

Philip J. Weiser

University of Colorado School of Law
UCB 401
Boulder, CO 80309

Education

New York University School of Law. J.D., 1994 with High Honors.

Honors: *Sommer Award* for excellence in scholarship, service and character (highest award given at graduation); *Rubin Law Review Prize* for the outstanding note in public law; *Orson S. Marden Moot Court Competition Runner-up*; *Order of the Coif*.

Swarthmore College. B.A., 1990 with High Honors. Major in Political Science. Minors in Economics and History. Concentration in Public Policy.

Academic Experience

Hatfield Professor of Law and Telecommunications, University of Colorado

January 1999 – present. Joint appointment in the School of Law and in the Interdisciplinary Telecommunications Program. Recipient of Teaching Excellence Award in 2000-2001. Awarded Thompson Professorship in July 2011 and Hatfield Professorship in July of 2016.

Founder and Executive Director, Silicon Flatirons Center for Law, Technology, and Entrepreneurship

Jan. 2000 – present. Created and lead a center focused on spurring interdisciplinary engagement, community outreach, and supporting student interest in technology and entrepreneurship.

- Developed an internationally known center for thought leadership on technology policy, hosting a series of vibrant seminars (including the influential Digital Broadband Migration conference), sponsoring a leading journal on technology law (the Colorado Technology Law Journal), and regularly publishing influential research.
- Provides a first rate platform for launching student careers in technology and entrepreneurship, supporting two clinics (the Technology Law and Policy Clinic & the Entrepreneurial Law Clinic), two summer programs (the DC Summer Scholars Program & the Technology Lawyer Accelerators), and a range of interdisciplinary offerings (including the Technology Challenge).
- Offers innovative community-facing programs like the Institute of Regulatory Law and Economics, the Blackstone Entrepreneurs Network, *Startup Colorado* (which coordinates the successful Startup Summer internship program), and the Governmental Entrepreneurial Leadership Accelerator.
- Engages and supports the entrepreneurial community, including hosting widely attended events (like the Unplugged and Crash Course series), organizing the cross-campus New Venture Challenge, and incubating the cross-campus innovation and entrepreneurship initiative.

Dean, University of Colorado School of Law

July 2011 – July 2016. Served as chief academic, management, and fiscal officer for the School, in charge of managing its strategic direction and operations. During time as Dean:

- Raised Colorado Law's profile as a national innovator and the regional leader, landing on the *National Jurist's* list of Most Influential Figures in Legal Education and developing a range of new innovative programs, including the Daniels Fund Ethics and

Professionalism Initiative, the Technology Lawyer Accelerator, the Korrey Wise Innocence Project, and a \$7 million endowed loan repayment program.

- Elevated Colorado Law's career development efforts, resulting in the #16 placement in employment outcomes for the Class of 2015 and a top ten ranking by *Business Insider* for helping students find a job.
- Improved Colorado Law's admissions program, leading to an increase in applications (by over 10%) during a time when they fell nationwide (by almost 40%).
- Conceived of and executed on the Campaign for Colorado Law's Future, raising over \$50 million in gifts, pledges, and planned gifts.
- Held tuition constant and more than doubled the scholarship budget, resulting in a falling level of student indebtedness (from a height of \$116,000 to \$107,000).

Visiting Professor, New York University School of Law
Sept 2008—December 2008

Visiting Professor, University of Pennsylvania School of Law
Sept. 2006 – December 2006.

Law and Public Affairs Program Fellow, Princeton University
Aug. 2001 – June 2002. One of six law professors selected as a scholar-in-residence.

Professional Experience

Senior Advisor for Technology and Innovation to the National Economic Council Director
April 2010—June 2011. Principal White House advisor on technology and innovation policy issues. Oversaw the President's Spectrum Initiative, co-chaired the National Science and Technology Council's Committee on Technology (with initiatives on smart grid, standards, and educational technology policy), and coordinated the Administration's innovation policy.

Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division
July 2009—April 2010. Oversaw the Division's appellate program, competition policy efforts, international outreach and engagements, and a number of key investigations.

Lead Agency Reviewer for the Federal Trade Commission
Nov 2008-Dec 2008. Conducted due diligence as to the state of the agency as part of the Presidential transition.

Special Master, Colorado Public Utilities Commission
Jan 2001 – Jan 2002. Developed, through a combination of mediation and arbitration, a proposed plan to govern Qwest's wholesale performance after its entry into long distance.

