

Andrew Saintsing: Hi, you're tuned in to 90.7 FM KALX Berkeley. I'm Andrew Saintsing, and this is The Graduates, the interview talk show where we speak to UC Berkeley graduate students about their work here on campus and around the world. Today I'm joined by Betul Ayranci from Berkeley Law School. Welcome to the show, Betul.

Betul Ayranci: Hi, Andrew. Thanks for having me.

Saintsing: It's so great to have you here. I haven't had anybody from the law school, and so I'm really interested to talk to you know somebody who's in the legal profession and all. But you're not actually getting the JD, the degree that a lawyer would get to practice law professionally. What degree are you getting right now?

Ayranci: Right, I'm getting JSD degree, which is another doctorate degree technically. You can think of it as a PhD equivalent at the law school. It's not really traditional for US lawyers to get a JSD, but it's pretty common in Europe if you want to teach in academia or if you're planning legal scholarship as part of your future. That's what you would do.

Saintsing: Okay, interesting. So, you already do have a JD?

Ayranci: Technically. I have the foreign equivalent. I went to law school in Turkey. Got my JD equivalent back in the day, almost a decade ago now. And then I came to Berkeley to pursue LLM degree, which is a lot more well-known I guess. It's the Masters of Law, and JSD that I'm pursuing right now, it's the one step after LLM.

Saintsing: And so, you said it's common to have the JSD in Europe but not so much in the US?

Ayranci: Correct. Yeah, I guess it's becoming more and more well-known in the US as we see more legal scholars coming from other countries to the US to do doctor-level studies. It's becoming more well-known definitely.

Saintsing: And so, like what does it mean to be a legal scholar? How is that different from being a lawyer?

Ayranci: Wow, it's a tough question. It really is like being a scholar in social sciences, I would imagine. When you enter this program, you're expected to have a clear agenda about what your research will be like, and you're expected to develop methodology on the way. So, it really is more akin to social sciences PhDs, rather than practicing lawyers. Because you know in practice, you're a practitioner. So, you have practical tools and not really questions of what, why, how in terms of philosophical background or in terms of really deep research. As opposed to at the JSD level, you're expected to think like an academician, think like a researcher in social sciences. So, it has a little bit more theoretic aspect than practical.

Saintsing: So, you're basically doing work as a social scientist in this program with the focus of whatever your question is of being about laws that exist?

Ayranci: Essentially. Right. For my own personal research, I study transnational copyright law, which is pretty practical and mostly touching on law rather than philosophy or any other social sciences. For my own research, it is definitely informed by practice, and it started from the issues facing practice and issues and the laws around the world. And how to make it better, trying to sort of diagnose the problem, and try to come up with solutions both in the laws and possibly in the practice.

Saintsing: You look at laws, and you think of ways that the laws could be improved. And when you say that you're saying you're making recommendations for lawmakers to write new laws? Or are you thinking of ways that existing laws can be implemented differently to accommodate whatever needs to be changed you know as times change and as issues change that are affected by laws that have previously been written?

Ayranci: I couldn't have said it better myself. A little bit of both actually. First, if there is some issue in practice that does not have a correspondent clause in the law, whatever law that might be, of course my job is to detect and make a suggestion to the lawmakers to fill that gap. And if there is something in the law, say copyright law, and it's outdated, and it no longer responds to the needs of the of the times, then my job is to do the research and try to come up with an idea or an update to be included in the law that that's already there. And most of the time you may not find the answer or you may not find any inspiration in the country you're looking at because that's where you're trying to update the law or come up with a new law, but you do find or you may find the answer in another country's law. That's why I guess it helps if you're able to think transnationally, think globally, and look up the laws of other countries, maybe you will find some recipe there that would fit your situation elsewhere.

Saintsing: And so, I guess what you write, you do think of lawmakers? Like in the US, you would think of people in legislation, legislatures reading this and then thinking, "Okay, I could write a new law." Or, "Okay, this other country has this great way to address this issue that we're dealing with, so we can implement that law." Or, at least in the US (I don't know how like applicable this is to other countries you know), we have the judicial branch you know. I think of the judicial branches thinking of, "Okay, the legislature wrote this law, and now as the judicial branch, we're thinking about how to implement it." So, yeah, I guess this question was really initially supposed to be: is the audience generally legislators or judicial, people in the judicial branch? Or, you know who are you writing for when you do the work of a legal scholar?

