

AALS LAW, MEDICINE & HEALTH CARE SECTION NEWSLETTER

Section Officers:

Chair:

Michele Goodwin
University of Minnesota Law School

Chair-Elect:

Diane E. Hoffmann
University of Maryland School of Law

Secretary:

Kevin Outterson
Boston University School of Law

Executive Committee:

Officers listed above and:

Judith F. Daar
Whittier Law School

Robert Gatter
Saint Louis University School of Law

AALS Annual Meeting

January 6 - 10, 2009, San Diego

Section on Law, Medicine and Health Care Panel

*Comparative Health Law and Policy: What, if
Anything, Can We Learn from Other Countries?*

San Diego Marriott Hotel and Marina, Room 6290
Friday, January 9, 10:30a.m.-12:15p.m.

Section Breakfast: Friday, Jan. 9, 7:00-8:15 a.m.

Speaker: John Berger, Senior Editor at
Cambridge University Press

Business Meeting: Friday, Jan. 9, 8:15 am (Free)

Section on Pro Bono and Public Service Opportunities Panel

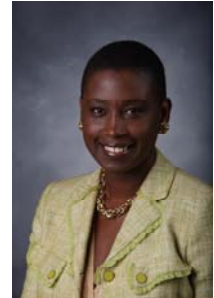
(Co-Sponsored by Section on Law, Medicine and Health Care)

*Opportunities for Collaboration and Inter-
disciplinary Learning: Medical-Legal Partnerships*

San Diego Marriott Hotel and Marina, Room 5480
Thursday, January 8, 4:00-5:45 p.m.

(see page 2 for details)

Letter from the Chair



Dear Colleagues,

It has been a pleasure to serve as the Chair of the AALS Section on Law, Medicine, and Health Care. One year ago at our Annual Breakfast in New York City, we learned that Barack Obama had won the Iowa Caucus. It was an eye opening victory that caught many by surprise. One year later, we are preparing for the Obama administration to enter the White House and lead the nation. We were thinking ahead last year in dedicating our breakfast to the topic of presidential-candidates' health care plans. Specifically, we wanted to know what Barack Obama had to offer in health care policy. As it turned out, health care was one of the defining issues of the presidential race. That prescient beginning launched a bold and dynamic year for our section.

This year we have expanded our Executive Board, performed outreach to junior members of the academy, and launched our annual scholarship award process. You will begin to see this progress unfold in the months and weeks ahead as we call on you to help lead the way. We are looking to make the Section vibrant, engaged, and a model for path-breaking scholarship, mentoring, and idea-sharing. Most importantly, will be our role in mentoring and training the future generation of health law teachers and scholars. In my new role as Past President, I will help to shape our mentoring program and activate our committees. I look forward to this new role and working with each of you. As I wrap up my role as Chair of our Section, I would like to thank each of you for offering to contribute in meaningful ways to our section. I look forward to working with you. I also wish to thank Diane Hoffman and Kevin Outterson who served as Vice-Chair, and Secretary, respectively. They were a terrific team to work with and will serve the section well as Chair and Vice-Chair.

AALS Annual Meeting Schedule for Law, Medicine & Health Care Section

Section Breakfast: Friday, Jan. 9, 7:00-8:15 a.m.

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Business Meeting: Friday, Jan. 9, 8:15 am (Free)

Section on Law, Medicine and Health Care Panel

Comparative Health Law and Policy: What, if Anything, Can We Learn from Other Countries?

San Diego Marriott Hotel and Marina Room 6290

Friday, January 9, 10:30a.m. - 12:15p.m.

Speakers:

- **Diane E. Hoffmann**, J.D., M.S., Professor of Law and Director, Law & Health Care Program, University of Maryland School of Law (Moderator)
- **Alexander Capron**, L.L.B., University Professor, Scott H. Bice Chair in Healthcare Law, Policy and Ethics, and Professor of Law and Medicine, USC Gould School of Law
- **Eric Feldman**, J.D., Ph.D., Professor of Law and Senior Fellow, Center for Bioethics, University of Pennsylvania School of Law
- **Eleanor Kinney**, M.A., J.D., M.P.H., Professor of Law and Co-Director of the William S. and Christine S. Hall Center for Law and Health, Indiana University School of Law
- **Stephen Latham**, J.D., Ph.D., Deputy Director, Yale University Interdisciplinary Center for Bioethics
- **Daniel Wikler**, Ph.D., Professor of Population Ethics and Professor of Ethics and Population Health, Harvard School of Public Health

As a nation, we face significant decisions about the operation of our health care system ranging from how to expand access to adequate health care while controlling the growth of health care expenditures to how to compensate victims of malpractice and reduce the incidence of serious public health problems. Other countries are struggling with similar issues. Whether we can learn from the experiences of other nations is a source of controversy. Some argue that the unique political structures, cultural beliefs and values of a country control the decisions it makes regarding its health care system and preclude adoption of similar decisions by other countries. Others argue that scrutinizing the laws and policies of other countries as they relate to the delivery and regulation of health care may elevate the quality of discourse in this country regarding those issues.

This panel of comparative health law and policy scholars will address the role of national values, history and social institutions in shaping a country's decisions regarding its health care system and the extent to which idiosyncratic beliefs and structures control those decisions. The panel will address both traditional health care system issues of financing and access as well as more controversial bioethics and public health issues and what lessons, if any, the United States can learn from other countries.

Section on Pro Bono and Public Service Opportunities Panel

(Co-Sponsored by Section on Law, Medicine and Health Care)

Opportunities for Collaboration and Interdisciplinary Learning: Medical-Legal Partnerships

San Diego Marriott Hotel and Marina Room 5480

Thursday, January 8, 4:00-5:45 p.m.

Speakers:

- **Elizabeth Tobin Tyler**, J.D., Director of Public Service & Community Partnerships and Lecturer in Public Interest Law, Roger Williams University School of Law (Moderator)
- **Sylvia B. Caley**, J.D., Assistant Clinical Professor and Director, Health Law Partnership, Georgia State University College of Law
- **Melissa Rodgers**, J.D., Directing Attorney, Legal Aid Society of San Mateo County, Co-Founder, Peninsula Family Advocacy Program, Lecturer in Law, Stanford Law School
- **Dana Weintraub**, M.D., Clinical Instructor, Division of General Pediatrics, Lucile Packard Children's Hospital at Stanford, Lecturer in Law, Stanford Law School
- **Deborah Weimer**, J.D., Professor of Law, Professor, Health Care Delivery and Child Welfare Legal Issues Clinic, University of Maryland School of Law

Medical-Legal Partnerships integrate legal service and advocacy into health care settings to address the legal issues that are connected to poor health outcomes. Increasingly, law schools are offering opportunities for students to participate in interdisciplinary medical-legal partnerships and to learn the value of collaborative problem solving. This panel will explore the different models of medical-legal partnerships developing in law schools, including clinics, externships, pro bono opportunities, and courses, all of which help students to understand the connections between social justice and health and the value of interdisciplinary collaboration with health care providers.

(See the last page for other AALS talks by Section Members)

Lateral Moves & New Hires

Glen Cohen, from Harvard Petrie-Flom Center to Harvard Law School

Barry R. Furrow, from Widener University School of Law to Drexel Earle Mack School of Law

Robert Gatter, from Pennsylvania State University, Dickinson School of Law to Saint Louis University School of Law

Michele Goodwin, from DePaul University College of Law to University of Minnesota Law School

Nan Hunter, from Brooklyn Law School to Georgetown University Law Center

Abigail Moncrieff, from Harvard Petrie-Flom Center to Boston University School of Law

Elizabeth Pendo, from Saint Thomas University School of Law to Saint Louis University School of Law

Ben Roin, from Harvard Petrie-Flom Center to Harvard Law School

Ruqaiyah Yearby, from Loyola University, Chicago, School of Law to University of Buffalo Law School

(please send updates to Kevin Outterson @ mko@bu.edu)

Faculty News

Lori Andrews

Chicago-Kent College of Law
Illinois Institute of Technology

Recent appointments, grants, honors:

Professor Andrews was named by the AMERICAN BAR ASSOCIATION JOURNAL a "2008 Newsmaker of the Year." She was also the recipient of her university's Julia Beveridge

Award—given annually to a female faculty member who displays an outstanding commitment to the university and has made significant contributions to her profession through the dissemination of knowledge, research, teaching, and public presentations.

Recent publications, scholarly work, or research projects:

Professor Andrews authored articles related to nanotechnology, literature, patents and bioethics in recent months, including "DNA Inside," THE JOURNAL OF LIFE SCIENCES 46-51 (June/July 2008); "Lori Andrews Reads *The Journalist and the Murderer* in New Orleans, Louisiana," in FIELD TESTED BOOKS 74-75 (Coudal Partners, 2008); "Influenza Genetic Sequence Patents: Where Intellectual Property Clashes With Public Health Needs," 3 FUTURE VIROLOGY 235-241 (May 2008) (with LA Shackleton); "Is There a Right to Clone? Constitutional Challenges to Bans on Human Cloning," in THE REPRODUCTIVE RIGHTS READER (Nancy Ehrenreich ed., New York University Press, 2008); "Thinking Small," JOURNAL OF LIFE SCIENCES 48-53 (February/March 2008) (with Julie Burger); and "Tales from the Crypt: Scientific, Ethical, and Legal Considerations for Biohistorical Analysis of Deceased Historical Figures," 26 TEMPLE JOURNAL OF SCIENCE, TECHNOLOGY & ENVIRONMENTAL LAW 223-299 (January 2008) (with Jordan Paradise).

Professor Andrews also wrote two articles on legal issues for PARADE magazine—one on discrimination based on weight and the other on the rights of children of sperm donors.

Professor Andrews' third novel, IMMUNITY, was released in fall 2008. The Women's Bioethics Project created a reading guide to IMMUNITY that highlighted the bioethics and legal issues and is suitable for classroom use.

