

**DAVID S. HAN**  
Pepperdine University Caruso School of Law  
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**ACADEMIC APPOINTMENTS**

**Pepperdine University Caruso School of Law**, Malibu, CA  
*Professor of Law* 2019 – Present  
*Associate Professor of Law* (tenure granted in 2017) 2013 – 2019  
Straus Research Professor, 2018-19  
Awards: Howard A. White Award for Teaching Excellence (University Award) – 2019  
Dean’s Award for Excellence in Scholarship – 2015, 2021

**New York University School of Law**, New York, NY 2010 – 2013  
*Acting Assistant Professor of Lawyering*  
Chair, Lawyering Scholarship Colloquium

**EDUCATION**

**Harvard Law School**  
J.D., *magna cum laude*, 2005.  
Activities: *Harvard Law Review*, Notes Chair  
*Harvard Journal of Law & Technology*  
Asian Pacific American Law Students Association (APALSA)

**Yale University**  
B.A. with distinction, *magna cum laude*, in English Language and Literature, 2000.  
Honors: Phi Beta Kappa

**JUDICIAL CLERKSHIPS**

**The Honorable David H. Souter**, Washington, DC 2006 – 2007  
Supreme Court of the United States

**The Honorable Michael Boudin**, Boston, MA 2005 – 2006  
United States Court of Appeals for the First Circuit

**LAW REVIEW PUBLICATIONS**

*Compelled Speech and Doctrinal Fluidity*, 97 INDIANA LAW JOURNAL 841 (2022) (symposium).  
*Constitutional Rights and Technological Change*, 54 U.C. DAVIS LAW REVIEW 71 (2020).

- Reviewed by Mark Kende, *Loose Constitutional Interpretation for a Changing Technological World*, JOTWELL (Apr. 15, 2022), <https://conlaw.jotwell.com/loose-constitutional-interpretation-for-a-changing-technological-world/>

*Managing Constitutional Boundaries in Speech-Tort Jurisprudence*, 69 DEPAUL LAW REVIEW 495 (2020) (symposium).

*Brandenburg and Terrorism in the Digital Age*, 85 BROOKLYN LAW REVIEW 85 (2019) (symposium).

*Categorizing Lies*, 89 UNIVERSITY OF COLORADO LAW REVIEW 613 (2018) (symposium).

*Conspiracy Theories and the Marketplace of Facts*, 16 FIRST AMENDMENT LAW REVIEW 178 (2018) (symposium).

*Middle-Value Speech*, 91 SOUTHERN CALIFORNIA LAW REVIEW 65 (2017).

- Selected as a winner of the 2017 Southeastern Association of Law Schools Call for Papers competition

*Terrorist Advocacy and Exceptional Circumstances*, 86 FORDHAM LAW REVIEW 487 (2017) (symposium).

*Transparency in First Amendment Doctrine*, 65 EMORY LAW JOURNAL 359 (2015) (symposium).

*The Value of First Amendment Theory*, 2015 UNIVERSITY OF ILLINOIS LAW REVIEW SLIP OPINIONS 87 (2015) (invited response).

*Rethinking Speech-Tort Remedies*, 2014 WISCONSIN LAW REVIEW 1135 (2014).

*The Mechanics of First Amendment Audience Analysis*, 55 WILLIAM & MARY LAW REVIEW 1647 (2014).

- Reprinted in THE FIRST AMENDMENT LAW HANDBOOK (Rodney A. Smolla, ed., West 2014-15).

*Autobiographical Lies and the First Amendment's Protection of Self-Defining Speech*, 87 N.Y.U. LAW REVIEW 70 (2012).

- Reprinted in THE FIRST AMENDMENT LAW HANDBOOK (Rodney A. Smolla, ed., West 2012-13).

Note, *Assessing the Viability of a Substantive Due Process Right to In Vitro Fertilization*, 118 HARVARD LAW REVIEW 2792 (2005).

Recent Case, *Lombardo v. Warner*, 117 HARVARD LAW REVIEW 2753 (2004).

#### **OTHER PUBLICATIONS AND BLOGS**

*Terrorist Advocacy and the First Amendment Tipping Point*, DAILY JOURNAL, Feb. 12, 2018.

*Prawfsblawg*, Guest Contributor, March 2014.

*A Shift in Constitutional Tort Jurisprudence*, SAN FRANCISCO ATTORNEY, Summer 2009, at 49 (with Aimee Feinberg and Michelle Friedland).

*Change of Heart—Justice Stevens Reassesses the Death Penalty*, SAN FRANCISCO ATTORNEY, Fall 2008, at 32 (with Jeff Bleich, Daniel Bress, Aimee Feinberg, and Michelle Friedland).

### **SELECTED CONFERENCES AND PRESENTATIONS**

Chapman Law Review Symposium on “A Future Proof Constitution: Exploring the Effects of Modernization on Constitutional Law,” Panelist, January 2022. (online)

International Webinar on “Free Speech, Democracy and Rights of Minorities”: *Disentangling “Cancel Culture”*, July 2021. (online)

Indiana Law Journal Symposium: *Compelled Speech and Doctrinal Fluidity*, March 2021. (online)

ACS Constitutional Law Scholars Forum, Barry University Dwayne O. Andreas School of Law, Orlando, FL: *Constitutional Rights and Technological Change*, February 2020.

Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL: *Constitutional Rights, Technology, and Doctrinal Obsolescence*, November 2019.

Clifford Symposium on Tort Law and Social Justice, DePaul University College of Law, Chicago, IL: *Managing Constitutional Boundaries in Speech-Tort Jurisprudence*, April 2019.

Brooklyn Law Review Symposium, Brooklyn Law School, Brooklyn, NY: *Brandenburg and Terrorism in the Digital Age*, April 2019.

Constitutional Law Colloquium, University of Illinois College of Law, Champaign, IL: *Constitutional Rights and Technological Change*, March 2019.

Faculty Colloquium, UC Hastings College of Law, San Francisco, CA: *Constitutional Rights and Technological Change*, February 2019.

Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL: *The Metaphysics of First Amendment Doctrine*, November 2018.

First Amendment Law Review Symposium, University of North Carolina School of Law, Chapel Hill, NC: *Conspiracy Theories and the Marketplace of Facts*, October 2017.

Southeastern Association of Law Schools Annual Conference, Boca Raton, FL: *Terrorist Advocacy and Exceptional Circumstances*, August 2017.

Call for Papers Luncheon, Southeastern Association of Law Schools Annual Conference, Boca Raton, FL: *Middle-Value Speech*, August 2017.

Ira C. Rothgerber Jr. Conference on Constitutional Law, University of Colorado Law School, Boulder, CO: *Categorizing Lies*, April 2017.

Fordham Law Review Symposium, Fordham University School of Law, New York, NY: *Terrorist Propaganda and Exceptional Circumstances*, April 2017.

Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL: *Speech and Conflicting Perceptions*, November 2016.

Southern California Junior Faculty Workshop, Chapman University School of Law, Orange, CA: *Middle-Value Speech*, October 2016.

Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL: *Middle-Value Speech*, November 2015.

Southeastern Association of Law Schools Annual Conference, Boca Raton, FL: *Middle-Value Speech*, July 2015.

Freedom of Expression Scholars Conference, Yale Law School, New Haven, CT: Invited discussant for Caroline Mala Corbin's *Speech or Conduct?*, May 2015.

Randolph W. Throver Symposium, Emory University School of Law, Atlanta, GA: *Transparent First Amendment Doctrine*, February 2015.

University of San Diego School of Law Faculty Colloquium, San Diego, CA: *Rethinking Speech-Tort Remedies*, September 2014.

Southeastern Association of Law Schools Annual Conference, Amelia Island, FL: *Rethinking Speech-Tort Remedies*, August 2014.

Freedom of Expression Scholars Conference, Yale Law School, New Haven, CT: *Flexible Remedies in Speech-Tort Jurisprudence*, May 2014.

Prawfsfest X, Pepperdine University School of Law, Malibu, CA: *Flexible Remedies in Speech-Tort Jurisprudence*, December 2013.

Loyola Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL: *Flexible Remedies in Speech-Tort Jurisprudence*, November 2013.

NYU Lawyering Scholarship Colloquium, New York University School of Law, New York, NY: *The Mechanics of First Amendment Audience Analysis*, June 2012.

NYU Lawyering Scholarship Colloquium, New York University School of Law, New York, NY:  
*Autobiographical Lies and the First Amendment's Protection of Self-Defining Speech*, June  
2011.

### **PROFESSIONAL AFFILIATIONS AND SERVICE**

American Law Institute – Elected Member (elected 2021)

Faculty Appointments Committee – Chair (2020-21); Vice-Chair (2021-22); Committee Member  
(2018-19)

Academic Standards Committee (2019-20)

Student Life Committee – Chair (2017-18); Committee Member (2014-17)

Curriculum Committee (2013-14)

Pepperdine University Faculty Council (2017-18)

Faculty Advisor for Pepperdine chapter of Asian Pacific American Law Students Association  
(APALSA) (2013-present)

Peer reviewer for Harvard Law Review; Yale Law Journal; Jurimetrics—The Journal of Law,  
Science & Technology; Cambridge University Press

Chair of NYU Lawyering Scholarship Colloquium (2012-13)

### **OTHER PROFESSIONAL EXPERIENCE**

**Munger, Tolles & Olson LLP**, San Francisco, CA 2007 – 2010  
*Litigation Associate*

**Davis Polk & Wardwell LLP**, New York, NY Summer 2004  
*Summer Associate*

**New York City Law Department**, New York, NY Summer 2003  
*Summer Honors Intern – Appeals Division*

**Morgan Stanley & Co.**, New York, NY 2000 – 2002  
*Strategic Planning Analyst*

### **TEACHING AND RESEARCH INTERESTS**

Constitutional Law, Torts, Criminal Procedure, Law and Economics, Jurisprudence