


Aaron H. Caplan

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Employment

- Loyola Law School, Los Angeles, CA** **2008–present**
Professor of Law (2013–present)
Associate Professor of Law (2008–2013)
Faculty Web Page: <http://www.lls.edu/academics/faculty/caplan.html>
Courses Taught:
♦ Civil Procedure ♦ Constitutional Law ♦ Constitutional Law II ♦ First Amendment
♦ Professional Responsibility
Committee Service:
♦ Entry-level Appointments ♦ Tenure Review ♦ Dean’s Advisory Committee ♦ Curriculum
♦ Public Interest Law ♦ Career Services ♦ Research & Sabbaticals (Chair)
- Seattle University School of Law, Seattle, WA** **2007, 2014–2015**
Scholar in Residence (2014–2015)
Adjunct Professor of Law (2007)
- American Civil Liberties Union of Washington, Seattle, WA** **1998–2008**
Staff Attorney
- Perkins Coie, LLP, Seattle, WA** **1992 –1998**
Attorney
- US Court of Appeals for the Ninth Circuit, Seattle, WA** **1991 –1992**
Law Clerk to Judge Betty Binns Fletcher

Education

- University of Michigan Law School, J.D. (*magna cum laude*)** **1988–1991**
Michigan Law Review, contributing editor
- University of Pennsylvania, B.A. (*summa cum laude* with distinction in the major)** **1981–1986**
Honors Thesis: “Nathan Dunn’s Chinese Museum” 

Publications

SSRN Author Page: <http://www.ssrn.com/author=1069492>

Books




- *An Integrated Approach to Constitutional Law* (Foundation Press 2015) 

Law Review Articles



- *How First Amendment Procedures Protect First Amendment Substance*, 65 Cath. U. L. Rev. 185 (2015) (symposium transcript)

- *The First Amendment's Forgotten Clauses*, 63 J. Legal Educ. 532 (2014)
- *Free Speech and Civil Harassment Orders*, 64 Hastings L. J. 781 (2013)
cited in:
 - Board of Regents v. Decker, 850 N.W.2d 112 (Wis. 2014) (Abrahamson, J., concurring)
 - State v. Latham, 2014 WL 6608785 (Minn. App. 2014)
- *Nonattainder as a Liberty Interest*, 2010 Wisc. L. Rev. 1203 (2010)
- *Invasion of the Public Forum Doctrine*, 46 Willamette L. Rev. 647 (2010)
- *Freedom of Speech in School and Prison*, 85 Wash. L. Rev. 71 (2010)
- *Stretching the Equal Access Act Beyond Equal Access*, 27 Seattle U. L. Rev. 273 (2004)
cited in:
 - Jenkins v. Kurtinitis, 2015 WL 1285355 (D. Md. 2015)
- *Public School Discipline for Creating Uncensored Anonymous Internet Forums*, 39 Willamette L. Rev. 93 (2003)
- *Malthus and the Court of Appeals*, 73 Wash. L. Rev. 957 (1998)




Instructional Materials

- *How to Prepare for Class* (2014) 
- *How to Take A Law School Essay Exam* (2014) 
- *A Glossary for the Federal Rules of Civil Procedure* (2012) 

Other Publications

- Miscellaneous blog posts on Prawfsblawg, ACSblog, and Summary Judgments (2010–present).
- *Does WikiLeaks Have Anything to Do With The Internet?*, Los Angeles Daily Journal (April 20 & 21, 2011)
- *Visions of Public Education in Morse v. Frederick*, Journal of Educational Controversy, Vol. 3, No. 1 (2008) 
- *The Human Rights of Students in Public Schools*, Human Rights Vol. 32, No. 4 (Fall 2005)
- *The History of Women's Jury Service in Washington*, Washington State Bar News (March 2005) 
cited in:
 - State v. Saintcalle, 309 P.3d 326 (Wash. 2013) (González, J., concurring)
- David Schultz and John R. Vile, eds., *Encyclopedia of Civil Liberties in America* (2005)
Entries on "Student Rights," "Juvenile Curfews," and "Good News Club"
- *What Rights Do Youths Have in Cyberspace?*, Insights on Law & Society Vol. 3, No. 1 (Fall 2002)

Profiles

- Aaron Caplan, *Ten Years At The ACLU*, Washington State Bar News (July 2008) 
- O. Casey Corr, *True Believer*, Washington Law & Politics (Summer 2007) 
- Bobby O. Wheeler, *Aaron Caplan*, King County Bar Bulletin (January 1999) 