Andrews is collaborating with the WHO on adapting the methodology she used to study medical errors for use in developing countries. (See Lori Andrews, "Studying Medical Error *in Situ*: Implications for Malpractice Law and Policy," 54 DEPAUL LAW REVIEW 357 (2005)).

Andrews also gave speeches on reproductive technology, genetics and the arts, and intellectual property at the Council of Graduate Departments of Psychology Annual Meeting in San Antonio, a DePaul University College of Law Symposium, Scripps College, Pomona College, University of Chicago, Villanova University, North Central College, School of the Art Institute of Chicago, and at a meeting of the Sons of the American Revolution. She also presented a paper, "Genetic Sequence Patents: Historical Justification and Current impacts," at the Living Properties Conference at the Max Planck Institute, Berlin, Germany.

Andrews took part in various panel discussions, including: "Genetic Discrimination," at the documentary "In the Family," Gene Siskel Film Center, Chicago, "Genetics and Art," University of Illinois at Chicago Institute for the Humanities, and "Contested Commodities: Reframing the Debate on Financial Incentives in the Supply of Genetic Material," American Association of Law Schools 2008 Annual Meeting.

Other professional activities or news of interest:

Professor Andrews appeared on television and radio shows in Chicago, New York, Los Angeles, San Francisco, Seattle, and Miami, discussing genetics, children of sperm donation, and five things the next president should know about science. She was also featured in various newspapers, including the BOSTON GLOBE, CHICAGO SUN-TIMES, CHICAGO DAILY LAW BULLETIN, PITTSBURGH POST-GAZETTE, and SEATTLE POST-INTELLIGENCER.



George J. Annas

Edward Utey Professor and Chair
Department of Health Law, Bioethics & Human Rights
Boston University School of Public Health

Recent publications, scholarly work, or research projects:

The Japanese translation of the 3d edition of THE RIGHTS OF PATIENTS (March 2008); I also keynoted a meeting of the Japanese Patient Ombudsman organization on the publication of the book in Tokyo in March 2008.

Toxic Tinkering: Lethal Injection Execution and the Constitution, 359 NEW ENGL. J. MED. 1512 (2008); Military Medical Ethics: Physician First, Last, Always, 359 NEW ENGL. J. MED. 1087 (2008); Doctors, Drugs and Driving: Tort Liability for Patient-Caused Accidents, 359 NEW ENGL. J. MED. 521 (2008); Rules for Donations to Tissue Banks: What Next? (with L. Glantz and P. Roche), 358 NEW ENGL. J. MED. 298 (2008); The Genetic Privacy of Presidential Candidates (with R. Green), 359 NEW ENGL. J. MED. 2192 (2008); The FDA, Preemption, and the Supreme Court (with L. Glantz), 358 NEW ENGL. J. MED. 1883 (2008); Peer Review in the Balance (with G. Curfman, S. Morressey & J. Drazen), 358 NEW ENGL. J. MED. 2276 (2008); Doctors and Lawyers and Wolves, 371 LANCET 1571 (2008); The Emerging Field of Public Health Ethics, 372 LANCET 2013 (2008).



Professor Michael Baram

Boston University School of Law

Publications: "Governing Technological Risks", ch. 17 in THE ETHICS OF TECHNOLOGICAL RISK, L. Asveld, S. Roesser, eds., Earthscan Publ. (2008); "Biotechnological Research on the Most Dangerous Pathogens: Challenges for Risk Governance and Safety Management", published online by SAFETY SCIENCE JOURNAL, Dec. 11, 2008, with print publication to follow; "Globalization and Workplace Hazards in Developing Nations", published online by SAFETY SCIENCE JOURNAL, March 17, 2008, with print publication to follow; "Governance of GM Crop and Food Safety", ch. 3 in forthcoming book on MANAGING THE RISKS OF GM AGRICULTURE, M. Baram, M. Bourrier, eds.

Presentations: Case Study of the BU Biosafety Laboratory Controversy, at New England Law School Symposium, The Bhopal Disaster Approaches 25, Feb. 8, 2008; Alternative

Styles of Risk Regulation, at Harvard Kennedy School Symposium on Emerging Technologies and Regulatory Culture, April 18, 2008; Invited lecture on Technological Safety and the Law, MIT Columbia Workshop on System Safety, Dec. 2, 2008; Corporate Responsibility for Occupational and Environmental Health Under New Regulatory Regimes, at BU Conference on Health Law, September 25, 2008; Regulation of Offshore Oil and Gas Exploitation, at University of Stavanger, Norway symposium on Robust Regulation, May 22-25, 2008.

Courses: Biotechnology Law and Ethics, Boston University Law School, spring 2008.



Jennifer S. Bard

Texas Tech University School of Law

Recent appointments, grants, honors:

Professor Bard has joint appointments at the Law School and at the Medical School. She is a member of the TTUHSC Institutional Review Board.

She has been an Assistant Attorney General in the Connecticut Attorney General's Office where she investigated Medicaid Fraud and Whistle Blower complaints. Before joining the TTU Law Faculty, she taught graduate and medical students as an Assistant Professor at the University of Texas Medical Branch in Galveston.

Texas Tech School of Law is pleased to announce the appointment of Jennifer S. Bard as the Alvin R. Allison Professor of Law.

Other professional activities or news of interest:

Texas Tech University School of Law and Texas Tech University School of Medicine have announced a dual degree JD/MD degree program that allows students to receive both degrees in six years. We are currently accepting applicants to begin the program in fall 2010.



Alison Barnes

Marquette Law School

Other professional activities or news of interest:

Alison Barnes at Marquette Law School, and her law review ELDER'S ADVISOR, hosted a conference last spring on the convergence of long-term care with health law issues of coverage, access and quality. Articles are available in Vol. 10, No. 2, Fall 2008. Next spring, the conference topic is the intersection of disability and elder law. This conference will follow a different format, with twenty to twenty-five experts in their fields, each of whom will provide a short draft paper and present their ideas on benefits, housing, work, and any other issues relevant to aging and disability. Anyone with interest, please contact alison.barnes@mu.edu.



Alex Capron

University of Southern California
Gould School of Law

Recent publications, scholarly work, or research projects:

Alex Capron is co-editor of a new book, *ETHICAL ISSUES IN GOVERNING BIOBANKS: GLOBAL PERSPECTIVES*, B. Elger, N. Biller-Andorno, A. Mauron & A. Capron, eds, published in December 2008 by Ashgate. The book grew out of a project that originated while Professor Capron was the Director of Ethics, Trade, Human Rights and Health Law for the World Health Organization in Geneva (2002-06). Population genomics research drawing on genetic databases (sometimes called "biobanks") has expanded rapidly around the world. Managing this information in an appropriate way is a highly complex ethical issue in the health policy arena. Capron and his colleagues from the universities of Geneva and Zurich examine the conditions under which genetic databases can be established, kept, and made use of in an ethically acceptable way. In addition to a comprehensive review of the scientific literature and a comparative analysis of existing normative frameworks, they present the results of in-depth interviews with experts around the world concerning the most unresolved and controversial issues, built around their responses to four "scenarios" on practices concerning biobanks. The results of that study, combined with their normative analysis, leads to recommendations for a better international framework.



Kathy Cerminara

Nova Southeastern University
Shepard Broad Law Center

Recent publications, scholarly work, or research projects:

In 2008, Kathy L. Cerminara wrote and had accepted for publication *A Paper About a Piece of Paper: Regulatory Action As the Most Effective Way to Promote Use of Physician Orders for Life-Sustaining Treatment*, *J. LEGAL MED.* (forthcoming). She also agreed to serve on the legal panel of the Editorial Board of the *Cambridge Dictionary of Bioethics*. This dictionary will be a comprehensive, one-volume, international dictionary published by Cambridge University Press. She also was named to the mentor committee for the annual Southeastern Association of Law Schools conference.



Brietta Clark

Loyola University
Chicago School of Law

Recent publications, scholarly work, or research projects:

This year I published and presented an article entitled "The Immigrant Health Care Narrative and What it Tells Us About the U.S. Health Care System" (17 *ANNALS OF HEALTH LAW* 229) as part of a symposium on Immigration & Health Law sponsored by Loyola University Chicago School of Law. I have written several

commentaries in the Los Angeles Daily Journal about the problems with the health care safety net, health care discrimination, and insurance rescissions. I served on an IRB for Children's Hospital in Los Angeles and continue to serve on the board of the HIV/AIDS Legal Services Alliance.



Carl H. Coleman

Seton Hall Law School

Recent publications, scholarly work, or research projects:

Beyond the Call of Duty: Compelling Health Care Professionals to Work During an Influenza Pandemic, 94 *IOWA L. REV.* ____ (forthcoming 2008); *Research with Decisionally Incapacitated Human Subjects: An Argument for a Systemic Approach to Risk-Benefit Assessment*, 83 *IND. L.J.* 743 (2008); *Potential Penalties for Health Care Professionals Who Refuse to Work During a Pandemic*, 299 *JAMA* 1471 (2008) (with Andreas Reis); *How Do We Know That Research Ethics Committees Are Really Working? The Neglected Role of Outcomes Assessment in Research Ethics Review*, 9 *BMC MED. ETHICS* 6 (2008) (with Marie-Charlotte Bouësseau); *The Contribution of Ethics to Public Health*, 86 *BULLETIN OF THE WORLD HEALTH ORG.* 578 (2008) (with Marie-Charlotte Bouësseau and Andreas Reis).

