

# JEFFREY P. KAPLAN

Professor of Linguistics  
Department of Linguistics &  
Asian/Middle Eastern Languages  
San Diego State University  
San Diego, CA 92182  
(619) 594-5879  
[jkaplan@mail.sdsu.edu](mailto:jkaplan@mail.sdsu.edu)  
<http://jeffkaplan.sdsu.edu>  
Fax: (619) 594-4877

Research Associate  
Western Washington University  
Bellingham, WA 98225

Research interests: English grammar, functional syntax, semantics, pragmatics; language and law.

## EDUCATION

1994	University of San Diego.	J.D.	Law
1976	University of Pennsylvania	Ph.D	Linguistics
1971	University of Pennsylvania	M.A.	Linguistics
1965	University of Chicago	A.B.	Linguistics

1987 Linguistic Institute (Linguistic Society of America), Stanford University  
1983 Linguistic Institute (Linguistic Society of America), UCLA  
1981 NEH Summer Seminar for College Teachers, University of Massachusetts  
(Topic: Formal semantics; Barbara Partee and Emmon Bach, co-directors)  
1977 NEH Summer Seminar for College Teachers, University of New Mexico  
(Topic: Bilingualism; Bernard Spolsky, director)  
1971 Linguistic Institute (Linguistic Society of America), SUNY-Buffalo

## TEACHING

Summer 2011: Linguistic Institute, University of Colorado( 'Language and law').  
1981 - date: Department of Linguistics & Asian/Middle Eastern Languages, San Diego State University. Tenured 1984, promoted to full professor 1996.  
Department chair 2002-2009.  
1979-1981: Assistant Professor, English Department, Northeastern University.  
1976-1979: Lecturer, Linguistics Department, San Diego State University.  
1976: Visiting Assistant Professor, English Department, University of Arizona.  
1974-1975: Lecturer, Program in Linguistics, University of Melbourne (Australia).  
1973-1974: Visiting Instructor, English Department, University of Arizona.

## TEACHING AWARDS

1993, 1994, 1996, 1997, 2001, 2011, 2015: Most influential faculty member, chosen by Linguistics Department Outstanding Graduating Student.

## **BRIEFS AMICUS CURIAE**

2016. Melissa Koenig, counsel of record. U.S. v. Wearing. "Brief of *Amicus Curiae* Jeffrey P. Kaplan and in Support of Defendant-Appellant and in Support of Reversal." No. 16-3312, United States Court of Appeals for the Seventh Circuit.

2009. Neal Goldfarb, counsel of record. With Hana Filip, Georgia M. Green, Jason Merchant, Barbara Partee, Roger Shuy, and Thomas Wasow. "Memorandum of professors of linguistics as *amici curiae* in support of the defendants' motion to dismiss the complaint." State District Court for the District of Columbia, No. 1:09-cv-00171-JR.

2008. Charles M. Dyke, counsel of record. With Dennis E. Baron and Richard W. Bailey. D.C. v. Heller, No. 07-290. Supreme Court of the United States. "Brief for professors of linguistics and English in support of petitioners."

2008. Neal Goldfarb, counsel of record. With Edward Gibson, Georgia M. Green, Ray Jackendoff, and Roger W. Shuy. U.S. v. Hayes, No. 7-608. Supreme Court of the United States. "Brief of professors of linguistics and cognitive science as Amici Curiae in support of neither party."

2008. Neal Goldfarb, counsel of record. With Thomas Ernst, Georgia M. Green, and Sally McConnell-Ginet. Ignacio Carlos Flores-Figueroa v. U.S., No. 08-108. Supreme Court of the United States. "Brief of professors of linguistics as amici curiae in support of neither party."

1993 Clark D. Cunningham, counsel of record. With Judith N. Levi, Georgia M. Green, and Lawrence Solan. U.S. v. X-Citement Video, Inc., 115 S. Ct 464 (1994). "Brief amicus curiae of the Law and Linguistics Consortium."