Presentations

Academic Presentations

- "Freedom of Speech in School and College"
Symposium: Free Speech in Higher Education
University of North Carolina (October 2015)
- "Storytelling in Constitutional Law Casebooks"
Fifth Biennial Conference on Applied Legal Storytelling (July 2015)

- “Charlie Hebdo and the First Amendment”
Evergreen State College (February 2015) 
- “How First Amendment Procedures Protect First Amendment Substance”
Federalist Society National Lawyer’s Meeting (November 2014) 
- “Free Speech and Civil Harassment Orders” (Faculty Workshop)
Santa Clara Law School (September 2012)
- “Cyber-Bullying and Cyber-Harassment”
Southeastern Association of Law Schools (August 2012)
- “The Meaning of Stigma In Constitutional Law” (Faculty Workshops)
University of California at Irvine Law School (August 2011)
Loyola Law School, Los Angeles (July 2011)
- William O. Douglas Lecture: “WikiLeaks and the First Amendment”
Gonzaga University School of Law (March 2011)
- “The Judicial Path: *Witt v. Air Force*” 
Symposium: The Future of “Don’t Ask, Don’t Tell”
Georgetown University Law Center (November 2010)
- “Defamation As Harassment” (Faculty Workshops)
Southeastern Association of Law Schools (August 2010)
Whittier Law School (May 2010)
- “Litigating Don’t Ask, Don’t Tell”
American Constitution Society, University of Chicago Law School (March 2010)
- “The Future of the Public Forum Doctrine”
Symposium: The Future of the First Amendment
Willamette University School of Law & American Constitution Society (October 2009)
- “Watch Lists, Stigma-Plus, and Attainder” (Faculty Workshops)
Loyola Law School, Los Angeles (April 2009)
Seattle University School of Law (September 2009)
University of Washington School of Law (October 2009)
- “Freedom of Speech in School And Prison”
Symposium: A Tribute to the Honorable Betty Binns Fletcher
University of Washington School of Law (March 2009)
- “Visions of Public Education in US Supreme Court Decisions”
Symposium: Schooling As If Democracy Matters
Woodring College of Education, Western Washington University (April 2008)
- “Strategy and Tactics in Marriage Equality Litigation”
Symposium: Legal Perspectives on Marriage Equality
Tulane University Law School (January 2007)
- “Student Speech Rights On The Internet”
Symposium: Education and the Law
Willamette University School of Law (March 2002)

CLE and Other Presentations

- “Constitution Day 2016: Presidential Elections,” Loyola Law School (September 2016)
- Freedom of Speech and ‘Hate Speech’ on College Campuses,”
Loyola Marymount University (September 2016)
- “Constitution Day 2015: Constitutional Storytelling,” Loyola Law School (September 2015)
- “Protecting Civil Rights,” US Dep’t of State International Visitor Leadership Program (April 2015)

- “Annual Supreme Court Watch,” Seattle University School of Law (October 2014)
- “Constitution Day 2014: Free Speech in Ferguson,” Seattle University Law School (September 2014)
- “Constitution Day 2013: The Supreme Court’s Big Week,” Loyola Law School (September 2013)
- “Church/State Relations” and “Freedom of Information,” Journalist Law School (June 2013)
- “Defamation 101,” Los Angeles Press Club (September 2012)
- “Church/State Relations” and “Freedom of Information,” Journalist Law School (June 2012)
- “Church/State Relations,” Journalist Law School (June 2011)
- “*Snyder v. Phelps*: Tolerating Intolerance,” Loyola Law School (March 2011)
- “Social Media and the Courts,” Central District of California Judicial Conference (April 2010)
- “Constitutional Protection for Informational Privacy,” Conference of Ninth Circuit Lawyer Representatives for the Western District of Washington (May 2009)
- “Gays in the Military in the Obama Administration,” Loyola Law School (January 2009)
- “*Brown Undone?* The Future of Integration in Seattle After *PICS v. Seattle School District*,” Seattle University School of Law (February 2008)
- “The Coming Legal Battles Over The Internet,” Federal Bar Assn. for W.D. Wash. (December 2007)
- “Civil Rights in the Islamic Community,” Seattle University School of Law (March 2007)
- “First Amendment for Artists,” Washington Lawyers for the Arts (February 2007)
- “Terrorism Watch Lists,” WSBA Section on World Peace Through Law (December 2006)
- “Lt. Ehren Watada: A Matter of Conscience,” UW Department of Ethnic Studies (December 2006)
- “The Ethics of Intelligent Design,” Emerald Education Group (December 2004)
- “*PICS*: The Legality of Race-Conscious Student Assignment Plans,” King County Bar Association (March 2004)
- “Neighborhood Legal Clinic Procedures and Ethics,” King County Bar Association (2004-2008)
- “Privacy and Security,” Washington State Bar Association (November 2001)
- “Balancing Privacy and Security in the New Millennium,” Government Lawyers’ Bar Association (November 2001)
- “Professionalism with Opposing Counsel,” King County Bar Association (November 1998)