Other professional activities or news of interest:

Columbia University Center for Women's Reproductive Care, New York, NY, Distinguished Guest Lecturer in Reproductive Endocrinology, "ARTs and Parentage" (April 2008); Food and Drug Law Institute, Washington, D.C., "Ethical Issues in Representing Sponsors of Clinical Trials" (April 2008); New Jersey Intellectual Property Law Association and Seton Hall Law School Gibbons Institute of Law, Science & Technology, Newark, NJ, "Clinical Trials in Asia: Ethical Issues" (April 2008); Second International Pharmaceutical Regulatory and Compliance Congress, Paris, France, "Ethical Issues in Clinical Trials in Developing Countries" (May 2008); Graduate Institute of International Studies, Geneva, Switzerland, "Global Health Diplomacy" (June 2008); New York State Stem Cell Advisory Board, New York, NY, "Paying Women to Donate Eggs for Stem Cell Research" (September 2008); 9th World Congress of Bioethics, Rijeka, Croatia, "Addressing Ethical Issues in Pandemic Preparedness: National Efforts, WHO Guidance and Future Directions" (September 2008); Morristown Memorial Hospital, Morristown, NJ, "Children as Research Subjects" (September 2008); Hackensack University Medical Center, Hackensack, NJ, "Healthcare Professionals' Obligations to Work During Pandemics" (October 2008); Seton Hall Law Review Symposium, Newark, NJ, "Allocating Access to Pharmaceuticals During an Influenza Pandemic" (October 2008); American Public Health Association, San Diego, CA, "Ethical Issues in Pandemic Preparedness" (October 2008); American Society for Reproductive Medicine, "ARTs and the Sero-Discordant Couple" (November 2008); New York State Task Force on Life and the Law, New York, NY, "Research with Decisionally Incapacitated Human Subjects" (November 2008). Principal drafter of the World Health Organization's report, *Ethical Considerations in Developing a Public Health Response to Pandemic Influenza*

(2008); Rapporteur for World Health Organization project on *Ethical Issues in TB Control Programmes*.

Other News from Seton Hall Law School:

Seton Hall Law School recently hired **Tracy E. Miller** as Executive Director of its Center for Health and Pharmaceutical Law & Policy. Ms. Miller, a graduate of Brown University and Harvard Law School, has served as General Counsel and Senior Vice President of the Catholic Health Care System (CHCS), Vice President for Quality and Regulatory Affairs at the Greater New York Hospital Association, Associate Professor in the Department of Health Policy at the Mount Sinai School of Medicine, and Executive Director of the New York State Task Force on Life and the Law.

The Center for Health & Pharmaceutical Law & Policy fosters informed dialogue between policymakers, consumer advocates, the medical profession, and industry in the search for solutions to the ethical, legal and social questions presented in the health and pharmaceutical arena. In addition to the exploration of critical policy issues, the Center is a leader in providing compliance training on state and federal oversight of drugs and devices. Finally, the Center hosts conferences and educational programs, inviting leading experts from the public and private sectors to examine cutting edge policy issues. Following up on a forum held earlier this year, the Center will shortly release a white paper on drug and device promotion, with recommendations for policy on transparency, financial relationships between industry and physicians, funding for continuing medical education, and promotion of off-label medication.



Judith Daar

Whittier Law School

Recent appointments, grants, honors:

In July, I was appointed the Associate Dean for Academic Affairs at the law school, and named the Harry S. Zekian Scholar in January 2008. I am honored to have been appointed to serve on the Ethics Committee of the American Society for Reproductive Medicine, and elected President of the American Society of Law, Medicine and Ethics. Most proudly, I was voted *Teacher of the Year* by the Whittier Law School Alumni Association.

Recent publications, scholarly work, or research projects:

Recent publications include *Embryonic Genetics* to be published in the ST. LOUIS JOURNAL OF HEALTH LAW & POLICY; and *Litowitz v. Litowitz: Feuding Over Frozen Embryos and Forecasting the Future of Reproductive Medicine*, in HEALTH LAW STORIES (Aspen 2009). Selected presentations include: "Conscientious Refusals In Reproductive Medicine," at the annual meeting of the American Society for Reproductive Medicine; "Legal and Ethical Aspect of Assisted Conception in HIV Medicine," at the Cedars-Sinai Medical Center Annual HIV/AIDS Symposium; "Bioethics Update (with Rob Schwartz) at the ASLME Health Law Teachers Conference; "Disability Rights and Reproduction," at the St. Louis University School of Law Annual Health Law Symposium; "Progress and Pitfalls in Emerging Reproductive

Technologies," at Cumberland School of Law, Stamford University, Annual Health Law Symposium; "Legal and Ethical Aspects of Reproductive Technologies," at the UCLA Center for Society and Genetics.



Barbara Evans

University of Houston Law Center

Recent appointments, grants, honors:

Barbara Evans served as a member of the Oversight Task Force of the Secretary's Advisory Committee on Genetics, Health, and Society, which issued its report, U.S. SYSTEM OF OVERSIGHT OF GENETIC TESTING: RESPONSE TO THE CHARGE OF THE SECRETARY OF HEALTH AND HUMAN SERVICES, in April 2008. She is serving on a Multi-stakeholder Panel on privacy and governance issues with F.D.A.'s 100-million-person Sentinel Initiative health data network, is on Duke University's Clinical and Translational Science external advisory committee, and is a member of the A.B.A. Special Committee on Bioethics and the Law.

Recent publications, scholarly work, or research projects:

Recent writing includes Evans, B.J., *Congress' New Infrastructural Model of Medical Privacy*, 84 NOTRE DAME LAW REVIEW (forthcoming Dec. 2008); Evans, B.J., *Judicial Scrutiny of Legislative Action that Presents Bioethical Dilemmas*, 16 VIRGINIA JOURNAL OF SOCIAL POLICY & THE LAW (forthcoming 2009); and *Research Ethical Issues in Pharmacogenomic Research*, in PHARMACOGENOMICS: APPLICATIONS TO PATIENT CARE, 2D ED. (American College of Clinical Pharmacy, forthcoming 2009). Recent presentations include: *Panelist*, F.D.A. Public Workshop on Sentinel Initiative Structure, Function, and Scope (Dec. 2008); *Legal and Ethical Issues in Personalized Medicine*, Houston Bar Assn. Health Law Section (Sep. 2008); *FDA's Sentinel System for Drug-safety Surveillance*, Indiana University School of Medicine Personalized Therapeutics Seminars (Aug. 2008); *Legal and Regulatory Issues Affecting Clinical Use of Personalized Medicine*, American Association for Cancer Research Translational Medicine 2008 Conference (Jul. 2008); *FDA's Sentinel Initiative and Regulation of Medical Products with Predictive and Preventive Uses*, ASLME Health Law Professors' Conference (Jun. 2008); *Ethical and Legal Challenges in Bioengineering*, Rice University Lecture Series: New Developments in Bioengineering Technology (Mar. 2008); *Making Personalized Medicine Work: The Legal Paradigm Shift*, New York Academy of Sciences, Predictive Toxicology Discussion Group Meeting on Toxicogenomics and Personalized Medicine (Feb. 2008); *Panelist*, F.D.A./D.I.A. 4th Annual Pharmacogenomics Workshop (Dec. 2007).



Linda C. Fentiman

Pace University School of Law

Recent publications, scholarly work, or research projects:

Linda Fentiman was a visiting professor at the University of Houston Law Center during the Fall 2008 semester, teaching white collar crime and a health law survey course. This fall she

participated in two symposia. At Columbia University Law School, she spoke on "The New Fetal Protection: Comparative Legal & Social Analysis," at a program on New Scholarship in Reproductive Rights. Linda was also a presenter at a program, "White Collar Crime: Issues in Tax Fraud," University of Houston Law Center, Houston, TX, Oct. 14, 2008. Last spring, Linda gave a presentation on "The 'Fetal Protection' Wars: Why America Has Made the Wrong Choice in Addressing Maternal Substance Abuse - A Comparative Legal Analysis," to the Comparative Law Workshop, University of Michigan, Ann Arbor, MI, May 15, 2008. Linda's article, "Pursuing the Perfect Mother: Why America's Criminalization of Maternal Substance Abuse Is Not the Answer," 15 (2) MICH. J. GENDER & L. will be forthcoming this fall.



Leslie Francis

University of Utah S.J. Quinney College of Law

Recent publications, scholarly work, or research projects:

Together with colleagues Margaret P. Battin, Jay A. Jacobson, and Charles Smith, Leslie Francis has published *THE PATIENT AS VICTIM AND VECTOR: ETHICS AND INFECTIOUS DISEASE* (Oxford, 2009). The volume considers how bioethics—and health law—might have looked different had infectious disease been the paradigm of analysis.



Margaret Gilhooley

Seton Hall Law School

Recent publications, scholarly work, or research projects:

Margaret Gilhooley has written an article on *Drug Preemption and the Need to Reform the FDA Consultation Process*, to be published in 34 *AMERICAN JOURNAL OF LAW AND MEDICINE* 535 (Winter 2008). The paper analyzes the *Wyeth v. Levine* case pending in the Supreme Court, and emphasizes the problems in extending preemption to newly discovered risks that emerge after a drug is marketed. The paper also discusses the drawbacks of the agency's present process of consultations with manufacturers about new risks and urges improvements. Margaret Gilhooley published an article on *Assessing Potential Drug Risks: The Limits of Testing, Risk Signals, Preemption and the Drug Reform Legislation*, 59 *SOUTH CAROLINA LAW REVIEW* 347 (2008). *THE NEW YORK TIMES MAGAZINE* published a letter by Margaret Gilhooley (Nov. 16, 2008) commenting on an article titled *The Safety Gap*, by Gardiner Harris, which detailed the problems in ensuring the safety and efficacy of drugs and imported foods from China and India and the limits of the F.D.A.'s authority.



Jesse A. Goldner

Saint Louis University School of Law

Recent publications, scholarly work, or research projects:

I chaired a small working group of lawyers and pediatricians that recently obtained a \$575,000 grant from the Missouri Foundation for Health (the Foundation was funded from the

local Blue Cross conversion) to our local Legal Services program to develop a pediatric medical-legal partnership. The project will involve our law school clinical program, the two local children's hospitals, and one of the community health centers. I taught a comparative health law course in our summer program in Madrid.