Special Counsel to Cablevision Systems Corporation
Aug. 1998 – Dec. 1998. Coordinated legal and regulatory strategy on behalf of Cablevision in a proceeding investigating Boston Edison's entry into telecommunications and cable markets.

Senior Counsel to Joel Klein, Assistant Attorney General, Antitrust Division, US Dept. of Justice
Sept. 1996 – Aug. 1998. Responsibilities included advising the AAG on antitrust policy, primarily in the telecommunications industry, as well as participating in civil investigations.

Law Clerk to Justice Byron R. White (Ret.), United States Supreme Court. Sept. 1995-Aug. 1996.

Also served as law clerk to Justice Ruth Bader Ginsburg.

Law Clerk to Judge David M. Ebel, Tenth Circuit Court of Appeals. Sept. 1994- Aug. 1995.

Director of Transition, Town of Greenburgh. November 1991-January 1992.

Campaign Manager, Feiner for Town Supervisor. June-November 1991.

New York City Urban Fellows Program. September 1990-May 1991.

Service Activities

Community Service:

Denver Jewish Day School Board of Directors. August 2015 – present.

National Cybersecurity Center, Cyber Institute Advisory Board. July 2016 – present.

CareerWise Colorado Board of Directors. June 2016 – present.

Rocky Mountain PBS Board of Directors. January 2016 – July 2017.

Denver Jewish Day School Board of Directors. September 2015 – present.

Rose Community Foundation Jewish Life Committee. January 2008-June 2009; January 2012-July 2017.

Hillel Council of Colorado Board of Directors. June 1999 – June 2001

Jewish Community Relations Council. September 2000-June 2001; September 2006-June 2009.

State Government Service:

Colorado Innovation Network, September 2012-June 2014.

Co-Chair, Colorado Innovation Council. October 2007-June 2009.

Information Technology Transition Team, November 2006-December 2006.

Telecom Dept. Service:

Dept. of Telecom Director Search Committee. Jan. 1999 – Jan. 2000; June 2001 – March 2002; June 2007-present (chair).

Transition Committee for The Reorganization of CAETE. April 2003-August 2003.

Law School Service:

Associate Dean for Research. June 2007-June 2009.

Law School Strategic Planning Committee. February-June 2006.

Law School Appointments Committee. July 2004-July 2005, Member. July 2005-July 2006

(Chair). July 2007-June 2008.

Law School Policy Management & Budget Committee. September 2003-June 2004; September 2005-May 2006. September 2007-present.

Law School Academic and Curricular Affairs Committee. Jan. 1999 – June 2001; Jan. 2009-present. August 2002 – August 2004 (Chair).

Advisor to Student Telecom Association/IP Students Association/Silicon Flatirons Student Group. September 1999 – present.

Chair of Clerkship Committee. Jan. 1999 – July 2004.

Advisor to Journal on Telecommunications and High Tech Law. June 2001 – June 2006.

Campus and System Service:

Faculty Director, Campus Entrepreneurship & Innovation Initiative. June 2015 – July 2017.

ATLAS Advisory Board. August 2000 – June 2009.

Committee on Restricted Proprietary and Classified Research, August 2007 – June 2009.

University Committee on Discoveries, September 2003-June 2006; Chair until September 2005.

Technology Transfer Advisory Board, January 2004 - December 2005.

Information Technology Self-Study. August 2000 – May 2001.

Technology Transfer Director Search Committee. March - June 2001.

Worldwide and Nationwide Service Activities:

Dean's Forum, American Association of Law Schools, June 2014-June 2016.

Board of Directors, Telecommunications Policy Research Conference, September 2007-September 2010.

Program Committee, Telecommunications Policy Research Conference, September 2005-September 2007.

Policy Committee Technical Chair, Dynamic Spectrum Access Conference January 2005-November 2005.

Working Group Chair, Digital Age Communications Act Project February 2005-November 2005.

Editorial Board, *I/S: a Journal of Law and Policy for the Information Society,* January 2005-June 2009.

Editorial Board, *The International Journal of IT Standards & Standardization Research,* January

2004-June 2009.

Vice Chair, American Bar Association Administrative Law Section's IP Division, January 2005-June 2008.

Vice Chair, American Bar Association Administrative Law Section's Communications Division, January 2005-June 2007

Publications

Books

Antitrust and Competition Law (7th Edition) (West) (2018) (with Douglas Melamed, Randy Ricker, and Diane Wood).