Community Service

Bar Committees

- Member, Court Rules Committee (Washington State Bar Association) (2006–2008)
- Member and Chair, Neighborhood Legal Clinic Committee (King County Bar Association) (2004–2008)
- Member and Chair, Professionalism Committee (King County Bar Association) (1995–1997)

Pro Bono Legal Clinics

- Volunteer, Neighborhood Legal Clinics (King County Bar Association) (1996–2008)
- Volunteer, Artists Legal Clinic (Washington Lawyers for the Arts) (1994–2008, 2014)

Honors

- “Super Lawyer,” Washington Law & Politics Magazine (2004, 2006, 2007)
- “Top Lawyer,” Seattle Magazine (2007)
- Joseph M. Gaffney Award for contributions to KCBA Neighborhood Legal Clinics (2006)
- Volunteer of the Year, Northwest Immigrant Rights Project (1995)

Counsel in Published Opinions

Admitted to practice in Washington state courts, US District Courts for Eastern and Western Districts of Washington, US Court of Appeals for the Ninth Circuit, and US Supreme Court

US Supreme Court

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| • <i>Sorrell v. IMS Health, Inc.</i> , 131 S.Ct. 2653 (2011) (consultant for party) | Speech & Privacy |
| • <i>Morse v. Frederick</i> , 551 U.S. 393 (2007) (consultant for party) | Speech |
| • <i>Parents Involved in Community Schools v. Seattle School District</i> , 551 U.S. 701 (2007) (counsel for amicus) | Equality |
| • <i>Davis v. Washington</i> , 547 U.S. 813 (2006) (counsel for amicus) | Confrontation |
| • <i>Locke v. Davey</i> , 540 U.S. 712 (2004) (lead counsel for amicus) | Religion |
| • <i>Blakely v. Washington</i> , 542 U.S. 961 (2004) (counsel for amicus) | Sentencing |
| • <i>Gonzaga University v. Doe</i> , 536 U.S. 273 (2002) (lead counsel for amicus) | Privacy |
| • <i>Zadvydas v. Davis</i> , 533 U.S. 678 (2001) (counsel for amicus) | Immigration |
| • <i>Ohio Adult Parole Authority v. Woodard</i> , 523 U.S. 272 (1998) (consultant for party) | Due Process |
| • <i>Washington v. Glucksberg</i> , 521 U.S. 702 (1997) (counsel for party) | Aid In Dying |

US Court of Appeals

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|---|-------------------|
| • <i>Ali v. Stephens</i> , 822 F.3d 776 (5 th Cir. 2016) (lead counsel for amicus) | Religion |
| • <i>Witt v. Department of Air Force</i> , 527 F.3d 806 (9 th Cir. 2008) (counsel for party) | LGBT Rights |
| • <i>Seattle Affiliate of the October 22nd Coalition v. City of Seattle</i> , 550 F.3d 788 (9 th Cir. 2008) (counsel for party) | Speech |
| • <i>Truth v. Kent School District</i> , 542 F.3d 634 (9 th Cir. 2008) (counsel for amicus) | Speech & Religion |
| • <i>Menotti v. City of Seattle</i> , 409 F.3d 1113 (9 th Cir. 2005) (counsel for party) | Speech |
| • <i>Cogswell v. City of Seattle</i> , 347 F.3d 809 (9 th Cir. 2003) (counsel for party) | Speech |
| • <i>Farrakhan v. Washington</i> , 338 F.3d 1009 (9 th Cir. 2003) (counsel for amicus) | Voting Rights |