Lawrence O. Gostin

Georgetown Law

Recent publications, scholarly work, or research projects:

The O'Neill Institute at Georgetown Law hosted two international conferences in the Winter of 2008—one on the international recruitment of health workers with the Milbank Memorial Fund and the other on global health diplomacy in celebration of the 40th anniversary of the Fogarty Center. On April 6-7, 2008, the Institute will host an international meeting on our proposal for a Framework Convention on Global Health proposed in the *GEORGETOWN LJ*.

A revised and expanded 2nd edition of the book, *Public Health Law: Power, Duty, Restraint* (U. California 2008) was recently published and is being used in classes on public health law and health policy. A selection of articles published in 2008 include: *Meeting Basic Survival Needs of the World's Least Healthy People: Toward a Framework Convention on Global Health*, 96 *GEO LJ* 331-392 (2008); *Global Health Law: A Definition and Grand Challenges*, 1 *PUBLIC HEALTH ETHICS* 53-63 (2008); Lawrence O. Gostin on *Biosecurity Policy: Are We Safer Today?*; *President's Emergency Plan for AIDS Relief: Health Development at the Crossroads*, 300 *JAMA* 2046-48 (2008); *Male Circumcision as an HIV Prevention Strategy in Sub-Saharan Africa: Sociolegal Barriers*, 300 *JAMA* 2539-41 (2008); *Blocking Humanitarian Assistance: A Crime Against Humanity?*, 372 *LANCET* 1203-04 (2008); *The International Migration and Recruitment of Nurses: Human Rights and Global Justice*, 299 *JAMA* 1827-29 (2008); *The Right to Bear Arms: Constitutional Law, Politics, and Public Health*, 300 *JAMA* 1575-77 (2008).

Other professional activities or news of interest:

The O'Neill Institute ran a weekly colloquium that attracted key scholars and policy makers including Anthony Fauci and Mark Dybul. The Institute's unique Global Health Law LLM welcomed its second class—a robust and diverse group of talented students from Africa, Asia, Europe, Australia, and the Americas. The LLM program is currently accepting applications for its incoming class in 2009.



Michael A. Grodin, M.D.

Boston University

Research Interests: Medicine and the Holocaust, Jewish Bioethics, Care of Survivors of Torture and Refugee Trauma, Health and Human Rights, Bioethics, Psychoanalysis

Publications: Grodin M, Saia K, Crosby S. *Brief for Amici Curiae in Support of Petitioner in the United States Court of*

Appeals for the Fourth Circuit. Alima Traore v. Michael Mukasey Case no. 07-2080. 2007; Crosby S, Apovian C, Grodin M. *Hunger Strikes, Force-feeding, and Physicians' Responsibilities*. JOURNAL OF AMERICAN MEDICAL ASSOCIATION 298(3): 563-566, 2007; Grodin M. *Book Review: The Porous Border of Boundaries, Boundaries* in CLINICAL PSYCHOTHERAPY: ETHICAL AND CLINICAL EXPLORATION. Ofer Zur. *Ethics and Behavior*. 2007; Levison J, Grodin M, Crosby S. *The Hunger Striker: Physician Advocacy at Guantanamo Bay, Cuba*. Society for General Internal Medicine. 2007. Abstract; Crosby S, Grodin M. Ethical Considerations in Crisis and Humanitarian Interventions: The View from Home. *Ethics and Behavior* 17(2): 203-205. 2007; Annas G, Grodin M. *The Nuremberg Code*. The Oxford Textbook of Clinical Research Ethics. 2008. Chapter; Crosby S, Mashour G, Grodin M, Jiang Y, Osterman J. Emergence Flashback in a Patient with Post Traumatic Stress Disorder. *General Hospital Psychiatry* 29: 169-171. 2007; Grodin M, Annas G. Physicians and Torture: From Nazi Germany to the "War on Terror". *International Review of the Red Cross* 89(867). 2007.

Presentations: Psychoanalytically Informed Psychotherapy for Survivors of Torture and Refugee Trauma, American Psychoanalytic Association Meeting, New York City; Care of Survivors of Torture and Refugee Trauma, Berlin; Medical Ethics in the Shadow of the Holocaust, SUNY Stony Brook; Mad, Bad, or Evil: How Healers Turn to Torture – From Nazi Germany to Abu Ghraib, Holocaust Museum, Houston, TX; Medicine and the Holocaust, Eastern European Study Tour, Auschwitz and Terezin.

Courses: Ethical Dimensions of Public Health Policy; Ethical Issues in Medicine and Public Health; Human Rights and Health; Essentials of Public Health.



Thomas L. Hafemeister

University of Virginia School of Law
University of Virginia School of Medicine

Recent publications, scholarly work, or research projects:

Thomas L. Hafemeister & Sarah Payne Bryan, *Beware Those Bearing Gifts: Physicians' Fiduciary Duty to Avoid Pharmaceutical Marketing*, 57(3) U. KAN. L. REV. (forthcoming 2009). Thomas L. Hafemeister & Richard M. Gulbrandsen, Jr., *The Fiduciary Obligation of Physicians to "Just Say No" if an "Informed" Patient Demands Services That Are Not Medically Indicated*, 39(2) SETON HALL L. REV. (forthcoming April 2009). Thomas L. Hafemeister & Selina Spinosa, *A Physician's Fiduciary Duty to Disclose Emergent Medical Risk*, 86 WASH. U. L. REV. (forthcoming June 2009).



Mark Hall

Wake Forest University

Recent publications, scholarly work, or research projects:

Mark Hall is completing research on the law and ethics of consumer-driven health care, under an RWJF Investigator

Award, and is starting work on his new RWJF project to study the use of section 125 "cafeteria" plans to shelter employees' premium contributions from tax. He is also writing about property interests in electronic medical information, and government-sponsored reinsurance. Finally, he's helping to establish a Master of Arts in Bioethics program at Wake Forest University, as part of a planned Center in Bioethics, Health and Society.



Diane Hoffmann

University of Maryland School of Law

Recent Appointments:

Board of Directors, American Society of Law, Medicine & Ethics

Recent Publications, scholarly work or research projects:

"Physicians Who Break the Law" (forthcoming, ST. LOUIS UNIVERSITY LAW JOURNAL); "Treating Pain v. Reducing Drug Diversion and Abuse: Recalibrating the Balance in Our Drug Control Laws & Policies," 1 ST. LOUIS UNIVERSITY JOURNAL OF HEALTH LAW & POLICY 231 (2008); "Achieving Quality and Responding to Consumers-The Medicare Beneficiary Complaint Process: Who Should Respond?" 5 INDIANA HEALTH LAW REVIEW 9 (2008) (with Virginia Rowthorn); "Are Health Care Conflicts all that Different? A Contrarian View," 29 HAMLINE JOURNAL OF PUBLIC LAW & POLICY 235 (2008); "Building Public Health Law Capacity at the Local Level," Vol. 36 (Special Supp.) J. LAW, MED. & ETHICS 6 (Fall, 2008) (with Virginia Rowthorn).

Selected Presentations:

December, 2008: Berman Lecture, Johns Hopkins School of Public Health, "The Second Generation of Genetic Tests in the Courtroom," December, 2008: Maryland Health Care Ethics Committee Network Conference, "Are Ethics Committees Doing What We Hoped?"; October, 2008: Childress Symposium, St. Louis University School of Law, "Doctors who Break Bad Law"; June, 2008: 31st Annual Health Law Professors Conference, Drexel University College of Law, "Is Dying a Public Health Issue?"; May, 2008: First Annual Women in Pain Conference, City of Hope, "The Disparity Toward Women in Pain: Social, Cultural and Legal Issues"; May, 2008: Translating ELSI Conference, Case Western University, "Judging Genes: Implications of the Second Generation of Genetic Tests in the Courtroom"; April, 2008: Conference on the Ethics of Health Care Reform, University of Maryland School of Law, "The Ethics of an Individual Mandate."

Other Professional Activities:

I am currently staffing a legislative task force in Maryland on Health Occupations Boards looking at fairness of disciplinary proceedings and sanctions. I continue to work with the Maryland Citizens Health Initiative on a plan to achieve universal health insurance coverage in Maryland. My work has been primarily to assess the ERISA issues.

Program News:

This year, the Law & Health Care Program at Maryland is celebrating its 25th anniversary. In March, Karen Rothenberg and I, and other members of our faculty, took a group of 40 health and environmental law students and alumni to China. The trip included meeting with officials at the Ministry of Health and the WHO. The Program held three conferences this year. The first on the Ethics of Health Care Reform, with keynote speakers Ezekiel Emmanuel, Ruth Faden, Marshal Kapp, Gregg Bloche and Marion Danis; the second, on Obstacles to the Development and Use of Pharmacotherapies for Addiction, included keynote speakers Richard Bonnie and David Lewis. Selected presentations from these conferences will form the basis of forthcoming issues of the *Journal of Health Care Law & Policy*. The third conference, on the Maryland ethics committee law and whether it should be changed, included keynote speakers Ellen Fox and Thad Pope. This spring, the Program will take a group of health law students to the Delta Region of Mississippi to work with the Mississippi Center for Justice on health law issues.



Sharona Hoffman

Case Western Reserve University School of Law

Recent appointments, grants, honors:

Sharona Hoffman was appointed a Member of the Board of Scientific Counselors for CDC Coordinating Office for Terrorism Preparedness and Emergency Response. Secretary of Health and Human Services Michael Leavitt made the appointment for the term 2008-2012.

