

CLAUDIA E. HAUPT

Associate Professor of Law and Political Science
Northeastern University School of Law
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ACADEMIC APPOINTMENTS

Northeastern University School of Law, Boston, MA since July 2018

Associate Professor of Law and Political Science

Teaching: Torts, U.S. Constitutional Law, Civil Liberties, First Amendment seminar “The Religion Clauses”

Service: Research Committee (2019-2020; 2021-present)
Appointments Committee (2019-2021)
Curriculum Committee (2018-2019)
Political Science Pre-Law Advisor (since 2018)

Yale Law School, New Haven, CT 2016 – present

Senior Visiting Research Scholar, Solomon Center for Health Law & Policy (fall 2021)

Affiliated Fellow, Information Society Project (since 2018)

Lecturer in Law; Resident Fellow, Information Society Project; Research Fellow, Solomon Center for Health Law & Policy

Teaching: Co-taught seminar “Law and the Opioid Crisis”

Service: ISP Fellows Workshop Coordinator

Columbia Law School, New York, NY 2012 – 2015

Associate in Law

Teaching: Legal Research and Writing

Service: Associates & Fellows Workshop Coordinator

George Washington University Law School, Washington, DC 2009 – 2012

Professorial Lecturer in Law; International and Comparative Law Fellow

Teaching: Professional Responsibility, Comparative Constitutional Law, Jurisprudence, Legal Research and Writing

PUBLICATIONS

Book

CLAUDIA E. HAUPT, RELIGION-STATE RELATIONS IN THE UNITED STATES AND GERMANY: THE QUEST FOR NEUTRALITY (Cambridge University Press 2012)

- Reviewed by Richard Albert, 56 JOURNAL OF CHURCH & STATE 781 (2014)
- Claudia Haupt & Markus Thiel, Book Review/Response, *Church & State Relations in Germany and the United States*, Int'l J. Const. L. Blog, April 15, 2013 [[download](#)]

Articles and Essays

Pseudo-Professional Advice, 103 BOSTON UNIVERSITY LAW REVIEW ____ (forthcoming 2023)[[download](#)]

Lethal Lies: Government Speech, Distorted Science, and the First Amendment, 2022 UNIVERSITY OF ILLINOIS LAW REVIEW 1809 (symposium, with Wendy E. Parmet) [[download](#)]

Regulating Speech Online: Free Speech Values in Constitutional Frames, 99 WASHINGTON UNIVERSITY LAW REVIEW 751- 785 (2021) [[download](#)]

Public Health Originalism and the First Amendment, 78 WASHINGTON & LEE LAW REVIEW 231-303 (2021) (with Wendy E. Parmet) [[download](#)]

Licensing Knowledge, 72 VANDERBILT LAW REVIEW 501-559 (2019) [[download](#)]

- Reviewed by Andrea Matwyshyn, *Democratized Content and Its Discontents*, JOTWELL: TECHNOLOGY LAW, Jul 2, 2019, at <https://cyber.jotwell.com/democratized-content-and-its-discontents/>

Unprofessional Advice, 19 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 671-729 (2017) [[download](#)]

- Reviewed by Carl Coleman, *Reconciling the First Amendment with the Regulation of Professional-Client Communications*, JOTWELL: HEALTH LAW, Jan 27, 2017, at <https://health.jotwell.com/reconciling-the-first-amendment-with-the-regulation-of-professional-client-communications/>

Professional Speech, 125 YALE LAW JOURNAL 1238-1303 (2016) [[download](#)]

Active Symbols, 55 BOSTON COLLEGE LAW REVIEW 821-877 (2014) [[download](#)]

Transnational Nonestablishment, 80 GEORGE WASHINGTON LAW REVIEW 991-1064 (2012) [[download](#)]

- Excerpted in LAW AND RELIGION: CASES, MATERIALS, AND READINGS (Larry Catá Backer & Frank Ravitch eds., 2015)

Mixed Public-Private Speech and the Establishment Clause, 85 TULANE LAW REVIEW 571-634 (2011) [[download](#)]

Information Technology meets Healthcare: The Present and Future of e-Health Initiatives in Germany and Europe, 12 DEPAUL JOURNAL OF HEALTH CARE LAW 105-157 (2009) (with Klaus M. Brisch) [[download](#)]

