

Profile

Aaron Caplan

By Bobby O. Wheeler

How is it, exactly, that one makes the transition from a prestigious large firm to the American Civil Liberties Union of Washington ("ACLU-WA")? Much the same way that this same individual segued from a five-month backpacking trip in Southeast Asia to a visit to Graceland. It takes a person with the diverse educational, professional, and personal interests of Aaron Caplan.

Caplan is the first full-time staff attorney hired by the Washington State affiliate of the ACLU in over twenty years. During that period, the ACLU pursued its litigation program through pro-bono attorneys who are referred to as "cooperating attorneys." By bringing back a full-time staff attorney position, the organization hopes to be able to take on more and more complex cases. It will also help it best utilize its many cooperating attorneys.

Public interest bent

Caplan was born in Iowa City, Iowa in 1963, to a physician father and librarian mother. He attended college at the University of Pennsylvania where he graduated *summa cum laude* in 1986. He received a Bachelor of Arts in Non-Western history with an emphasis on the history of colonialism and imperialism. He also wrote a senior honors thesis about the Chinese Museum that existed in Philadelphia in the 1840's and its effects on American attitudes about China. Law school followed at the University of Michigan Law School where Caplan received his degree *magna cum laude*. A review of his electives shows his interest in the issues often handled by the ACLU: Constitutional law, First Amendment, and Sex Equality, Race and Gender Discrimination. Caplan acknowledges that his course in Icelandic Blood Feuds may be of less immediate use, but notes that "every lawyer needs to be aware of the options for alternative dispute resolution."



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Caplan embarked on the above-mentioned trip to Southeast Asia, Southern China, and Hong Kong, topped off by Graceland, home of Elvis. He then relocated to Seattle where he assumed the position of law clerk to Judge Betty Fletcher of the Ninth Circuit Court of Appeals. There too, he was involved with appellate issues reflecting his public interest leanings: federal habeas corpus, freedom of religion, double jeopardy, and the Freedom of Information Act.

Following his internship, Caplan accepted a position with Perkins Coie, where he practiced in the area of general litigation with an emphasis on intellectual property including trademark, copyright, trade secret, and patent litigation. While there, he also participated in a variety of pro bono cases involving capital punishment, immigration/asylum, death with dignity, defamation, child custody, and Native Alaskan housing.

Civil rights interest

Caplan's resume reflects a distinct historical interest and participation in social issues and civil rights. Not surprisingly, he has been a long-time ACLU supporter and member. In fact, commitment to these issues and the protection of Constitutional freedoms seems to have an almost hereditary component. Caplan's grandfather, a Lithuanian, arrived at Ellis Island in New York a few years before the onset of World War I. Having left his native country to seek refuge from poor economic conditions and poor treatment of the Jews in Eastern Europe, the Statue of Liberty held special significance to him. In the late 1970's, Caplan and his grandfather visited the Statue of Liberty together. This visit made a lasting impression upon Caplan who views the Statue as a powerful symbolic representation of the fundamental and most important ideas upon which this country was founded.

It should be no surprise, then, that Caplan finds himself affiliated with an organization whose operational goal is the protection of those foundational ideas and freedoms. One highlight of his new position is the presence of the Statue of Liberty on his business card.

Transition to new position

Caplan learned of the ACLU-WA's search for a staff attorney one week before leaving on a trip to Prague, Budapest, and Transylvania. His first communication of interest in the posi-

tion consisted of a plea to "not give the job away" until he returned and could prepare the application materials for consideration. Despite applications from many other applicants, the job was not "given away" until Caplan returned from his trip. In a somewhat wry fashion, Caplan notes that the formal offer was extended on April Fools' Day. He assumed his post on June 1st of 1998.

In explaining the choice of Caplan as the staff attorney, Kathleen Taylor, Executive Director of ACLU-WA, first notes that he is "very smart" and "writes well." She says they also liked his connection with Perkins Coie, both because he would have developed good litigation skills and because members of the firm have historically worked as cooperating attorneys for the organization. His long history of involvement in pro bono cases and civil liberty matters was also a plus, as was the fact that he was "local talent."