## **PUBLICATIONS**

2016. Case report: *Elonis v. United States*. *International journal of speech, language, and the law* 23 (2): 275-292.

2015. Textualization, textualism, and purpose-stating preambles. In *Speaking of language and law: conversations on the work of Peter Tiersma*, ed. by Lawrence Solan, Roger Shuy, and Janet Ainsworth. Oxford University Press. 202-207.

2013. Review of *Oxford handbook of language and law*, ed. by P. Tiersma & L. Solan. *Folia linguistica* 47 (1).307-315.

2012. Unfaithful to textualism. *Georgetown journal of law and public policy* 10 (2). 385-428.

2007. With Betty J. Birner & Gregory Ward. Functional compositionality and the interaction of discourse constraints. *Language* 83 (2).317-343.
2007. With Gregory Ward & Betty J. Birner. Epistemic *would*, open propositions, and truncated clefts, in *Topics on the grammar-pragmatics interface: papers in honor of Jeanette K. Gundel*, edited by Nancy Hedberg and Ron Zacharski. Amsterdam/Philadelphia: John Benjamins, p. 77-90.
2005. Review of Solan, Lawrence M., & Peter M. Tiersma, *Speaking of crime*. *International journal of speech, language, and the law* 12 (2): 290-300.
- 2004 With Betty J. Birner. Scalar nominals in English. *Papers from the 38th regional meeting, Chicago Linguistic Society*. Edited by Mary Andronis, Erin Debenport, Anne Pycha & Keiko Yoshimura. Chicago: University of Chicago Press, p. 91-102.
- 2003 With Betty J. Birner and Gregory Ward. A pragmatic analysis of the epistemic would construction in English. In *Fachineti, R., M. Krug, & F. Palmer, eds., Modality in contemporary English*. Mouton de Gruyter, p. 71-80.
- 1998 Pragmatic contributions to the interpretation of a will. *Forensic Linguistics* 5.107-126.
- 1995 With Georgia M. Green. Grammar and inferences of rationality in interpreting the child pornography statute. *Washington University Law Quarterly* 73.1223- 1251.
1995. With Georgia M. Green, Clark D. Cunningham, and Judith N. Levi. Bringing linguistics into judicial decisionmaking: semantic analysis submitted to the U.S. Supreme Court. *Forensic Linguistics* 2.81-98.
- 1995 *English Grammar: Principles and Facts*. Englewood Cliffs, NJ: Prentice-Hall. 2e.
- 1994 With Clark D. Cunningham, Judith N. Levi, and Georgia M. Green. Plain meaning and hard cases. *Yale Law Journal* 103.1561-1625.
- This review article reported on application of linguistic analysis to three cases under consideration by the U.S. Supreme Court in the 1993 term. The article was sent, in galley form, to the Court in late November, 1993, before oral argument. In one of the cases, the article was cited in the majority opinion (U.S. v. Granderson, 114 S. Ct. 1259, 1267 n. 7 (1994)). In another, the article was cited in the concurrence (U.S. v. Staples, 62 USLW 4379, 4386 (1994) (Ginsburg, J., concurring with O'Connor, J.)).*
- 1994 Review of Levi, Judith N., & Anne Graffam Walker, eds., *Language in the judicial process*, *Forensic Linguistics* 1.94-106.
- 1994 Review of Baldwin, J., & P. French, *Forensic Phonetics*, *International criminal justice review* 4.91-93.