The Scope of Democratic Public Discourse: Defending Democracy, Tolerating Intolerance, and the Problem of Neo-Nazi Demonstrations in Germany, 20 FLORIDA JOURNAL OF INTERNATIONAL LAW 169-218 (2008) [[download](#)]

Free Exercise of Religion and Animal Protection: A Comparative Perspective on Ritual Slaughter, 39 GEORGE WASHINGTON INTERNATIONAL LAW REVIEW 839-886 (2007) [[download](#)]

Regulating Hate Speech—Damned If You Do and Damned If You Don't: Lessons Learned from Comparing the German and U.S. Approaches, 23 BOSTON UNIVERSITY INTERNATIONAL LAW JOURNAL 299-335 (2005) [[download](#)]

Book Chapters

Horizontal Effect of Fundamental Rights, in OXFORD HANDBOOK ON DIGITAL CONSTITUTIONALISM (Giovanni DeGregorio, Oreste Pollicino & Peggy Valcke eds., Oxford University Press forthcoming)

Religious Outliers: Professional Knowledge Communities, Individual Conscience Claims, and the Availability of Professional Services to the Public, in LAW, RELIGION, AND HEALTH IN THE UNITED STATES 173-186 (Holly F. Lynch, I. Glenn Cohen, & Elizabeth Sepper eds., Cambridge University Press 2017)

Transnational Nonestablishment (Redux), in RELIGION, SECULARISM, AND CONSTITUTIONAL DEMOCRACY 222-245 (Jean L. Cohen & Cécile Laborde eds., Columbia University Press 2016)

Shorter Works

The Limits of Defining Identity in Religion-Gender Conflicts: A Response to Professor Parkinson, JOURNAL OF LAW & RELIGION (with Laura Portuondo) (forthcoming 2023)

Assuming Access to Professional Advice, 49 JOURNAL OF LAW, MEDICINE & ETHICS 531-541 (2021) (symposium, peer reviewed) [[download](#)]

Platforms as Trustees: Information Fiduciaries and the Value of Analogy, 134 HARVARD LAW REVIEW FORUM 34-41 (2020) [[download](#)]

Who Celebrates What? A Response to Professor Levinson, 12 NORTHEASTERN UNIVERSITY LAW REVIEW 401-410 (2020) [[download](#)] (invited comment on Sanford Levinson's Constitution Day Lecture at Northeastern)

Which Legal Approaches Help Limit Harms to Patients from Clinicians' Conscience-Based Refusals? 22 AMERICAN MEDICAL ASSOCIATION JOURNAL OF ETHICS 209-216 (2020) [[download](#)] (with Rachel Kogan & Katherine L. Kraschel, peer reviewed)

Governing AI's Professional Advice, 64 MCGILL LAW JOURNAL 665-682 (2019) (symposium, peer reviewed) [[download](#)]

Artificial Professional Advice, 18 YALE JOURNAL HEALTH POLICY, LAW & ETHICS 55 (2019)/21 YALE JOURNAL OF LAW & TECHNOLOGY 55-77 (2019) (joint symposium issue) [[download](#)]

Sex and the First Amendment Through the Lens of Professional Speech, 17 FIRST AMENDMENT LAW REVIEW 186-212 (2019) (symposium) [[download](#)]

The Limits of Professional Speech, 128 YALE LAW JOURNAL FORUM 185-200 (2018) [[download](#)]

Physician Autonomy and the Opioid Crisis, 46 JOURNAL OF LAW, MEDICINE & ETHICS 203-219 (2018) (with Nathan Guevremont & Mark Barnes, peer reviewed) [[download](#)]

The Role of Civil Commitment in the Opioid Crisis, 46 JOURNAL OF LAW, MEDICINE & ETHICS 343-350 (2018) (with Ish P. Bhalla, Nina Cohen, Kate Stith & Rocksheng Zhong, peer reviewed) [[download](#)]

Professional Speech and the Content-Neutrality Trap, 127 YALE LAW JOURNAL FORUM 150-172 (2017) [[download](#)]

Antidiscrimination in the Legal Profession and the First Amendment: A Partial Defense of Model Rule 8.4(g), 19 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW ONLINE 1-21 (2017) [[download](#)]

Professional Ethics, Personal Conscience, and Public Expectations, 27 JOURNAL OF CLINICAL ETHICS 233-237 (2016) (peer reviewed)