Digital Crossroads: American Telecommunications Policy in the Internet Age (MIT Press 2013) (2d edition) (with Jon Nuechterlein).

Telecommunications Law and Policy (Carolina Press 3d ed. 2012) (with Stuart Benjamin, Doug Lichtman, and Howard Shelanski).

The Jury and Democracy: How Jury Deliberation Promotes Civic Engagement and Political Participation (Oxford University Press 2010) (with John Gastil, Perry Deess, and Cindy Simmons).

Digital Crossroads: American Telecommunications Policy in the Internet Age (MIT Press 2005) (with Jon Nuechterlein).

Monographs

Brookings Institute Hamilton Project Report on Unlocking Spectrum Value through Improved Allocation, Assignment, and Adjudication of Spectrum Rights (2014) (with Pierre de Vries).

Brookings Institute Hamilton Project Report on Untapping the Promise of Wireless Spectrum (2008).

Aspen Institute Roundtable on Communications Policy Report on A Framework for A National Broadband Policy (2008).

Aspen Institute Roundtable on Communications Policy Report on The Future of Video (2007).

Aspen Institute Roundtable on Spectrum Policy Report on Clearing the Air: Convergence and the Safety Enterprise (2006).

Academic Articles or Book Chapters

"Beyond Brooke Group: Bringing Reality to the Law of Predatory Pricing," __ Yale L.J. __ (forthcoming 2018) (with Scott Hemphill).

"Entrepreneurial Administration," 97 B.U. Law Review 2011 (2017).

"Internet Governance: The Role of Multistakeholder Organizations," 109 J. on Telecom. & High Tech. L. 331 (2013).

"Towards an International Dialogue on the Institutional Side of Antitrust," 66 N.Y.U. Ann. Surv. Am. L. 445 (2011).

"Innovation, Entrepreneurship, and the Information Age," 9 J. on Telecom. & High Tech. L. 1 (2011).

"Beyond Fair Use," 96 Cornell L. Rev. 91 (2010) (with Gideon Parchomovsky).

"Regulating Interoperability: Lessons From AT&T, Microsoft, and Beyond," 76 Ant. L.J. 271 (2009).

Introduction to a Special Issue on Network Neutrality, 8 Review of Network Economics 1 (2009) (with Marius Schwartz),.

"The Future of Internet Regulation," 43 U. C. Davis Law Review 529 (2009).

"Institutional Design, FCC Reform, and the Hidden Side of the Administrative State," 61 Administrative Law Review 675 (2009).

"Reexamining the Legacy of Dual Regulation: Reforming Dual Merger Review by the DOJ and the FCC," 61 Fed. Comm. L.J. 167 (2008).

"Alfred Kahn as a Case Study of a Political Entrepreneur: An Essay in Honor of his 90th Birthday," 7 Review of Network Economics 601 (2008).

"The Next Frontier for Network Neutrality," 60 Admin L Rev 273 (2008).

"Spectrum Policy Reform and the Next Frontier of Property Rights," 15 George Mason L. Rev. 549 (2008) (with Dale Hatfield).

"Making the World Safe For Standard Setting," in The Impact of Globalization on the United States. Vol. 2, Law and Governance (Beverly Crawford, ed., 2008).

"In Pursuit of a Next Generation Network for Public Safety Communications," 16 CommLaw Conspectus - Journal of Communications Law and Policy 97 (2007) (with Dale Hatfield).

"Communicating After Disasters: Toward Interoperability and Effective Information Management," 59 Federal Communications Bar Journal 547 (2007).

"Should Liability Rules or Property Rules Govern Information?," 85 Texas Law Review 783 (2007).

"Jury Service As An Invitation to Citizenship: Assessing the Civic Value of Institutionalized Deliberation," 34 Policy Sciences Journal 605 (2006) (with John Gastil).

"A Digital Age Communications Act Paradigm for Federal-State Relations," 4 J. Telecomm. & High Tech. L. 321 (2006) (with Kyle Dixon)

"The Relationship of Antitrust and Regulation in A Deregulatory Era," 50 Antitrust Bulletin 549 (2005).

"Policing the Spectrum Commons," 74 Fordham L. Rev. 101 (2005) (with Dale Hatfield)

"The Ghost of Telecommunications Past," 103 Mich. L. Rev. 1671 (2005).

"First Principles for an Effective Rewrite of the Telecommunications Act of 1996," AEI-Brookings Joint Center Paper Series (2005) (with Jon Nuechterlein).