- 1993 Syntax in the interpretation of legal language: the vested vs. contingent distinction in property law, *American Speech* 68.58-82.
- 1989 *English grammar: principles and facts*. Englewood Cliffs, NJ: Prentice-Hall.
- 1988 Small clauses and the projection principle. *Proceedings of the 14th Annual Meeting, Berkeley Linguistics Society*, ed., by S. Axmaker, A. Jaisser, and H. Singmaster (Berkeley: Berkeley Linguistics Society) 78-87.
- 1986 Review of Celce-Murcia, M. & D. Larsen-Freeman, *The grammar book*. *CATESOL News*.
- 1985 VP anaphor choice in discourse. *Beyond the sentence: discourse and sentential form*, ed. by J.R. Wirth. Ann Arbor: Karoma Publishers.
- 1984 Obligatory *too* in English. *Language* 60.510-518.
- 1984 With Michael A. Shand. Error detection as a function of integrativity. *Universals of second language acquisition*, ed. by F.R. Eckman, L.H. Bell, and D. Nelson. Rowley, MA: Newbury House.
- 1980 Non-transformational grammar for non-linguists. *Linguistics and the university education*, ed. by G. Hudson. East Lansing: Michigan State University.
- 1976 The variability of phrasal anaphoric islands. *Papers from the 12th Regional Meeting, Chicago Linguistics Society*, ed. by S. Mufwene, C. Walker, and S. Steever. Chicago: Chicago Linguistics Society, 337-350.
- 1976 The anaphoric bond. *Melbourne University working papers in linguistics*, ed. by R. Zatorski and E. Pearce. Melbourne: Melbourne University.
- 1972 Review of Patricia L. Carrell, *A transformational grammar of Igbo*. *American Anthropologist* 74.

## **ORAL PRESENTATIONS**

- 2015 “How’s David?” Understanding threats linguistically and legally. Invited talk, Western Washington University Linguistics Program.
- 2015 Perlocutionary and illocutionary threatening. Invited talk, Northern Illinois University Linguistics Program.
- 2013 Justice Scalia’s varying linguistic expertise. Invited talk, UC Davis Department of Linguistics.

- 2012 Justice Antonin Scalia: textualist and linguist. West Coast Roundtable on Language and Law, Simon Fraser University, Vancouver, BC, Canada.
- 2010 Scalia in *Heller*: sometimes, but only sometimes, a great linguist. West Coast Roundtable on Language and Law, University of Montana.
- 2007 A partial answer to a question about Miranda. International Association of Forensic Linguists, 8th Biennial Conference on Forensic Linguistics/Language and Law, University of Washington.
- 2006 A linguistic look at the Miranda “warning.” Invited talk, Interpreter Services, U.S. District Court, Southern District of CA.
- 2004 Speech acts in custodial interrogation: how linguists can help courts even if language is 'plain.' Invited talk, Northern Illinois University.
- 2004 The perils of being a linguistic tour guide: teaching linguistics to lawyers, judges, and juries. UCSD Dept. of Linguistics lecture series on Interdisciplinary Approaches to Linguistics.
- 2004 With Betty J. Birner & Gregory Ward. Epistemic *would*, clefts, and functional compositionality. Eighth Annual Meeting, Texas Linguistic Society, Austin, TX.
- 2003 With Kyle Thompson. Absolutes and second amendment interpretation. Annual meeting, Linguistic Society of America. Atlanta, GA, Jan. 3.
- 2003 With Betty J. Birner & Gregory Ward. Epistemic modals and temporal reference. Annual meeting, Linguistic Society of America. Atlanta, GA, Jan. 3.
- 2002 With Betty J. Birner. Implicature and scalar nominals. Thirty-eighth annual meeting, Chicago Linguistic Society. April 26. Poster.
- 2001 With Betty J. Birner & Gregory Ward:

Pragmatics of epistemic *would*. Philadelphia Semantics Society.

A pragmatic analysis of the epistemic *would* construction in English. International conference on modality in contemporary English, University of Verona, Italy.

Epistemic *must* and *would*: a pragmatic differentiation. Twenty-sixth annual linguistics colloquium, San Diego State University.

Referential ambiguity in the ‘that would be X’ construction. Midwest conference on film, language, and literature, Northern Illinois University, DeKalb, IL.

