* The Telecommunications Act of 1996 and U.S. Media Ownership, in 1996 Yearbook of Media and Entertainment Law 99 (Eric M. Barendt et al. eds.) (with Monroe Price)

* United States, in Media Ownership and Control in the Age of Convergence 265 (Int'l Inst. of Communications 1996) (with Monroe Price)

* Vagueness and Indecency, 3 Vill. Sports & Ent. L. J. 221 (1996)

* Broadcasting and Speech, 81 Calif. L. Rev. 1101 (1993)

This article also appears in First Amendment Law Handbook, 1994-95 Edition 177 (James L. Swanson ed. 1994), and (without footnotes) as Hososeidoron no Paradaimu [Paradigms of the Broadcasting System] 79 (Junichi Hamada ed. & Itsuko Yamaguchi trans., University of Tokyo 1994).

* Broadcasting and the Administrative Process in Japan and the United States, 39 Buffalo L. Rev. 615 (1991)

A substantial portion of this article appears in Michael H. Botein,

Regulation of the Electronic Mass Media: Law and Policy for Radio, Television, Cable and the New Video Technologies 585-97 (3d ed. 1998).

*Thurgood Marshall and the Administrative State, 38 Wayne L. Rev. 115 (1991)

*Limiting Access to the Broadcast Marketplace, 44 Bull. of [Univ. of Tokyo] Inst. of Journalism & Comm. Stud. 2 (1991)

*Questioning Broadcast Regulation (review essay), 86 Mich. L. Rev. 1269 (1988)

*Amerika Gasshukoku ni Okeru Yusen Terebijon to Chosakuken [Cable Television and Copyright in the United States], 15 Chosakuken Kenkyu 23 (1988)

*Note, Constitutional Protection of Commercial Speech, 82 Colum. L. Rev. 720 (1982)

GOVERNMENT TESTIMONY

*Domain Name System Privatization: Is ICANN Out of Control?: Hearings Before the Subcomm. on Oversight and Investigations of the House Comm. on Commerce, 106th Cong., 1st Sess. (July 22, 1999)

*A New FCC for the 21st Century, en banc hearing before the Federal Communications Commission, June 11, 1999

PRESENTATIONS AND WORKSHOPS

*Freedom and Privacy by Design (invited workshop participant), Conference on Computers, Freedom & Privacy, Toronto, Canada, April 4, 2000

*Free Governance, Conference on A Free Information Ecology in the Digital Environment, New York University Law School, April 2, 2000

*Global ID, Trusted Systems, and Communications Markets, John Evans Lecture Series, University of Michigan, March 23, 2000

*Legal and Social Implications of Trusted Systems and Hardware Identifiers, Inaugural Annual Symposium on Internet, Law and Society, Cardozo Law School, March 22, 2000

*ICANN and the Problem of Legitimacy, 30th Administrative Law Conference, Duke Law School, March 3, 2000

*Hardware-Based ID, Rights Management, and Trusted Systems, Conference on Cyberspace and Privacy: A New Legal Paradigm?, Stanford University, February 7, 2000

*The Impact of Technology on Law and Legal Culture (Session Leader), American Association of Law Schools Mini-Workshop, Washington, D.C., January 6, 2000

*Hardware-Based ID, Rights Management, and Trusted Systems, Telecommunications Policy Research Conference, Alexandria, Virginia, September 27, 1999

*Hardware-Based ID, Rights Management, and Trusted Systems, Conference on the Commodification of Information, Haifa University Faculty of Law, May 31, 1999

*Internet Regulation, MIT Internet Telephony Consortium (semiannual meeting), Cambridge, Massachusetts, January 28, 1999

*Convergence Roundtable, hosted by the Office of Vice President Al Gore and NTIA, Washington, D.C., December 1, 1998

*The Telecommunications Act of 1996, Telecommunications Policy Research Conference, Alexandria, Virginia, October 4, 1998

*Is Internet Telephony a Regulatory Artifact?, Bellcore Internet Telephony Workshop, Washington, D.C., September 18, 1998

*Internet Connectivity, International Bar Association 1998 Conference, Vancouver, Canada, September 15, 1998

*Voice Over the Internet, a workshop sponsored by the New York State Telecommunications Association, Syracuse, New York, June 24, 1998

*Telecommunications Competition, Federal Communications Bar Association, Washington, D.C., June 16, 1998

*Colloquium on Carol M. Rose, "The Several Futures of Property — or, Of Cyberspace and Folk Tales, Emission Trades and Ecosystems" (commentor), Georgetown University Law Center, March 27, 1998

*Is Technology Really Neutral? Is PICS the Devil?, Conference on Computers, Freedom & Privacy, Austin, Texas, February 20, 1998

*Fitting Models to the Internet, AALS Section on Mass Communications Law, San Francisco, California, January 9, 1998

*Online Speech, Telecommunications Policy Research Conference, Alexandria, Virginia, September 28, 1997

*The Supreme Court and the Mass Media, University of Michigan Learning in Retirement Program, Ann Arbor, Michigan, January 9, 1997

*Reinventing Government?, C.O.B.A. [Conference of Ontario Boards and Agencies] '96, Toronto, Ontario, November 21, 1996

*A Critical Look at Internet Ratings Systems, Telecommunications Policy Research Conference, Solomons Island, Maryland, October 7, 1996

*Civil Liberties Forum, sponsored by U.S. Rep. Lynn Rivers, Wayne, Michigan, June 22, 1996

*Debating "Decency": Censorship, Free Speech, and the Internet, a conference sponsored by the Michigan Telecommunications & Technology Law Review, Ann Arbor, Michigan, April 17, 1996

*The Future of Communications Law, AALS Section on Mass Communications Law, San Antonio, Texas, January 6, 1996

*Indecency and Licensing, Symposium, Safe Harbors and Stern Warnings: FCC Regulation of Indecent Broadcasting, Villanova Law School, February 18, 1995

*Ipponka Chosei and Japan's Communications Marketplace, Federal Communications Bar Association Seminar on Doing Business in Japan, Washington, D.C., April 21, 1994

*Contradiction in Free Speech Theory, Research Group on Diversification of Media and Diversification of Regulation, at the University of Tokyo, November 18, 1992

*Administrative Guidance and Japanese Broadcast Regulation, Federal Communications Commission Office of Plans and Policy, July 28, 1992

*Perceptions of Broadcast Fairness: Broadcast Regulation in Japan and the United States, Harvard Law School East Asian Legal Studies Program, November 21, 1991. Professors Mark Ramseyer and Robert Gordon were commentators.

*Perceptions of Broadcast Fairness: Broadcast Regulation in Japan and the United States, Boston College Law School faculty colloquium, November 20, 1991

*Symposium on Freedom and Regulation in Broadcasting, University of Tokyo, June 26, 1991

*Cable Television and Copyright in the United States, Copyright Society of Japan Annual Meeting, Tokyo, June 5, 1987.

MISCELLANEOUS

*Co-chair of the Internet Corporation for Assigned Names and Numbers's Working Group C, on new generic top-level domains

*Consultant, Federal Communications Commission, 1998

*AALS Section on Mass Communications Law -- Chair, 1997; Chair-elect, 1996; Newsletter Editor, 1994-96

*Member, Advisory Board, Wayne State University Center for Legal Studies

*Court-appointed expert, Cellnet Communications v. Detroit SMSA Limited Partnership (Ameritech Mobile Communications), No. 88 CV 71292 DT (E.D. Mich.)

*Legal Editor, The American Reporter (a daily newspaper available at <<http://www.american-reporter.com>>), Apr.-Oct. 1995