Recent publications, scholarly work, or research projects:

Preparing for Disaster: Protecting the Most Vulnerable in Emergencies, UC DAVIS LAW REVIEW (forthcoming 2009); *Finding a Cure: The Case for Regulation and Oversight of Electronic Health Record Systems*, 22 HARVARD JOURNAL OF LAW & TECHNOLOGY (forthcoming 2009) (with Andy Podgurski); *Responders' Responsibility: Liability and Immunity in Public Health Emergencies*, 96 GEORGETOWN LAW JOURNAL 1913 (2008); *Settling the Matter: Does Title I of the ADA Work?* 59 ALABAMA LAW REVIEW 305 (2008); *Law, Liability, and Public Health Emergencies* DISASTER MEDICINE AND PUBLIC HEALTH PREPAREDNESS (forthcoming 2008); *Title I of the ADA: What We Know and Don't Know About Its Impact in the Workplace*, 33 ADMINISTRATIVE LAW NEWS (Summer 2008); Letter to the Editor, 38 THE HASTINGS CENTER REPORT 8 (Jan-Feb 2008) (discussing the HIPAA Privacy Rule); *Assessing Competencies for Public Health Emergency Legal Preparedness*, special supplement to 36:1 JOURNAL OF LAW MEDICINE & ETHICS 28 (2008) (with others); and *Health Care in the United States: A Matter of Right or Privilege?* In HEALTH CAPITAL AND SUSTAINABLE SOCIOECONOMIC DEVELOPMENT (Taylor & Francis 2008).

Other professional activities or news of interest:

Sharona Hoffman is speaking at two AALS programs that may interest the section's members. She will be speaking about electronic health records and health disparities at the concurrent

session of the **Health Care and Poor and Working People sections on 1/7/2009 at 3:20-4:20 p.m.** Also, she will be speaking about the special needs of people with disabilities during public health emergencies at the **Disability Law section's program on 1/9/09 at 1:30-3:15 p.m.**

Case Western Reserve University School of Law will be hosting the annual Health Law Professors Conference in Cleveland, Ohio, June 4-6, 2009.

Sharona Hoffman's presentations: "HIPAA – What Primary Care Physicians Need to Know," American College of Legal Medicine Conference, Chicago, IL, September 27, 2008; Panelist, "Liability Constraints, Concerns, and Unknowns," Medical Countermeasures Dispensing: Forum on Medical and Public Health Preparedness for Catastrophic Events, Institute of Medicine, March 4, 2008, Washington, DC; "Protecting Data, Protecting Privacy?" Joint Program of Sections on Defamation and Privacy, and Law and Computers, Association of American Law Schools, January 4, 2008, New York, New York; "Finding a Cure: The Case for Regulation and Oversight of Electronic Health Record Systems," Health Law Professors Conference, June 7, 2008, Philadelphia, PA; Annual Meeting of the American Society for Bioethics and Humanities, Cleveland, October 26, 2008; "In Sickness, Health, and Cyberspace: Protecting the Security of Electronic Private Health Information" Computers, Freedom, Privacy Conference, May 23, 2008, New Haven, Connecticut; "Responders Responsibility: Liability and Immunity in Public Health Emergencies," Kentucky Department for Public Health, May 30, 2008, Frankfort, Kentucky.



Nicole Huberfeld

University of Kentucky College of Law

Nicole Huberfeld became the Willburt D. Ham Associate Professor of Law as of July at the University of Kentucky College of Law. She has an article forthcoming in the winter issue of U.C. Davis Law Review entitled "Bizarre Love Triangle: The Spending Clause, Section 1983, and Medicaid Entitlements," and she will be presenting a paper entitled "Spending and Compulsory Maternity" at the International Conference on Feminist Constitutionalism at Queens College, Canada, in February.



Nan Hunter

Georgetown University Law Center

Nan Hunter's latest article - *Risk Governance and Deliberative Democracy in Health Care* – was published in 97 GEO. L. J. 1 (2008). The talk that she gave at the 50th anniversary celebration of the French Code de Sante Publique – *An American View: Federalism and Health Law* - is available through SSRN (Abs. # 1267644) and is being published in France as part of the anniversary symposium papers.



Timothy Jost

Washington and Lee University School of Law

Recent publications, scholarly work, or research projects:

Timothy Jost spent much of the year working on health reform related projects, including papers on insurance regulation for the National Academy of Social Insurance and National Academy of Public Administration; legal issues in health care reform for the Fresh Thinking project headed by Victor Fuchs and Ezekiel Emanuel; a paper on legal issues in insurance exchanges for Georgetown's O'Neill Center; and (with Tim Greaney and Sandy Johnson), a paper on legal issues presented by integrated delivery systems for Academy Health. Part of the Fresh Thinking paper was published as an article co-authored by Ezekiel Emanuel in JAMA. Jost also presented a paper at Einer Elhauge's Harvard conference on fragmentation in health care on value purchasing in Medicare (together with Larry Casalino) (also presented at a New America Foundation Conference in Washington), and a paper on the history of health care cost control at Gregg Bloche's Brookings Conference on cost control. Both of these papers will be published as chapters in books growing out of those conferences. Jost also published a web-exclusive with Health Affairs on the *MetLife v. Glenn* ERISA case. He gave presentations based on the book he published last year on consumer-driven health care at the University of Texas, the National Conference on Health Care Reform, and Widener University. The sixth edition of HEALTH LAW: CASES, MATERIALS AND PROBLEMS, which Jost coauthors with Barry Furrow, Sandy Johnson, Rob Schwartz and Tim Greaney, came out this year, together with its three constituent paperbacks and a new abridged edition. The European Union Chimbrids project book to which Jost contributed is nearing completion, and Jost gave a presentation about comparative approaches to regulation of hybrids and chimeras at the University of Texas. He also gave presentations on health reform at the London School of Economics and on American health law and the Oviedo Convention at Erasmus University in Rotterdam. Jost participated as a member of the Institute of Medicine Committee on conflicts of interest in the relations between physicians and industry, which should issue its report early next year.



Marshall B. Kapp

Southern Illinois University School of Law

Recent publications, scholarly work, or research projects:

"Health Care Decisions for the Elderly," in Legal Perspectives in Bioethics, edited by Ana S. Iltis, Sandra H. Johnson, and Barbara A. Hinze, New York: Routledge, pp. 196-207 (2008); "Nursing Home Reform Act" and "Advance Directives," in Encyclopedia of Elder Care, 2nd ed., edited by Elizabeth A. Capezuti, Eugenia L. Siegler, & Mathy D. Mezey, New York: Springer Publishing Company, pp. 17-19, 563-564 (2008); "Informed Consent," in International Encyclopedia of the Social Sciences, 2nd ed., edited by William A. Darity, Jr., Detroit: Macmillan Reference USA, vol. 4, pp. 32-34 (2008); Online

course on "Legal Issues in Aging," offered by Institute for Geriatric Social Work of Boston University as part of its Certificate in Aging Program (2008); "Advance Directives," "Confidentiality," "Conservatorship," "Durable Power of Attorney," "Living Wills," "Medical Malpractice," and "Omnibus Budget Reconciliation Act," in Encyclopedia of Aging and Public Health, edited by Sana Loue and Martha Sajatovic, New York: Springer, pp. 94-95, 227-228, 230-232, 295-297, 508, 539-540, 604-605 (2008); "Foreword," in The Alzheimer's Advisor: A Caregiver's Guide to Dealing with the Tough Legal and Practical Issues, by Vaughn E. James, New York: American Management Association, pp. ix-x (2009); "A Therapeutic Approach," in Theories on Law and Ageing: The Jurisprudence of Elder Law, edited by Israel Doron, New York: Springer-Verlag, pp. 31-44 (2009).

Articles

"Ninny Clients of the Nanny State? Selective Paternalism in Public Benefit Programs for Older Americans," Vol. 6, No. 1, pp. 191-218, GEORGETOWN JOURNAL OF LAW & PUBLIC POLICY (Winter 2008); "Biobanking Human Biological Materials: Issues Surrounding the Collection of Samples for Use in Future Research," Vol. 22, No. 2, pp. 75-84, PHARMACEUTICAL MEDICINE (2008); "Legal Issues in Dementia," Vol. 20, Nos. 1&2, pp. 91-103, INTERNATIONAL JOURNAL OF RISK AND SAFETY IN MEDICINE (2008); "Resistance to Nursing Home Restraints Reduction Revisited: Introduction to a Symposium," Vol. 20, No. 3, pp. 279-285, JOURNAL OF AGING & SOCIAL POLICY (2008); "Regulating Payment for Home Care Companionship Services: Legal Authority and Public Policy," Vol. 9, No. 3, pp. 122-127, JOURNAL OF LONG TERM HOME HEALTH CARE (2008).

Other professional activities or news of interest at the Southern Illinois University School of Law:

William J. Winslade will visit as Ryan Bioethicist in Residence; Judge Brent Moss (Idaho) as Visitor in Health Law Public Service; Annual Southern Illinois Healthcare/Southern Illinois University Health Policy Institute ("Emerging Issues in Healthcare Regulation: Protecting Patients or Punishing Providers?")



Fazal Khan

University of Georgia School of Law

Recent publications, scholarly work, or research projects:

Fazal R. Khan, *The Human Factor: Globalizing Ethical Standards in Drug Trials Through Market Exclusion*, 57 DEPAUL LAW REVIEW 877 (2008); *Paging King Solomon: Towards Allowing Parents to Donate Organs of Anencephalic Infants*, INDIANA HEALTH LAW REVIEW (with Brian Lea) (pending).



Joan Krause

University of Houston Health Law and Policy Center

Recent publications, scholarly work, or research projects:

Joan Krause is editing a forthcoming book, CASES IN CONTEXT: HEALTH LAW AND BIOETHICS, with Professors Sandra Johnson, Richard Saver, and Robin Wilson. Her co-authored chapter,

United States v. Krizek: Rough Justice Under the Civil False Claims Act (with Professor Tim Greaney) will appear in the book. She also published *Fraud in Universal Coverage: The Usual Suspects (and Then Some)*, 55 U. Kan. L. Rev. 1151 (2007), and completed *Health Care Fraud*, in *ENCYCLOPEDIA OF VICTIMOLOGY AND CRIME PREVENTION* (forthcoming 2009) and two comments for the Criminal Law Conversations project, *Imminence Reconsidered: Are Battered Women Different?* and *Tolerating the Loss of Self-Control*. She will be a Visiting Professor at the University of North Carolina at Chapel Hill in Spring 2009.