Role at ACLU

The ACLU is somewhat of a hybrid organization consisting of both a national office in New York City, and state or regional "affiliates" around the country. While the latter must subscribe to and promote the "core notions" of the national organization, each has its own Board of Directors and staff. The ACLU's mission is to protect the principles of individual freedom enshrined in the Bill of Rights. Its cases involve constitutional issues involving free speech, freedom of religion, due process for criminal accuseds, and discrimination on the basis of race, sex and sexual orientation.

Caplan's duties will include acting as litigating attorney with respect to the cases undertaken by the organization. He may be "the litigator" in some cases, and part of a litigation team composed of different cooperating attorneys in others.

Caplan is quick to give praise to the cooperating attorneys who have been historically supportive and he firmly believes that the Washington affiliate is "blessed" with the participation of many talented attorneys. It is very important to Caplan that the pool of cooperating attorneys not be diminished under a false assumption that they are no longer needed. Both he and Kathleen Taylor are quick to praise the cooperating attorneys and to stress their ongoing importance.

In addition to enabling the ACLU-WA to take on more cases and more complex cases, Taylor also expects that Caplan's presence will allow the organization to undertake cases which may have political repercussions and which therefore might be difficult for private firms or federally funded organizations to undertake.

In addition to handling cases, Caplan will work on amicus briefs and help evaluate potential cases and issues. According to Taylor, the presence of Caplan as a full-time staff attorney will afford the luxury of engaging in research and development of case issues of specific interest so that the appropriate case can be identified when it appears. Caplan describes the internal debate on which cases and issues to undertake as "robust." The ultimate decision lies with the Board and Legal Committee, who may consider the positions of the staff.

Diverse interests

If anything, Caplan is a man of diverse interests. Among his past experiences include being a disk jockey while in college; a music critic for the *Daily Pennsylvanian*; advising newspapers on copyright, privacy and defamation issues; and serving as a canvasser and database manager for the League of Conservation Voters. His professional participation includes serving as a Moot Court and Mock Trial Judge at the University of Washington Law School, a participating attorney for the King County Bar Association's Southwest Legal Clinic, and participating attorney for the Artists' Trust Legal Clinic. During the 1997-1998 term, Caplan served on the Professionalism Committee of the King County Bar Association. On the civic front, Caplan has served on the Fremont Neighborhood Council since 1997.

Caplan's interests and hobbies include music, theater, juggling (yes, juggling), and home brewing. His interest in music led not only to the music critic role but also presenting a program on "The Four Lives of 'Do You Love Me'" at an international conference on Rock, Rap,

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Mass Media and Society sponsored by the University of Missouri School of Journalism. His interest in home brewing was initiated by his fondness for Scottish beer which was acquired during his year of study in Scotland while in college.

Caplan additionally has a strong interest in travel. Among the many trips he has made are a trip to Guatemala and Mexico in 1992; an excursion in 1994 to Scotland, Wales and Ireland; and, a one month sojourn to Turkey in 1996. Immediately prior to the commencement of his new position, Caplan traveled in May to the Southwestern United States including visits to Arizona, and New Mexico. And then, there was that Southeast Asia/Southern China/ Hong Kong/Graceland trip.

Caplan sums up his new position as an avenue to turn his interest and commitment to pro bono causes into a full-time position, a rare opportunity. Still, there must be something that he misses from the big-firm lifestyle. Indeed there is: the view of the Space Needle from the 41st floor. Less tongue in cheek, he says he also misses the continual interaction with other attorneys he had at Perkins Coie and other firms, as well as the luxury of a large support staff and significant resources.

Notwithstanding these transition adjustments, it seems that a more compatible fit for Caplan personally or for the ACLU cannot be imagined. ■

Bobby O. Wheeler is in solo practice in Seattle with an emphasis on family law. He is a member of the Bar Bulletin Committee.

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