Ayranci: I would say personally my audience is both in an alternative way. In general in legal scholarship, it can be one or the other, and the reason for that is it's really difficult to pass laws or it's really difficult to convince the congress or the parliament of a country, whether it's the US or any other country, really to convince them to scratch a law and start from the beginning or really update something that has been there for decades. So, it's really difficult to suggest a law and see the end of it in the congressional process. Really, you can make that suggestion, and if you have a good argument it might influence

other scholars and you know maybe someday it will become law, but it takes time. Alternatively you can write a piece, and you can do your research and diagnose the problems and say, "Well, we do have law in place. We do need to update them tomorrow, hopefully, in the long run." But what can be the solution now, tomorrow, is to address judiciary to implement or interpret the existing laws from a different angle from a new perspective. So, you can also do that using legal scholarship. Again the inspiration would be maybe other judicial departments or courts or even international courts from other countries, from other supranational organizations. Or it can be unique you know. You can get creative, and if it's a novel problem, like involving artificial intelligence, and if no court has ever seen an issue like this, of course they would need some guidance on how to implement and interpret the existing laws. The issues might be familiar with one unfamiliar object such as AI coming in might affect the whole interpretation of the of the existing law. So, legal scholarship might inform and guide actually the courts on how to interpret and implement existing laws as well.

Saintsing: Okay, yeah, that makes a lot of sense. So, now I'm interested to know, so you're in school to become a legal scholar. So, like what is school about? For you know getting this JSD, what is it like to be in this program? And you know could you theoretically be a legal scholar without having done the JSD degree? Like why are you in this particular program? I guess is what I'm really getting at with that question.

Ayranci: I'm in this program because I love Berkeley, and I love Berkeley Law. Technically you can become a legal scholar without pursuing this degree. We do have a lot of qualified professors, really top-notch legal scholars in many fields all around the country without a JSD degree, so it is possible. Why am I doing this is to learn how the methodology would be like because I wasn't raised in the United States, so I don't really know how things are done here. I haven't gone to school here in my undergrad or law school, so for me, it's a good way to learn how things are done in this country, in the US law. It's more to learn how to do research from an American legal institution's perspective and how to pick and choose a methodology, one over the other. It is really to learn how things are done here, but it is possible. There are many good examples.

Saintsing: Well, you said that in a kind of leading way, and now I'm interested to know what you like, who are the many good examples? So, I guess I'll let you answer that.

Ayranci: Sure, many good examples. I'm thinking of specific names in my head. Some of them are actually on my dissertation committee. They generally have one thing in common: their undergrad education is in one of the social, or yeah generally in one of the social sciences. So, they come to law school in their early ages with the knowledge of how to conduct research and social sciences because they studied in political science in their undergrad, and then they go to law school. So, they build up on that undergrad education and social sciences, and now after graduating from law school, they also possess knowledge and methodology that they learn in law school. And then they go into practice or clerking for a judge, so they also gain practical knowledge synthesizing all of those plus many, many years of research and teaching. They become really stellar

academics in the legal scholarship and legal academia. I would say in Europe, in my own country, law school is some school that you go right after high school, so we don't really have undergrad education. So, by default I'm lacking all that training in social sciences that many of my professors gain by going to undergrad education here.

Saintsing: So, I guess that's a good segue because the point before that you were mentioning about methodologies, and yeah, you mentioned like "use one methodology versus another." So, what do you mean by that? Like what are some of the methodologies that generally might be employed or that you specifically are using in your own degree?

Ayranci: The methodology I guess varies depending on your question, your research question, and the data you want to focus on. It can be quantitative. It can be compiling datasets or analyzing existing datasets and building on that, making some surveys and analyzing that survey result. It could be comparative law, that's the methodology I personally use the most because of my background. It can be qualitative. It can be a mixed approach. It varies, but to know which one would be the best fit or a mix of multiple methods would be the best fit, first you need to know what are the existing methodologies, of course. You can teach to yourself. Like there is a vast majority of scholarship on this methodology available for you, for anyone really pursuing any research. But to do it under a structured degree program like JSD really shortens the time to spend on it, and it's more like a crash course to gain all that knowledge in just one, two, three years really.

Saintsing: So, you're doing comparative law studies, and you're looking at transnational copyright laws?

Ayranci: Right, in a nutshell. In a nutshell, yeah. My idea is comparative law is one methodology that I should use to see the big picture. But of course I need to take a microscope in the daily life and use mixed approach of both quantitative and qualitative research to a degree to see what data is available and to interpret it and then compare it to other legal systems to see the big picture at the transnational level.

Saintsing: When you sit down or stand up or whatever it is that you need to do to start getting ready for your research, and you actually do research, I'm interested to know like what does that look like for you?