Other professional activities or news of interest:

The HOUSTON JOURNAL OF HEALTH LAW & POLICY Spring 2009 symposium issue will focus on "Predictive Health Technology". Symposium authors include Professors Gary Marchant (Arizona State) and Andrew Klein (Indiana University Indianapolis).

University of Houston Health Law & Policy Center's visiting faculty for the 2008-2009 academic year include Professor Linda Fentiman (Pace) (Fall 2008), Professor Colleen Flood (University of Toronto) (Spring 2009 Intersession), and Dr. Michael Ewer (University of Texas M.D. Anderson Cancer Center) (Spring 2009).

The Health Law & Policy Institute will be participating with the Research Triangle Institute under their federal grant to work on the Health Information Security and Privacy Collaborative, a national project addressing privacy and security concerns related to facilitating electronic exchange of health information.



Elizabeth Weeks Leonard

University of Kansas School of Law

Recent appointments, grants, and honors:

Elizabeth Weeks Leonard, Associate Professor, University of Kansas School of Law, was selected as one of 15 nonprofit leaders across the state of Kansas for the Sunflower Foundation Advocacy Fellowship and will participate in a yearlong series of advocacy training programs in Kansas and the District of Columbia. Elizabeth Weeks Leonard was elected Vice-President of the Board of Directors of Health Care Access Clinic, a non-profit, safety net clinic in Lawrence, Kansas.

Recent publications, scholarly work, or research projects:

This spring, Elizabeth Weeks Leonard is on a research-intensive, pre-tenure teaching leave and will be working on a project involving the impact of federal preemption under ERISA and the food, drug, and medical device statutes on state health care reform. Publications: *Everything Old Is New Again: The Re-emerging Public Health Right*, 86 WASH. U. L. REV. (forthcoming 2009), examining the *Abigail Alliance* issue of access to experimental drugs and other examples of the public health commons; "Sicko," for the "Teaching Health Law" column in the J. LAW, MED. & ETHICS (forthcoming 2009); *Beyond Compensation: Using Torts to Promote Public Health*, was

reprinted as a chapter in *PUBLIC HEALTH: ENFORCEMENT AND LAW* 43 (A. Sabitha ed., 2008).

Other professional activities or news of interest:

Elizabeth Weeks Leonard recent presentations: Right to Experimental Treatment: FDA New Drug Approval, Constitutional Rights, and the Public's Health, *KU Medical Center, Ethics Club, Lawrence Memorial Hospital, Lawrence, KS, Dec. 4, 2008*; The Effects of Federal Programs on Kansas: Medicare and Medicaid Reform, *2008 State of the State Kansas Economic Policy Conference, Insuring a Healthy Kansas, Institute for Policy & Social Research, University of Kansas, Oct. 30, 2008*; Where There's a Wrong, There May Be No Remedy: FDA Preemption of Common Law Claims and Implications for ERISA, *Midwestern Law and Economics Association, Annual Meeting 2008, Northwestern University, Chicago, IL, Oct. 3, 2008*; Teaching "Sicko," panel on What's Hot in Health Law for Those Who Don't Teach it, *SEALS, Annual Meeting, Palm Beach, FL, July 28, 2008*.

Service:

I serve as faculty advisor to student Health Law Society and the Health Law Moot Court team, who competed at Southern Illinois University on November 7, 2008.

I am working with the Kansas Office of Judicial Administration, Kansas Public Health Association, and Kansas Department of Health and the Environment, on a "Public Health Law Bench Book." Students in my Spring 2008 Public Health Law seminar conducted the primary research for the project.



Paul A. Lombardo

Georgia State University College of Law

Recent appointments, grants, and honors:

Paul A. Lombardo moved from the University of Virginia, where he was a faculty member since 1990, to Georgia State University, where he became a member of the faculty of the College of Law in the 2006-07 academic year. In the past two years he has served as Co-Principal Investigator on an NIH, ELSI project at the Indiana University Center for Bioethics that generated a symposium on the History of State and Local Eugenic Practices in the United States and resulted in a formal apology by Indiana officials for the state's pioneering 1907 eugenic sterilization law; he also initiated legislation for a legislative denunciation of eugenic laws in Georgia that resulted in a state Senate resolution (SR 247, 2007); completed work as Chairman of the Panel on ELSI issues for a National Institute of Environmental Health Sciences study to determine the feasibility of establishing a National Twin Registry to aid in the investigation of genetic and environmental contributions to complex diseases; was Chair of the Biodiversity Policy Panel for "Altering Nature: How Religious Traditions Assess the New Biotechnologies," a Ford Foundation project located at Rice University/Baylor College of Medicine & Davidson College; provided consultation on an Advisory Panel to the US Memorial Holocaust Museum Traveling Exhibit, *Deadly Medicine: Creating the Master Race*; was a member of the Ethics Review

Panel Member for the Shanghai Health Study conducted through Fudan University, Shanghai, and the University of Colorado; and was the historical consultant for a feature film that explored the impact of eugenic screening on early 20th Century immigrants at Ellis Island: *The Golden Door* (Martin Scorsese/ Miramax) released in the U.S. in 2007.

Recent publications, scholarly work, or research projects:

Paul A. Lombardo published "Saying 'I'm Sorry: the Role of Apology in Public Health," in *Proceedings: The Public's Health and the Law in the 21st Century*, JOURNAL OF LAW, MEDICINE AND ETHICS (Winter, 2007); "Swimming Upstream: Regulating Genetically Modified Salmon," (with Ann Bostrom) in Lustig, B. Andrew; McKenny, Gerald P.; Brody, Baruch A. (eds.) ALTERING NATURE, VOLUME II: RELIGION, BIOTECHNOLOGY, AND PUBLIC POLICY (Springer, May, 2008); "Human Sterilization," INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL SCIENCES (Macmillan/Gale, 2007); "Recovering the Narrative through Legal Archaeology: Methods of Research for Health Law Teachers," JOURNAL OF LAW MEDICINE AND ETHICS (September 2008); "Outside the Operating Room—Economic, Regulatory, and Legal Challenges" Lawrence K. Altman, Michael A. Mussallem, Rebecca Dresser, Paul A. Lombardo, Peter A. Ubel and Christopher L. White, CLEVELAND CLINIC JOURNAL OF MEDICINE (November, 2008); and THREE GENERATIONS, NO IMBECILES: EUGENICS, THE SUPREME COURT AND *BUCK V. BELL* (Johns Hopkins, 2008).

Other professional activities or news of interest:

Paul A. Lombardo presented "The Genome, Eugenics and the Mirror of History," Georgia Institute of Technology Biotechnology Policy Forum (February, 2007); "From the Dark Side of the Brave New World: Historical Abuses of Genetics," American Bar Association, Section on Health Law, Orlando (February, 2007); "No Lifeguards at the Gene Pool? Genomes, Eugenics and the Mirror of History," Howard University School of Law (March, 2007); "Eugenic Centennial: Buck v. Bell and the Future of Reproductive Freedom," Law Week Program, American Constitution Society/Advocates of Reproductive Freedom, Northwestern Law School (April, 2007); "Three generations of Imbeciles are Enough: Reflections on 100 Years of Eugenics in Indiana," CLE program, Indiana Supreme Court (April, 2007); "Eugenic Centennial: Reproductive Rights and the Legacy of Sterilization," American Society of Law, Medicine and Ethics Health Law Professors Annual Meeting, Boston (June, 2007); "Behavioral Genetics: Complex History; Controversial Science" Ethics Advisory Panel Symposium, Hoffmann La Roche, Nutley, NJ (June, 2007); "One Hundred Years of Eugenics: From the "Indiana Experiment to the Human Genome Project," American Society of Bioethics & Humanities Annual Meeting, Washington, DC (October, 2007); "Pillow Angel" Therapy: Best Interests or Patient Abuse?" Emory University Center for Ethics (October, 2007); "Policing Reproduction: Looking Back at *Buck v. Bell*," American Public Health Association Annual Meeting, Washington, DC (November, 2007); "Evolving Standards of Consent for Genetic Research" ExxonMobil Biological Science, Health Research Ethics Committee, Houston (December, 2007); "Eugenics, History and the Culture Wars: Sterilization and Reproductive Rights," Health Law Symposium: Disability, Reproduction & Parenting, St. Louis University School of Law (April, 2008); "The Aiken Leper Case, 1908," American Association of the History of Medicine, Cleveland (April, 2008);

"Thomas Jefferson's DNA: Evolving Standards of Consent for Genetic Research," Conference: Translating ELSI: Ethical Legal and Social Implications of Genomics, Case Western University, Center for Genetics Research, Ethics and Law, Cleveland (May, 2008); "Outside the OR-Economic, Regulatory and Legal Challenges" Cleveland Clinic Symposium: Ethical Issues surrounding Innovative Surgery (May, 2008); and "When Harvard Said No to Eugenics," American Society for Bioethics and Humanities Annual Meeting, Cleveland (October, 2008).



Wendy Mariner

Boston University Schools of Public Health & Law

This year we celebrated the 50th Anniversary of Health Law at BU with a special 4-day conference: *Health Law at Boston University 50th Anniversary Celebration: From Forensic Medicine to Global Human Rights* (Sept. 24-27, 2008). We also hosted the 4th Annual Pike Conference (*The Future of Health Law*, March 2008).

Recent publications, scholarly work, or research projects:

"Social Solidarity and Personal Responsibility in Health Reform," CONN. INS. L. J (2008); the book resulting from our 2007 Health Law and Bioethics Seminar—a joint project with the New University of Lisbon—was published in September.

Other professional activities or news of interest: Professor Mariner has been appointed as chair of the Boston University Faculty Council, the highest faculty governing body in the University.