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| <ul style="list-style-type: none"> • <i>Hallett v. Morgan</i>, 296 F.3d 732 (9th Cir. 2002) (counsel for party) | Prison Conditions |
| <ul style="list-style-type: none"> • <i>Prince v. Jacoby</i>, 303 F.3d 1074 (9th Cir. 2002) (lead counsel for amicus) | Speech & Religion |
| <ul style="list-style-type: none"> • <i>LaVine v. Blaine School District</i>, 257 F.3d 981 (9th Cir. 2001) (counsel for amicus) | Speech |
| <ul style="list-style-type: none"> • <i>Woratzek v. Arizona Board of Executive Clemency</i>, 117 F.3d 400 (9th Cir. 1997) (counsel for party) | Due Process |
| <ul style="list-style-type: none"> • <i>Woratzek v. Stewart</i>, 97 F.3d 329 (9th Cir. 1996) and 118 F.3d 648 (9th Cir. 1997) (counsel for party) | Capital Habeas |
| <ul style="list-style-type: none"> • <i>Deutscher v. Angelone</i>, 16 F.3d 981 (9th Cir. 1994) (counsel for party) | Capital Habeas |
| US District Courts | |
| <ul style="list-style-type: none"> • <i>Roshandel v. Chertoff</i>, 554 F.Supp.2d 1194 (W.D. Wash. 2008) (counsel for party) | Immigration |
| <ul style="list-style-type: none"> • <i>Rahman v. Chertoff</i>, 244 F.R.D. 443 (N.D.Ill. 2007) (counsel for party) | Terrorism Watch List |
| <ul style="list-style-type: none"> • <i>Witt v. U.S. Dept. of Air Force</i>, 444 F.Supp.2d 1138 (W.D. Wash. 2006) (counsel for party) | LGBT Rights |
| <ul style="list-style-type: none"> • <i>Seattle Affiliate of the October 22nd Coalition v. City of Seattle</i>, 430 F.Supp.2d 1185 (W.D. Wash. 2006) (counsel for party) | Speech |
| <ul style="list-style-type: none"> • <i>Green v. Transportation Security Administration</i>, 351 F.Supp.2d 1119 (W.D. Wash. 2005) (counsel for party) | Terrorism Watch List |
| <ul style="list-style-type: none"> • <i>Doe v. 2TheMart.com Inc.</i>, 140 F.Supp.2d 1088 (W.D. Wash. 2001) (lead counsel for party) | Speech |
| <ul style="list-style-type: none"> • <i>Emmett v. Kent School District</i>, 92 F.Supp.2d 1088 (W.D. Wash. 2000) (lead counsel for party) | Speech |
| <ul style="list-style-type: none"> • <i>Huynh v. Reno</i>, 56 F.Supp.2d 1160 (W.D. Wash. 1999) (counsel for amicus) | Immigration |
| <ul style="list-style-type: none"> • <i>Seattle SMSA Ltd. Partnership v. San Juan County</i>, 88 F.Supp.2d 1128 (W.D. Wash. 1997) (counsel for amicus) | Telecommunications |
| State Supreme Courts | |
| <ul style="list-style-type: none"> • <i>Chan v. Ellis</i>, 770 S.E.2d 851 (Ga. 2015) (amicus) | Speech |
| <ul style="list-style-type: none"> • <i>Bradburn v. North Central Regional Library</i>, 231 P.3d 166 (Wash. 2010) (counsel for party) | Speech |
| <ul style="list-style-type: none"> • <i>City of Woodinville v. Northshore United Church of Christ</i>, 211 P.3d 406 (Wash. 2009) (lead counsel for amicus) | State Constitutions |
| <ul style="list-style-type: none"> • <i>York v. Wahkiakum School District</i>, 178 P.3d 995 (Wash. 2008) (counsel for party) | Drug Testing |