- Open propositions and epistemic *would*. Annual meeting, Linguistic Society of America. Washington, D.C.
- 2000 Recent applications of linguistics to law. San Diego State University Linguistics Department 'Brown Bag' Series.
- 1997 Linguistic contributions to the interpretation of a disputed will. Third annual conference, International Association of Forensic Linguists. Duke University. Also presented at San Diego State University Linguistics Colloquium.
- 1997 With Judith N. Levi. Understandings of "meaning" in linguistics and law. Annual meeting, Law & Society Association, St. Louis.
- 1994 Invited participant, Northwestern University / Washington University Colloquium, "What is meaning in a legal text." Edited transcript of panel discussions published in Washington University Law Quarterly 73 (1995).
- 1994 Discussant, Panel, Linguistic analysis of Supreme Court cases, Annual Meeting, Law and Society Association, Phoenix, AZ.
- 1994 Lexical semantics meets the Enterprise. San Diego State University Linguistics Colloquium.
- 1992 Discussant, Panel, The adequacy of the language of death penalty instructions. Annual Meeting, Law & Society Association.
- 1992 Out-of-court speech vs. legislation: does QUANTITY apply? Linguistic Society of America Annual Meeting.
- 1991 Pragmatics and the law of evidence: adoptive admissions and legislation. South Atlantic Regional Meeting, American Dialect Society, Atlanta.
- 1991 The legal interpretation of silence: the role of pragmatics. San Diego State University Linguistics Colloquium.
- 1990 Syntax and property law: the 'vested' vs. 'contingent' distinction and a syntactic explanation for it. Northwestern University Linguistics Colloquium. Also presented at San Diego State University Linguistics Colloquium.
- 1988 Small clauses and the projection principle. 14th Annual Meeting, Berkeley Linguistics Society.
- 1987 Small clauses in English. San Diego State University Linguistics Colloquium.
- 1984 Sentential subjects and extraposition. San Diego State University Linguistics Colloquium.

- 1982 Obligatory *too* in English. Linguistic Society of America Annual Meeting. 1981
- 1982 With Michael A. Shand. Error detection as a function of integrativity. 11th Annual University of Wisconsin-Milwaukee Linguistics Symposium.
- 1981 Aspects of the grammar and semantics of *too*. NEH Summer Seminar for College Teachers, Amherst, MA.
- 1981 Recent findings about English VP anaphora. San Jose State University and University of Tennessee.
- 1980 Non-transformational grammar for non-linguists. Michigan State University Symposium: Linguistics and the University Education. East Lansing, MI.
- 1980 VP anaphor choice in discourse. 9th Annual University of Wisconsin-Milwaukee Linguistics Symposium. Milwaukee, WI.
- 1979 Some issues in the formal grammar of Spanish-English code-switching. Georgetown University Roundtable on Languages and Linguistics.
- 1978 With Nancy S. Levin. Say something new: a constraint on VP deletion. Linguistic Society of America Annual Meeting.
- 1978 A semantic theory of inverted *so*. Linguistic Society of America Summer Meeting.
- 1976 The variability of phrasal anaphoric islands. Chicago Linguistic Society.
- 1974 Aspects of the theory of aspect. University of Arizona Linguistics Club.
- 1973 The interactive aspect in English. Linguistic Society of America Summer Meeting.

## **LEGAL CONSULTING**

- 2011 William Kent. Linguistic analysis of U.S.C. § 2251(a), in context of criminal case.
- 2010 Levine & Miller. Linguistic analyses of insurance policies.
- 2009 Briccetti, Calhoun & Lawrence, LLP. Linguistic analysis of affidavit.
- 2008 Krause, Kalfaya, Benink & Slavens. Linguistic analysis of contract.
- 2006 Barger & Wolen. Linguistic analysis of insurance policy.
- 2006 Hill & Robbins, P.C. Linguistic analysis of insurance notification form.
- 2006 Law Offices of James S. Marinos. Linguistic analysis of bank disclosure agreement. Deposition.
- 2004 Evans, Latham, & Campisi. Linguistic analyses of trust.
- 2004 Barry D. Edwards. Linguistic analysis of surreptitiously recorded telephone conversations in criminal case. Trial testimony.