Dayna Bowen Matthew

University of Colorado Law School

Other professional activities or news of interest:

Dayna Bowen Matthew was selected to give the 34th Annual Austin C. Scott Lecture, delivered on November 20, 2007. The title was "A Legal Prescription for Health Care Disparities In America" and proposed a fiduciary model of health care delivery to address disparities at the systems, treatment, and patient level of health our health economy. Matthew is also serving on an ABA Health Care Task Force, and the Academic Links group of the American Health Lawyers Association.



Fran Miller

Boston University School of Law

Recent publications, scholarly work, or research projects:

Stumbling on Options: An Essay/Review of Readings in Comparative Health Law & Bioethics, 36 J OF LAW, MED. & ETHICS No. 2 (2008)

Other professional activities or news of interest: June 26 - Mass Biotech Conference, "Clinical Trial Subject Injuries;" Sept 23 - American Conference Institute Clinical Trials Conference, "Post-marketing studies of New Drugs & Devices," Boston, MA; Oct 31 - "Legal Dilemmas of Interconnected Health," Continua Health Alliance Annual Summit Conference, Harvard Medical School; Dec. 11 - "From Dachau to Abigail Alliance: The Rights of Human Subjects," Cape Cod Hosp Institutional Review Board Conference.

Spring 2008 - Visiting Professor, University of Hawai'i School of Law.



Grant Morris

University of San Diego School of Law

Recent publications, scholarly work, or research projects: Grant Morris has written an article entitled: "Let's Do the Time Warp Again:" *Assessing the Competence of Counsel in Mental Health Conservatorship Proceedings*, SAN DIEGO LAW REVIEW (pending, Spring 2009).



Abigail Moncrieff

Boston University School of Law

Recent appointments, grants, and honors: Associate professor, Boston University School of Law.

Recent publications, scholarly work, or research projects: *Federalization Snowballs: The Need for National Action in Medical Malpractice Reform*, 109 COLUM. L. REV. (forthcoming 2009).



Linda Morton

California Western School of Law

Other professional activities or news of interest: California Western School of Law, partnered with UCSD School of Medicine and the Third Avenue Charitable Organization (TACO), runs a medical-legal collaborative for the homeless in downtown San Diego. **The AALS Section on Pro Bono and Public Service Opportunities has named TACO and its partners as its Service Project for the AALS Conference attendees in San Diego. Individuals can learn more about the collaborative and serve a meal to the homeless on Wed. Jan. 7 from 1-5 pm. (See conference brochure, p.7 for further description.)** Questions about the collaborative can be directed to Anaheeta Kolah, the Executive Director of the legal branch of the collaborative (azk@cwsl.edu), or Linda Morton, law professor at California Western and faculty liaison for the project (lmorton@cwsl.edu). Questions about the events on January 7th should be directed to the director of TACO, Jim Lovell, at jim.chacha@firstlutheransd.org.



David Orentlicher

Indiana University School of Law-Indianapolis

Recent publications, scholarly work, or research projects: David Orentlicher has an article forthcoming, *Presumed Consent to Organ Donation: Its Rise and Fall in the United States*, 61(2) RUTGERS LAW REVIEW (Winter 2009), and a co-authored book that came out earlier in the year, Orentlicher, Bobinski and Hall, *BIOETHICS AND PUBLIC HEALTH LAW* (2d ed. Aspen 2008).

Other professional activities or news of interest:

David Orentlicher, recent presentations: "Implementing Best Practices: Converting Good Ethics into Good Law," Confronting the Ethics of Pandemic Influenza Planning: The 2008 Summit of the States, July 14; "A Right to Health Care Under the Constitution: Why Not?," Constitution Day Program, Southern Illinois University School of Medicine, September 17; "Health Care Reform in the United States: The Lessons of History," Harvard Medical School Alumni Program on Perspectives in Health Care in 2008 and Beyond, September 28; "Expensive New Drugs: Are They Worth It?," University of Illinois College of Medicine, October 29.

News from The William S. and Christine S. Hall Center for Law and Health, Co-Directors, Professor Eleanor Kinney, JD, MPH, & Professor David Orentlicher, M.D., J.D.: In light of health care reform occupying a prominent place in the public policy debate, The William S. and Christine S. Hall Center for Law and Health has recently featured it as well. On October 29, 2008, we hosted a debate on the role of government and the market in ensuring universal health care coverage. Participating in the debate were David Hyman, Professor of Law & Medicine at University of Illinois and Aaron Carroll, Assoc. Professor of Pediatrics at the IU School of Medicine. Future debates are being planned.

The Annual McDonald-Merrill-Ketcham Lecture/Indiana Health Law Review Symposium also will feature health care reform on February 25-26, 2009. This year's Lecture will be delivered by Dr. Ezekiel Emanuel, Chair of the Department of Bioethics at the Clinical Center of the National Institute of Health, and his topic will be *Beyond Band Aid: How to Cure America's Ailing Health Care System*.

Our Seventh Annual Conference on Health, Disability, and the Law will be held on Friday, June 12, 2009. The topic of this year's conference is *Autism and Vaccines*. Dr. Paul Offit of the University of Pennsylvania, Children's Hospital of Philadelphia, and nationally known immunologist and author, will present the keynote address. Prof. Ross Silverman of Southern Illinois University School of Medicine will also speak at the conference. The Conference is a project of the Public Health Law program at the Hall Center for Law and Health, directed by Heather A. McCabe, J.D., MSW.



Kevin Outterson

Boston University School of Law

Recent appointments, grants or honors: Secretary, AALS Section on Law, Medicine & Health Care

Recent publications, scholarly work, or research projects:

Medical, health policy & law journals: *Should Access to Medicines And TRIPS Flexibilities Be Limited To Specific Diseases?* 34 AM. J. L. & MED. 279 (2008); *Antibiotic Resistance and Antibiotic Development - Author's Reply*. 8 LANCET INFECTIOUS DISEASES 212-214 (April 2008); *Market-Based Licenses for HPV Vaccines in Developing Countries*, 27 HEALTH AFFAIRS 130 (January/February 2008) (with Aaron S. Kesselheim). **Book chapters:** *Global Pharmaceutical Markets*, in A COMPANION TO BIOETHICS (2ND Ed.) (Helga Kuhse & Peter Singer, eds.) (pending, 2008) (with Donald Light).

Other professional activities or news of interest:

Antibiotic Resistance Task Force, Center for Global Development (Washington, DC, 2007-2009). Project funded by the Bill & Melinda Gates Foundation; *Should Access to Medicines and TRIPS Flexibilities Be Limited to Specific Diseases?*, at Tackling Global Health Issues Through Law & Policy (Boston, MA, AJLM Symposium, Feb. 2, 2008); *Legal Strategies for Prescription Drug Policy*, at Program for Information Justice & Intellectual Property Law (American University, Feb. 4, 2008); *Putting Patients First: Global Public Health and Intellectual Property*, in The Future of Health Law (4th Annual Health Law Program Conference, Boston University, March 24, 2008); *Power & Legitimacy in Trade Agreements*, in Future Challenges: Trade & Development (Pardee Center, Boston University, April 7, 2008); *Datamining Pharmaceutical Information*, at American Health Lawyers Association's Life Sciences Program (Bethesda, MD, May 8, 2008); *Federalism in Health Care*, at 31st Annual Health Law Professors' Conference (Philadelphia, PA, June 5-7, 2008) (moderator); *Markets for Infections: Mismatched Incentives for Hospitals, Patients and Drug Companies*, at Fragmentation Conference (Harvard Law School, June 13-14, 2008); *Markets for Infection: How the Business of Medicine Treats Infectious Diseases*, at Health Law at Boston University - 50th Anniversary Celebration: From Forensic Medicine to Global Human Rights, (Boston, MA, September 24 – 27, 2008); *Visiting Low-Income People: Education or Exploitation*, at The Hale Lecture Series in Philosophy (Rochester Institute of Technology, Oct. 2, 2008); *Incentivizing Development of New Antibiotics: The Antibiotic Conservation and Effectiveness Program*, in Preparing for a Pharmaceutical Response to Pandemic Influenza: A Seton Hall Law Review Symposium (Seton Hall, Oct. 23-24, 2008); *Incentivizing Development of New Antibiotics: The Antibiotic Conservation and Effectiveness Program*, at Drug Policy Research Group (Harvard Medical School, Oct. 29, 2008); *Reparations for Racial Disparities in Health*, in Law, Reparations, and Racial Disparities (University of Kansas Law Review Symposium, Oct. 31, 2008); *Health Data Security: Constitutional Issues*, at Righting the Script: Improving Prescription Drug Policy in an Era of Health Reform (The

Prescription Project/Community Catalyst, Washington, DC, Dec. 8-9, 2008).

News from the Boston University Health Law Program:

Boston University School of Law and the American Society of Law, Medicine & Ethics announces the renewal of their longstanding relationship. ASLME will continue to be located at BU Law, governed by an independent Board of Directors. The AMERICAN JOURNAL OF LAW & MEDICINE is now a peer-reviewed publication, under faculty editors Fran Miller and Kevin Outterson. BU Law hosted three symposia this year – the 4th Annual Pike Conference (*The Future of Health Law*, March 2008); Volume 34 of the AMERICAN JOURNAL OF LAW & MEDICINE's annual symposium (*Tackling Global Health Issues Through Law and Policy*, February 2008); and a special 4-day conference: *Health Law at Boston University 50th Anniversary Celebration: From Forensic Medicine to Global Human Rights* (Sept. 24-27, 2008). We are also delighted to announce that **Abigail Moncrieff** will join our faculty next year, from Harvard's Petrie-Floem Center for Health Law Policy, Biotechnology, and Bioethics.



Elizabeth Pendo

Saint Louis University

Recent appointments, grants or honors: I joined the faculty at Saint Louis University School of Law, Center for Health Law Studies, after a yearlong visit. I was also appointed to a legal panel of the Editorial Board of the Cambridge Dictionary of Bioethics, served as a reviewer for the AMERICAN JOURNAL OF LAW & MEDICINE, as a reader for the Health Law Scholars Workshop, Fall 2008 and the SEALS New Scholars Workshop, Summer 2008.