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| <ul style="list-style-type: none"> • <i>Rickert v. Public Disclosure Commission</i>, 168 P.3d 826 (Wash. 2007) (counsel for party) | Speech |
| <ul style="list-style-type: none"> • <i>Madison v. State of Washington</i>, 163 P.3d 757 (Wash. 2007) (counsel for party) | Voting Rights |
| <ul style="list-style-type: none"> • <i>San Juan County v. No New Gas Tax</i>, 157 P.3d 831 (Wash. 2007) (counsel for amicus) | Speech |
| <ul style="list-style-type: none"> • <i>Andersen v. King County / Castle v. State</i>, 138 P.3d 963 (Wash. 2006) (counsel for party) | LGBT Rights |
| <ul style="list-style-type: none"> • <i>Koenig v. City of Des Moines</i>, 142 P.3d 162 (Wash. 2006) (counsel for amicus) | Public Records |
| <ul style="list-style-type: none"> • <i>Lewis v. Department of Licensing</i>, 139 P.3d 1078 (Wash. 2006) (counsel for amicus) | Privacy |
| <ul style="list-style-type: none"> • <i>Trummel v. Mitchell</i>, 131 P.3d 305 (Wash. 2006) (lead counsel for amicus) | Speech |
| <ul style="list-style-type: none"> • <i>In re Parentage of L.B.</i>, 122 P.3d 161 (Wash. 2005) (counsel for amicus) | LGBT Rights |
| <ul style="list-style-type: none"> • <i>Niemann v. Vaughn Community Church</i>, 113 P.3d 463 (Wash. 2005) (counsel for amicus) | Religion |
| <ul style="list-style-type: none"> • <i>In re Marriage of Suggs</i>, 93 P.3d 161 (Wash. 2004) (lead counsel for party) | Speech |
| <ul style="list-style-type: none"> • <i>Hangartner v. City of Seattle</i>, 90 P.3d 26 (Wash. 2004) (counsel for party) | Public Records |
| <ul style="list-style-type: none"> • <i>City of Sumner v. Walsh</i>, 61 P.3d 1111 (Wash. 2003) (counsel for party) | Juvenile Curfew |
| <ul style="list-style-type: none"> • <i>Washington Education Assn. v. Public Disclosure Commission</i>, 80 P.3d 608 (Wash. 2003) (lead counsel for amicus) | Speech |
| <ul style="list-style-type: none"> • <i>In re Disciplinary Proceeding Against Michels</i>, 75 P.3d 950 (Wash. 2003) (lead counsel for amicus) | Due Process |
| <ul style="list-style-type: none"> • <i>Parents Involved in Community Schools v. Seattle School District</i>, 72 P.3d 151 (Wash. 2003) (counsel for amicus) | Equality |
| <ul style="list-style-type: none"> • <i>State ex rel. Gallwey v. Grimm</i>, 48 P.3d 274 (Wash. 2002) (counsel for party) | Religion |
| <ul style="list-style-type: none"> • <i>State v. Breazeale</i>, 31 P.3d 1155 (Wash. 2001) (counsel for amicus) | Privacy |
| <ul style="list-style-type: none"> • <i>Heinsma v. City of Vancouver</i>, 29 P.3d 709 (Wash. 2001) (lead counsel for amicus) | LGBT Rights |
| <ul style="list-style-type: none"> • <i>State v. Williams</i>, 26 P.3d 890 (Wash. 2001) (counsel for amicus) | Speech |
| <ul style="list-style-type: none"> • <i>O'Connor v. Dept. of Social and Health Services</i>, 25 P.3d 426 (Wash. 2001) (counsel for amicus) | Public Records |

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- *Concerned Ratepayers Ass'n v. PUD No. 1 of Clark County*,
983 P.2d 635 (Wash. 1999) (lead counsel for amicus) Public Records
 - *Rabon v. City of Seattle*,
957 P.2d 621 (Wash. 1998) (lead counsel for amicus) Due Process
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State Courts of Appeal

- *Quinn v. Gjoni*,
50 N.E.3d 448 (Mass. App. 2016) (amicus) Speech
- *David v. Textor*,
189 So.3d 871 (Fla. App. 2016) (amicus) Speech
- *Parmelee v. O'Neel*,
186 P.3d 1094 (Wash. App. 2008) (counsel for amicus) Speech
- *Kustura v. Department of Labor and Industries*,
175 P.3d 1117 (Wash. App. 2008) (counsel for amicus) Due Process
- *In re Marriage of Hughes*,
116 P.3d 1042 (Wash. App. 2005) (counsel for amicus) Equality
- *Rickert v. Public Disclosure Commission*,
119 P.3d 379 (Wash. App. 2005) (counsel for party) Speech
- *ACLU of Washington v. City of Seattle*,
89 P.3d 295 (Wash. App. 2004) (lead counsel for party) Public Records
- *York v. Wahkiakum School District*,
40 P.3d 1198 (Wash. App. 2002) (counsel for party) Drug Testing
- *State v. Noah*,
9 P.3d 858 (Wash. App. 2000) (counsel for party) Speech