Ayranci: Day one: I get curious. I guess that's my starting point. I see on the news that some person is talking about copyright law, and then I get curious, and then I start reading some material, and then I have this idea that copyright law is outdated in the era of digital streaming. We have music streamers. We have video streamers. We have all those digital new technologies as opposed to copyright law of 40, 45 years old. So, I get curious whether the copyright law that we implemented half a century ago is still applicable or is it outdated. Does it still answer the needs? That's the first process, and then you have your question, right? That's your, "What? Is copyright law outdated?" And then I get curious about, is it only outdated here? Or is it outdated everywhere else? And then that

adds the comparative components. And then I ask myself, "Okay, why do I get curious about this? What's the problem here? And what's the problem that I hope to solve here?" And then I look at the industry, I look at the practice because that was a great question from you about "who is your audience?" There you have your purpose. Why do you want to do this? What's the problem there? And then you start with your you know building your research question and audience, and then there comes the point, and how are you going to do that? So, that enters your methodology question. That's really my process. I start with like, "What?" And I get curious, and then I start questioning why am I curious about this and what do I hope out of this research? And I take it from there.

Saintsing: And then I assume the completing the degree is actually writing out one or several pieces of work based on this process. How far along are you in that? Do you... have you started to like get the results of your work and like write things and actually seen something from the work you've been doing?

Ayranci: Absolutely. In an ideal world I would probably, I would have said, "Yeah, everything is going as planned." Obviously it doesn't. Where I started, I had a hypothesis in mind, and I spent two years collecting data. And after analyzing that data this past summer, I realized my data does not confirm or does not refute my hypothesis.

Saintsing: Do you mind saying what your hypothesis was?

Ayranci: It was the more digital streaming platforms are introduced in the market, the more beneficial it will be, the whole ecosystem will be for the content creators. And I was looking at the contracts of hundreds, actually between platforms and talents hoping to find some pattern, whether in the numbers, in terms of financial compensation, or whether the benefits the talent is gaining out of these contracts. And my research. my compilation of data, actually dated back pre-digital streaming era in 1990s to today, hoping to find some sort of pattern for it, for the better or for the worse. But it seems like there is no pattern. There is no generalization there, so I feel like, well, it is some conclusion that I can definitely interpret, and I will. But it's definitely, it caught me off guard because that's not what I had in mind after analyzing all of the data. I was hoping either, yeah, I was right or, no, I was definitely wrong. But now sometimes I'm right, sometimes I'm wrong. It depends if the industry is music, it depends if the industry is sports broadcasting, on air talent versus you know radio programming. It varies a lot. So, maybe it's time to narrow it down to get a pattern.

Saintsing: Well, cool. This is, yeah, it's been really interesting. So, we've talked a lot about the work that you're doing now in school, but you actually are also working part-time outside of school as a professional lawyer, right?

Ayranci: Right.

Saintsing: How are you managing that? How do you accomplish all of that?

Ayranci: It takes time, and it certainly takes more than 24 hours per day. So, I'm a lawyer in Turkey, not yet a lawyer admitted to California Bar. It's in the process, so I'm working part time as part of my curricular practicum training, which is basically allowing me to work off campus currently in one of the broadcasting companies remotely to gain experience in the world of entertainment law in the United States. So, that really is a part-time job, but also it helps my dissertation because it's an area where I can compile data and talk to the executives and the talent to really understand if I'm going on track or if my research and research question are so out of touch and it's not really practical. Because essentially what I would like to achieve with this degree and my legal scholarship is to find solution of the problems of practice, practical world, and what is a better way to do it than just being in practice and talking to the people who really experience the issues if at all on a daily basis?

Saintsing: So, you're working now for an American broadcasting company. Is this like your first job out of law school in Turkey? Or do you have a previous career leading up to this?

Ayranci: I did have a previous life. I graduated from law school in 2011 from Turkey, and I went to a big law firm, practiced as a litigator and transactional lawyer for three years, and then I came to get my master's degree from Berkeley. After my LLM, I went back to Turkey and practiced as a lawyer to a company, a media broadcasting company and production company for two more years. And then I moved to Amsterdam, to Netherlands, worked as a lawyer there two more years. And then I came here to pursue the JSD degree. After finishing the first year, I got this offer from this broadcasting company that I'm currently working with, and it feels like I never had a previous life cut short and then go back to school. It feels like I still have that practicing life, and in and out of school, it's still continuous. So, it's really hard to say when my school ended and my career started versus when I paused kind of my career and went back to school, feels like they're both moving forward since 2011.

Saintsing: How does it compare like working as a lawyer in so many different places?