Selected Blog Posts, OpEds, and Other Publications

The Dr. Oz Paradox, Bill of Health (September 21, 2022) [[download](#)]

New Context, Enduring Questions: Online Speech Regulation and Comparative Engagement, *ASCL Blog* (January 20, 2022) [[download](#)]

When Health Advice is Hard to Come By, BIPOC Suffer the Consequences, *Bill of Health* (October 6, 2020) [[download](#)]

First Amendment Fundamentalism and Doctrinal Disarray, *Balkinization* (October 12, 2019) [[download](#)]

The Algorithm Will See You Now, *Balkinization* (October 26, 2018) [[download](#)]

AI in the Doctor-Patient Relationship: Identifying Some Legal Questions We Should Be Asking, *Data & Society Points* (June 19, 2018) [[download](#)]

Giving Professional Advice, *Huffington Post* (September 3, 2016) [[download](#)]

Leading by Opposition: Justice Scalia and Comparative Constitutional Law, *I-CONnect* (February 24, 2016) [[download](#)]

The "New" German Teacher Headscarf Decision, *I-CONnect* (March 17, 2015) [[download](#)]

Who Speaks on Your License Plate? *Center for Law & Religion Forum* (January 12, 2015) [[download](#)]

When the State Tells Professionals What They Can Say, *San Francisco Daily Journal* (November 6, 2014)

Speaking Professionally, *Huffington Post* (September 9, 2014) [[download](#)]

Worth A Thousand Words, Center for Law & Religion Forum (July 5, 2013) [[download](#)]

Says Who? *Center for Law & Religion Forum*, cross-posted on *I-CONnect* (June 21, 2013) [[download](#)]

“A Coat of Many Colors,” *Center for Law & Religion Forum*, cross-posted on *I-CONnect* (June 14, 2013) [[download](#)]

If It Looks Like A Duck...? *Center for Law & Religion Forum*, cross-posted on *I-CONnect* (June 5, 2013) [[download](#)]

The Value of Case-Specific Inquiry in Comparative Constitutional Law Methodology: Preliminary Thoughts and Questions, *I-CONnect* (November 2, 2012) [[download](#)]

SELECTED ACADEMIC PRESENTATIONS

“Democratic Self-Defense”

Information Society Project “Ideas Lunch,” Yale Law School, March 2022; Law & Society Associating Annual Meeting, June 2022, Lisbon, Portugal; American Political Science Association Annual Meeting, September 2022, Montreal, Canada

“Pseudo-Professional Advice”

Freedom of Expression Scholars Conference, Yale Law School, May 2021; University of Richmond Junior Faculty Forum, September 2021; Health Law, Bioethics & Biotechnology Workshop, Harvard Law School, September 2022; Hall Center for Law and Health Virtual Grand Rounds, Indiana University Robert H. McKinney School of Law, November 2022

“Lethal Lies: Government Speech, Distorted Science, and the First Amendment”

University of Illinois Law Review Symposium “The Government’s Speech and the Constitution,” April 2021; Freedom of Expression Scholars Conference, Yale Law School, April 2022

“Assuming Access to Professional Advice”

First Amendment Values in Health Care Symposium, GW Law School, March 2021; Northeastern University School of Law Faculty Colloquium, June 2021

“Platforms as Trustees: Information Fiduciaries and the Value of Analogy”

Northeastern University School of Law Faculty Colloquium, July 2020; Freedom of Expression Scholars Conference, Yale Law School, October 2020; Future of Technology and Society Discussion Group, Oxford University Faculty of Law, November 22, 2022

“Public Health Originalism and the First Amendment”

Freedom of Expression Scholars Conference, Yale Law School, April 2019; Northeastern University School of Law Faculty Colloquium, April 2020; BC Law Regulation & Markets workshop, September 2020

“Sex and the First Amendment Through the Lens of Professional Speech”

First Amendment Law Review Symposium, UNC School of Law, November 2018

“Governing AI’s Professional Advice”

McGill Law Journal Symposium “Programming Governance/Governing Programming: Regulatory Challenges on the Edge of Technology,” McGill Faculty of Law, November 2018

“The Role of Civil Commitment in the Opioid Crisis”

Grayken Center for Addiction Young Adult Summit, Boston Medical Center, October 2018