Recent publications, scholarly work, or research projects:

"Disability, Equipment Barriers and Women's Health: Using the ADA to Provide Meaningful Access," __ ST. LOUIS UNIV. J. OF HEALTH L. & POL'Y __ (Fall 2008); and also a review of Susan Starr Sered and Rushike Fernandopulle, 'Uninsured in America' (2007), 29 J. OF LEGAL MEDICINE 117 (2008).

Other professional activities or news of interest: Paper presentations include "Ensuring Equal Access to Reproductive Health Care for Women with Disabilities," SLU Health Law Symposium on "Disability, Reproduction and Parenting," April, 2008 and on "Access to Women's Health Care for Women with Disabilities," University of Louisville Brandeis School of Law, Faculty Workshop Series, Feb. 2008.

I also served on several panels, including: "What's Hot in Health Law for Those Who Don't Teach It" (presenting on employment discrimination issues), SEALS Conference, July 2008; on "Protecting Populations at Risk" (presented on access to women's health care for women with disabilities) Health Law Professors Conference, June 2008; and "Learning by Doing: How to Incorporate Activism into Your Course," (presented on "Helping Health Care Consumers through State Ombudsman Programs"), SALT Teaching Conference, UC Berkeley School of Law, March 2008. I also led a workshop, "Uses of Genetic

Information after GINA" with Professor Jennifer Bard at the Bioethics Summer Institute, Stanford Center for Biomedical Ethics, June 2008.



Ani B. Satz

Emory University School of Law

Recent appointments, grants, and honors: AALS Disability Law Section, Chair-Elect 2008-09; CDC PO1, Center for Public Health Preparedness-Research (Emory PERRC), Improving Disaster Planning for Nursing Home, Home Health, and Dialysis Patients, Co-Investigator

Recent publications, scholarly work, or research projects:

Ani B. Satz, Recent health-related articles--academic:

Disability, Vulnerability, and the Limits of Antidiscrimination, 83 WASH L. REV. (forthcoming 2008); *The Limits of Health Care Reform*, 59 ALA. L. REV. 1451 (2008); *Toward Solving the Health Care Crisis: The Paradoxical Case for Universal Access to High Technology*, 8 YALE J. HEALTH POL'Y, L. & ETHICS 93 (2008); *A Not-So Protective Law: Genetic Screening Safeguard Creates Unforeseen Inequities, Difficulties*, ATLANTA J. CONST., May 27, 2008, at A13; *Re-Imagining Health Care Reform: From Old Paradigm to New Paradigm*, THE ACADEMIC EXCHANGE, May 2008, at 8.

Other professional activities or news of interest:

Guest Lecturer, *Introduction to Health Law for Nurses, Graduate Nursing Program*, School of Nursing, Emory University, Atlanta, Georgia (Oct. 7, 2008); Guest Lecturer, *Disability Law and Health Care*, Occupational Health Practice, Rollins School of Public Health, Emory University, Atlanta, Georgia (Oct. 2, 2008). Colloquium Speaker, *Disability, Vulnerability, and the Limits of Antidiscrimination*, Vulnerability Project, Race and Difference Initiative, Fox Center for Humanistic Inquiry, Emory University, Atlanta, Georgia (Sept. 15, 2008); Plenary Speaker, *Health Care Reform: Theory, Practice, Politics, American Society of Law, Medicine and Ethics Health Law Professors Conference*, Philadelphia, Pennsylvania (June 6-7, 2008); Speaker, *The Real Future of Disability Law, Roundtable on Global Disability Issues*, Symposium on Framing Legal Human Rights Strategies for Change: A Case Study of Disability Rights in Asia, University of Washington School of Law, Seattle, Washington (April 24-25, 2008); Commentator, *Vulnerability and Theory*, Feminist Theory and Economic Vulnerability, Race and Difference Initiative and Feminism and Legal Theory Project, University of Colorado Law School, Boulder, Colorado (March 7-8, 2008).

Interview, in Paige P. Parvin, *The Picture of Health: If You're Not Sick, Are You Well? A New Initiative Seeks to Define and Maintain Health, Rather than Focus on Illness – And to Engage Patients More Fully in their Own Care*, EMORY MAGAZINE, Summer 2008, at 18; Interview, in Steve Frandzel, *Prediction as the Cure: Gazing into the Human Body's Crystal Ball*, THE ACADEMIC EXCHANGE, Feb./Mar. 2008; Core faculty of new Global Health Law & Policy Project, Emory Law School Affiliated faculty of new Predictive Health Initiative, Emory University



Richard Saver

University of Houston Law Center

Recent publications, scholarly work, or research projects:

Richard Saver is co-editor of HEALTH LAW AND BIOETHICS: CASES IN CONTEXT (forthcoming from Aspen Publishers in Spring 2009). Co-editors are Professors Sandra Johnson, Joan Krause, and Robin Fretwell Wilson. Professor Saver's article, *In Tepid Defense of Population Health: Physicians and Antibiotic Resistance*, is forthcoming in the Winter 2008 volume of the AMERICAN JOURNAL OF LAW AND MEDICINE. Professor Saver's article *At the End of the Clinical Trial: Does Access to Investigational Technology End as Well?* will appear in the Western New England Law Review's forthcoming symposium on Health Care Technology: Regulation and Reimbursement (by invitation). Professor Saver will be a visiting professor at the University of North Carolina School of Law for the spring 2009 semester.



Kirsten Rabe Smolensky

The University of Arizona
James E. Rogers College of Law

Recent publications, scholarly work, or research projects:

Kirsten Rabe Smolensky, *Creating Children with Disabilities: Parental Tort Liability for Preimplantation Genetic Interventions*, 60 HASTINGS. L. J. __ (2008); Responses: Glenn Cohen, *Intentional Diminishment, the Non-Identity Problem, and Legal Liability*, 60 HASTINGS. L. J. __ (2008); Jaime King, *Duty to the Unborn: A Response to Smolensky*, 60 HASTINGS. L. J. __ (2008); Alicia Ouellette, *Insult to Injury: A Disability-Sensitive Response to Professor Smolensky's Call for Parental Tort Liability for Preimplantation Genetic Interventions*, 60 HASTINGS. L. J. __ (2008). Reply: Kirsten Rabe Smolensky, *Parental Tort Liability for Direct Preimplantation Genetic Interventions: Technological Harms, the Social Model of Disability, and Questions of Identity*, 60 HASTINGS. L. J. __ (2008).



Robin Fretwell Wilson

Washington & Lee University School of Law

Recent appointments, grants, and honors:

Robin Fretwell Wilson was voted Teacher of the Year by the Women Law Students' Association at Washington & Lee in the Spring of 2008, received the Law Alumni Faculty Fellow Award for Scholarship for 2008 – 2009, and lectured at the University of Padua in Italy in May.

Recent publications, scholarly work, or research projects:

Professor Wilson published a new volume drawing heavily on the US experience with abortions and healthcare conscience clauses, entitled SAME-SEX MARRIAGE AND RELIGIOUS LIBERTY: EMERGING CONFLICTS, co-edited with Douglas Laycock and Anthony R. Picarello, Jr. She also published several articles and book chapters on conscience clauses and other questions:

Essay: *The Limits of Conscience: Moral Clashes over Deeply Divisive Healthcare Procedures*, 34 AMERICAN JOURNAL OF LAW & MEDICINE 41 (2008); *Matters of Conscience: Lessons for Same-Sex Marriage from the Healthcare Context*, in SAME-SEX MARRIAGE AND RELIGIOUS LIBERTY; *Essay: A Matter of Conviction: Moral Clashes Over Same-Sex Adoption*, 22(2) BYU JOURNAL OF PUBLIC LAW 475 (2008); and *Unauthorized Practice: Regulating The Use of Anesthetized, Recently Deceased, and Conscious Patients in Medical Teaching*, 44(2) IDAHO LAW REVIEW 423 (2008).

Other professional activities or news of interest:

Robin Fretwell Wilson presented papers on conscience clauses or health law at the University of Novi Sad and the Mt. Kapaonik, Serbia, XXI Conference of the Kopaonik School of Natural Law (“Emerging Conflicts Between Same-Sex Marriage and Religious Liberty: Finding a Live-And-Let-Live Solution”);

The Chapman Dialogue Series’ Panel on *Legal Aspects of Same-Sex Marriage and Prop 8 Issues* (“Emerging Conflicts Between Same-Sex Marriage and Religious Liberty: Finding a Live-And-Let-Live Solution”); The American Society of Law, Medicine, and Ethics, (“Estate of Gelsinger v. Trustees of University of Pennsylvania: Money, Prestige, and Influence In Human Subjects Research”); and the University of Idaho College of Law (“Unauthorized Practice: Regulating The Use of Anesthetized, Recently Deceased, and Conscious Patients in Medical Teaching”).

Robin Fretwell Wilson is the Director and Founder of the Johnson & Johnson Law & Medicine Colloquium Series at Washington & Lee University School of Law, a new annual lecture series. Professor Wilson is co-editing a new volume forthcoming in March from Aspen entitled HEALTH LAW AND BIOETHICS: CASES IN CONTEXT (with Sandra H. Johnson, Joan H. Krause, and Richard S. Saver).

Other AALS Talks by Section Members

The January 7 session entitled “Health Care: The Poor and the Working Poor,” a part of the all-day program of the Socio-Economic Section. **Art LaFrance** (Lewis & Clark) is moderating. Time: 3:20 pm. Location: Pacific, South Tower/Level 1, San Diego Marriott Hotel & Marina.

Fran Miller (BU) is speaking on “The Massachusetts Health Insurance Reforms, One Year Out.”

Sharona Hoffman (Case Western) is speaking on “National Electronic Health Record Reforms, & Capacity to Reduce Health Disparities,” and

Kenneth Gattner (Oregon Health & Science Univ.) is discussing “Successes in Pediatric Oncology & Implications for Adult Cancer Patients Among Poverty Patients.”