Ayranci: It's crazy because I'm a Turkish lawyer, but I did practice physically present in three continents and online or cross border in six continents. The only missing one is Antarctica. So, it really is crazy to try to learn laws of the different countries, but also the working cultures. Because at the end of the day, my job, wherever I go, my job is to advise business people to do their job in compliance with law. So, it really is face to face communicating with different people from different cultures. I believe it is the most challenging part because you cannot really stereotypicalize people (I don't know if that's the word), but it's really interesting to get to know how people work and think in different countries and how to really adapt to their individual cultures. It really is interesting.

Saintsing: Yeah, for sure. So, you not only have to learn like the laws that are on the books because those are all changing presumably as you move from country to country, but you're also like learning how, what those laws mean to people. Did you, do you have like

a specific memory of like going from Turkey to Amsterdam and looking at the law that was on the book and like thinking, "Okay, this is what this means," but then talking to someone in Amsterdam and thinking, "Oh, that's not what that means"?

Ayranci: Sure, I remember many incidents like that. One being about boxing and broadcasting boxing games on TV in prime time or at, during the daytime. They asked me, "Okay, can you do that in Turkey?" Because it has a lot of content called violence, blood on screen, and the children will be awake at that time. Well, it depends. The answer really depends. If you're in Turkey broadcasting that, and if you're in the Netherlands broadcasting that, as opposed to in the US. So, in my view, it doesn't really matter what I think or what the culture thinks. It really matters what the law of that country thinks, right? Because boxing is a sport. It's not violence, and it's not blood on screen. But if the if the country's TV board or media law says, "Well, no. Although it's a sport, it does include violence, and it counts as violence." Well, that's a good thing to know to avoid many implications and fines and you know legal consequences.

Saintsing: How steep a learning curve generally do you feel like it's been each time you've moved from country to country?

Ayranci: I feel like it's like being a freshman every time you move. Good thing about that is wherever I move, the company has their own local counsel and outside counsel, the law firm. So, it's never jump in the ocean and now learn how to swim. It always includes some support system. But of course, it feels like a lot of studying and a lot of learning, and each time I would say learning curve is really steep because one country does not resemble the other. One thing good about dealing with media or creatives really, copyright laws and intellectual property laws are generally aligned across the board thanks to international treaties, and many countries are part of same international treaties. So, it is a little bit easier I imagine than any other area of law because media is media everywhere, and many of the productions are luckily broadcast across the world more so nowadays than I imagine it used to be 100 years ago. So, it's getting better to practice law I guess internationally or in different countries.

Saintsing: How did you end up deciding that media and sports and content creation would be your focus, the focus of your career?

Ayranci: My life took me there I would say. I'm the only lawyer in my entire family on both sides. And I was playing volleyball as a student athlete in high school, and then it was crystal clear that I wouldn't make it as a professional athlete, so I decided if I cannot play and compete on the field, perhaps I can be behind a desk helping out sports people, athletes live their lives and help them really make their money with the legal protections. So, I thought it might be a good idea to become a sports lawyer when I was in law school, I started interning with Turkish Volleyball Federation, and there I actually saw most of the money that comes into sports is through sponsorships and media. I developed natural interest in those areas of business, and I started looking more and more into sponsorship laws and media laws, and after graduation the law firm I worked for, it was

the top IP media law firm in turkey with many Fortune 500 clients. And I started learning more legal side of media and entertainment, and it really captured me. Ever since I have been in entertainment, media.

Saintsing: You're going to be in entertainment media for the rest of your career? Like it's really what you find interesting about law?

Ayranci: I would imagine so, but of course coming to Berkeley also introduced me in a closer sense to technology, and I have had the chance to observe the technological developments and technology companies in the in the Bay Area really shaping how we pursue and consume and in fact create entertainment these days. So, I imagine it's going to be media, entertainment, plus technology going forward because there is no going back anymore. It's always technology embedded in our lives. So, I imagine another component would be technology and law.

Saintsing: Well, unfortunately, this has been a lot of fun, but it looks like we are running out of time on the interview. Is there anything you'd like to leave us with before we go?

Ayranci: I guess: don't be afraid of lawyers. We're here to serve you. We're here to make laws better and apply laws for the good of the society, for the good of the business. I guess the balancing thing that Berkeley does very well in this program and in general with the activism is really to use law as a tool to make society better in terms of both business but also in terms of social justice. So, law is not really Big Law, making money and protecting corporations only. It is also to protect individuals, creators, talents, and to advocate and facilitate social justice. So, don't be afraid of lawyers. Just go out and befriend a lawyer today.

Saintsing: Today I've been speaking with Betul Ayranci from Berkeley Law School. She's been telling us about her work as a legal scholar learning more about how to write laws that can reflect the times that we're living in when technology is affecting the way content is created and distributed. Thanks again for being on the show, Betul.

Ayranci: Thank you.

Saintsing: Tune in in two weeks for the next episode of The Graduates.