"Cooperative Federalism and Its Challenges," 2003 Mich. St. L. Rev. 727.

"Regulatory Challenges and Models of Regulation," 2 J. Telecom. & High Tech. L. 1-15 (2003).

"Justice White and Judicial Review," 74 Colo. L. Rev. 1305-1318 (2003).

"Toward A Next Generation Regulatory Regime," 35 Loyola L. Rev. 41 (2003).

"Modularity, Vertical Integration and Open Access Policies: Towards A Convergence of Antitrust and Regulation in The Internet Age," 17 Harv. J. L. & Tech. 85 (2003) (with Joseph Farrell).

"Goldwasser, The Enforcement of the Telecom Act, and Antitrust Remedies," 55 Admin. L. Rev. 1-21 (2003).

"The Internet, Innovation, and Intellectual Property Policy," 103 Colum. L. Rev. 534-613 (2003).

"Law and Information Platforms," 1 J. Telecom. & High Technology L. 1-35 (2002).

"The Imperative of Harmonization Between Antitrust and Regulation," 698 PLI/Pat 73-88 (2002).

"Cooperative Federalism, Federal Common Law, and The Enforcement of the Telecom Act," 66 N.Y.U. L. Rev. 1692-1767 (2001).

"Internet Governance, Standard Setting, and Self-Regulation," 28 N. Ky. L. Rev. 822 (2001).

"Toward A Constitutional Architecture For Cooperative Federalism," 79 N.C. L. Rev. 663 (2001).

"Promoting Informed Deliberation and A First Amendment Doctrine For A Digital Age: Towards A New Regulatory Regime for Broadcast Regulation," *Deliberation, Democracy, and the Media* (Costain and Chambers, eds., 2000).

"Paradigm Changes in Telecommunications Regulation," 71 U. Col. L. Rev. 819 (2000).

"Chevron, Cooperative Federalism, and Telecom Reform," 52 Vand. L. Rev. 1 (1999).

"What's Quality Got To Do With It: Constitutional Theory, Politics and Education Reform," 21 N.Y.U. Review of Law & Social Change 745 (1995).

"Ackerman's Proposal for Popular Constitutional Lawmaking: Can It Realize His Aspirations for Dualist Democracy?," 68 N.Y.U. L. Rev. 907 (1993).

Newspaper and Magazine Articles

Why Law Schools Need to Teach More Than the Law to Thrive (or Survive), ABA Journal (June 20, 2016) (with Chad Asarch).

How law firms are innovating when it comes to hiring, ABA Journal (July 15, 2015).

Don't let the regulatory past be the prologue for Uber, Denver Post (April 9, 2014).

Professionalism in the New Normal, 42 The Colorado Lawyer 49 (October 2013).

Five Initiatives that Legal Education Needs, ABA Journal (September 26, 2013).

In the New Normal, Entrepreneurship a Must, Law Week Colorado (July 18, 2013).

Broadband For All, Rocky Mountain News (April 11, 2008).

A Third Way on Network Neutrality, New Atlantis (Summer 2006).

Rhetoric Clouds Network Neutrality Debate, Denver Post (June 18, 2006).

Swiftly Changing Market Creates Regulatory Challenges, Rocky Mountain News (December 10, 2005).

Whose Broadband Nation?, Foreign Affairs (Sept. 2005)

The Behemoth Is Dead. Long Live the Behemoth, Washington Post (February 27, 2005).

Lessons From Microsoft, CNN.com (June 8, 2000)

Federal Testimony

"The 700 MHz Auction: Public Safety and Competition," U.S. Senate Committee on Commerce, Science and Transportation (June 14, 2007).

"Testimony on Broadband Connectivity Competition Policy," Federal Trade Commission (February 14, 2007).

"Competition in the Telecommunications Marketplace: How Technology is Changing the Structure of the Industry," U.S. House of Representatives Committee on Energy and Commerce (March 2, 2005).

Courses Taught

Antitrust Law

Constitutional Law

Entrepreneurial Law Clinic

Framing and Legal Narrative

Introduction to Intellectual Property Law

Law and Economics of the Information Age (seminar)

Law and Economics of Utility Regulation (seminar)

Law and Innovation (seminar)

Legal Ethics and Professionalism

Philosophy of Entrepreneurship

Privacy, Security, and Digital Rights Management

Separation of Powers (seminar)

Supreme Court Decisionmaking

Technological Change, Economic Growth & The Law (seminar)

Telecommunications Law and Policy