- 2003 Public Defender of San Bernardino County, CA. Linguistic analysis of custodial interrogation. Testimony in hearing on admissibility of evidence.
- 2001 Loeb & Loeb. Linguistic analysis of lease contracts.
- 2001 Evans, Latham, & Campisi. Linguistic analyses of will, codicil, and trusts.
- 2000 Gibbs & Fuerst. Linguistic analysis of possibly defamatory utterances.
- 2000 Thorsnes, Bartolotta, & McGuire. Linguistic analyses of loan documents. Deposition.
- 2000 Finkelstein & Krinsk. Linguistic analysis of loan documents.
- 1999 Thorsnes, Bartolotta, McGuire & Padilla. Linguistic analyses of mortgage documents. Deposition.
- 1997 Evans, Latham, Harris & Campisi. Linguistic analysis of holographic will. Deposition; courtroom testimony.
- 1993 Thorsnes, Bartolotta, McGuire & Padilla. Linguistic analysis of insurance company documents.
- 1990 Thorsnes, Bartolotta, McGuire & Padilla. Linguistic analysis of insurance company documents.
- 1985 Defenders Program of San Diego, Inc. Linguistic analysis of tapes of recorded onversations.
- 1983 With Pamela Downing: Fletcher & Patton. Linguistic analysis of tapes of recorded conversations.

**SERVICE**

University (San Diego State University)

- 1986 - 1990 University General Education Committee
- 1984 University Curriculum Committee

College of Arts & Letters, San Diego State University

- 2012 - 2015 Personnel Committee
- 1997 - 1999 Personnel Committee
- 1987 - 1989 Research and Professional Leaves Committee (Chair, 1988-9)
- 1982 - 1984 Academic Planning Committee (Chair, 1983-4)

Department of Linguistics, San Diego State University

- 2010 - 2011 Chair, Search committee for sociolinguistics
- 2002 - 2009 Department chair
- 2001 - 2002 Associate department chair
- 1999 - 2002 Chair, Computational linguistics search committee
- 1991 - 2001 Chair, Departmental curriculum committee
- 1983 - 2001 Undergraduate adviser and certificate adviser
- 1981 - 1984 Adviser, Linguistics Students Association



Faculty union:

2010 - 2013 Member, Committee on faculty rights, California Faculty Association, San Diego State University chapter

Community:

2016 External examiner, Ph.D dissertation defense, Department of Linguistics, University of British Columbia.

2012 External reviewer, faculty promotion, Colorado State University.

2011 Linguistic Society of America Committee on Social and Political Policies

2010 - 2011 Fellowship reviewer, ACLS

2010 Reviewer, 2011 Linguistic Institute course proposals

2010 External reviewer, faculty promotion, Colorado State University, and Pacific/McGeorge School of Law.

2009 Lemon Grove, CA Rotary Club, invited speaker. A linguistic look at the Second Amendment.

2009 Congregation Dor Hadash, invited speaker. A linguistic look at the Miranda warning.

2007 Op-ed article, The language gives us no such right. San Diego Union-Tribune, Nov. 2.

[http://legacy.sandiegouniontribune.com/uniontrib/20071123/news\\_lz1e23kaplan.html](http://legacy.sandiegouniontribune.com/uniontrib/20071123/news_lz1e23kaplan.html)

2005 National Science Foundation: reviewer of graduate research fellowships

2003 Lemon Grove, CA Rotary Club, invited speaker. Linguistics and law.

2002, 2003 Reviewer of abstracts, Semantics and Linguistic Theory (SALT) Conference

1999 – date Member, Editorial Board, International Journal of Speech, Language and the Law.

1997 Op-ed article, Ebonics could help black youths cope. San Diego Union-Tribune, Jan. 2.

1995 Op-ed article, Flag-burning ban: protecting what it symbolizes or the symbol? San Diego Union-Tribune, Dec. 14, 1995.

Reprinted in *Censorship: opposing viewpoints*, ed. by B. Stay. San Diego: Greenhaven Press (1997).

Excerpt placed on panel in large sculpture “12151791” designed by Amy Larimer and Peter Bernheim on display at the McCormick Tribune Freedom Museum, Chicago.

1995-2008 North American Representative, International Association of Forensic Linguists.

1987 Curriculum consultant, State Department of Education.

Various Reviewer for *Language, Law & Society Review*, *Natural Language and Linguistic Theory*, *Forensic Linguistics*, *Journal of Mathematics Education*, various publishers.

Various Grant proposal reviewer, National Science Foundation.