“Artificial Professional Advice”

Health Law Scholars Workshop, St. Louis University, September 2018; Conference “Law and Policy of AI, Robotics and Telemedicine in Health,” Solomon Center for Health Law & Policy and Information Society Project, Yale Law School, November 2018; Law & Society Association Annual Meeting, Washington, DC, May 2019; Conference “The Perils and Promises of Artificial Intelligence in Healthcare and Business,” Bander Center for Medical Business Ethics, St. Louis University, November 2019

“Regulating Speech Online: Free Speech Values in Constitutional Frames”

Data & Society Research Institute, June 2018; American Political Science Association Annual Meeting, August 2018; Information Society Project “Ideas Lunch,” Yale Law School, March 2019; Global Younger Comparativists Committee Conference, McGill Faculty of Law, May 2019; delivered as lecture on “German Law: Present” at Washington & Lee School of Law, January 2020; Comparative Law Works-in-Progress Workshop, Princeton University, March 2021; Northeastern University School of Law Faculty Colloquium, March 2021; University of Connecticut faculty workshop, October 2021; Conference “What Governance for Online Platforms? Towards Digital Constitutionalism,” European University Institute, November 2021; delivered as Constitution Day Lecture, Fitchburg State University, September 19, 2022

“Unprofessional Advice”

Freedom of Expression Scholars Conference, Yale Law School, April 2016; Law & Society Association Annual Meeting, New Orleans, LA, June 2016; University of Arizona, October 2016

“Religious Outliers: Professional Knowledge Communities, Individual Conscience Claims, and the Availability of Professional Services to the Public”

Petrie-Flom Center Conference “Law, Religion, and Health in America,” Harvard Law School, May 2015; Annual Law & Religion Roundtable, Georgetown University Law Center, June 2015

“Professional Speech”

Columbia Law School, August 2014; Law & Society Association Annual Meeting, Seattle, WA, May 2015; Lavender Law, National LGBT Bar Association Annual Meeting, Chicago, IL, August 2015; Yale Law School, September 2015

EDUCATION

Columbia Law School , New York, NY J.S.D.	2017
George Washington University Law School , Washington, DC LL.M., <i>with highest honors</i> Research assistant to Professor Francesca Bignami Pro bono certificate	2009
University of Cologne , Cologne, Germany Ph.D., Political Science, <i>magna cum laude</i>	2008
University of Cologne , Cologne, Germany First law degree (LL.B. equivalent)	2003

PROFESSIONAL EXPERIENCE

Graf von Westphalen , Cologne, Germany <i>Attorney, Information Technology & Telecommunications Practice Section</i>	2007 – 2008
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Haupt CV

Advised on legal aspects of IT-related projects, including e-health and e-government projects, international health management project involving EU and national medical data protection questions. Drafted professional responsibility and legal ethics opinions for Board of the Cologne Bar. Trial and appellate litigation experience.

Regional Court of Appeals of Cologne, Cologne, Germany
Law Clerk

2005 – 2007

PROFESSIONAL ACTIVITIES

Editor, German Law Journal (since 2019)

Dissertation committee member, New School for Social Research, Politics doctoral student (2015-2018)

American Society of Comparative Law, Younger Comparativists Committee

Organizer, International & Comparative Law Junior Scholars Workshop co-sponsored by the American Society of International Law, Columbia Law School, March 2013

Organizer, Comparative Constitutional Law Roundtable co-sponsored by the Columbia Law School Center for Constitutional Governance, Columbia Law School, February 2013

Organizer & Host, inaugural Younger Comparativists Committee Conference, George Washington University Law School, April 2012

Program Committee, Global Younger Comparativists Conferences (2012-2015; 2019)

Membership Advisory Group, Chair (2011-2012)

Scholarship Advisory Group, Member (2018-2019), Chair (2019)

Member of the YCC Board (2020-2022)

Fellow, Data & Society Research Institute, New York, NY (2017-2018)

Postdoctoral Researcher, Institute for Religion, Culture & Public Life, Columbia University (2014-2016)

Peer reviewer, Cambridge University Press; Oxford Journal of Law & Religion; International Journal of Constitutional Law; Yale Journal of Health Policy, Law & Ethics

BAR ADMISSIONS

New York, 2010

Germany, 2007