## Case Law-Med

The Law-Medicine Center at Case Western Reserve

Dr. Hoffman among nation's most-cited health law scholars





### About the Center



The original logo for the Law-Medicine Center, the nation's first health law program.

Case Western Reserve University School of Law was the first in the country to create a health law program. The field of health law effectively began with the creation of the Law-Medicine Center in 1953. Our 9th-ranked health law program offers students a unique opportunity to play a pivotal role in emerging areas of law. Students engage with faculty in researching legal, ethical and policy issues raised by advances in human genetics, electronic medical records, biomedical research, novel threats to public health, new reproductive technologies and historic changes in the regulation of government and private health care programs.

Outstanding campus resources support the health law program. Case Western Reserve University is a leading research university, with a top-25 medical school, and renowned health policy and bioethics programs. Collaborations with peers from our graduate schools of medicine, social sciences and management include shared courses, lectures, symposia and research teams.

The law school is close to two of the nation's best hospitals — Cleveland Clinic (ranked No. 2 in the nation) and University Hospitals — where opportunities to work and learn in hospital legal environments are steps away. The area is also home to two premier regional medical institutions: Summa Health and The MetroHealth System.

#### Health Law Faculty:

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CLOSE TO HOME JOHN MCPHERSON



"Relax, Mr. Wright, just part of our new plan to cut medical costs. Two more stops and we'll have you in the ICU,"

## WELCOME

#### from our Law-Medicine Center leaders





health law professions in the coming decades uniquely poised to prepare its students to oldest health law program in the country. The field of health law effectively began with the curriculum offers a wide range of courses, seminars and clinical practice opportunities to students interested in the full array of firm practice to bioethics, from medical malpractice advocacy to government regulation of health care providers.

Entering first-year students are eligible for and the center offers summer stipends for students working in non-profit and members of the Law-Medicine Center have

both extensive practice experience and notable scholarly reputations. They actively participate in major health care policy debates at the national, state and local levels. But they also pride themselves on their accessibility to students. The Law-Medicine Center is an intellectual

The center is fortunate to be located within a university with a topprograms, offering our students abundant opportunities for interdisciplinary learning and research and for pursuing several dual degree options, such as law and bioethics, law and public health, law and management or law and social work, among others.

Please feel free to contact us if you have any questions about the Law-Medicine Center or the study of health law at Case Western Reserve University School of Law.

#### Maxwell J. Mehlman

Director, Law-Medicine Center CWRU School of Law Professor of Bioethics CWRU School of Medicine

#### Sharona Hoffman

Edgar A. Hahn Professor of Law CWRU School of Law Professor of Bioethics CWRU School of Medicine

## Gift from Charles and Sharon **Hallberg** creates new health law endowment

This spring, the law school received a generous \$500,000 gift from Charles '77 and Sharon Hallberg to create the Hallberg Health Law Endowment. As a founder of MemberHealth, Hallberg's extensive business experience allowed him to grow MemberHealth into a leading prescription benefit management company that administers one of the nation's largest Medicare Part D prescription drug plans.

In 2007, MemberHealth became part of the Universal American Corp. family of companies. As a result, MemberHealth now operates as a subsidiary of Universal American and is an integral part of Universal American's "Healthy Collaboration" model for health care. Hallberg has since excelled as a private investor in fields ranging from health care to internet-based tech platforms.

The creation of the Hallberg endowment in health law will support the Law-Medicine Center, including programming, scholarships and student externship stipends. The center is the nation's first and oldest, and is consistently ranked in the top 10 by U.S. News and World Report.





## Cleveland

#### A TOP CITY FOR HEALTHCARE

Cleveland is both a major law center and a major center of health care and medical research. Downtown, home to MetroHealth Medical Center and most of the region's major law firms — including some of the largest firms in the nation — is a 15-minute drive from campus. Many medical facilities are even closer. University Hospitals-Case Medical Center is headquartered on our campus. The Cleveland Clinic Foundation and the Cleveland Veterans Affairs Medical Center are just minutes away. The proximity of these teaching hospitals is critical to the Law-Medicine Center, as both students and faculty are exposed to the real world of health care. Thus, the health law curriculum includes on-site experience and intensive contact with providers and patients.

#### **University Circle**

Our law school resides in University Circle, a fast-growing modern community rich in arts and culture and one of the largest concentrations of educational, cultural and health care institutions in the world. We are a short walk away from the city's best attractions. The Cleveland Museum of Art, Cleveland Orchestra, Cleveland Botanical Gardens and the Museum of Contemporary Art are all steps away from our door. With all this and much more, it's no surprise that Cleveland was named among the top 15 destinations to see by *L.A. Times*, among the best 50 places to travel in the world by Travel + Leisure, and #21 places to visit in the world by *New York Times*. But living here? It's even better.

#### **American Hospital Association**

Health care is in our roots, and it's woven into our city's history. The American Hospital Association (AHA), an organization that represents and serves health care institutions, patients and communities, was founded in Cleveland in 1898. The AHA is a national entity made up of nearly 5,000 hospitals, health care systems, networks, health care providers and 43,000 individuals. AHA advocates on a national scale for its members' perspectives and needs in national policy developments, legislation, regulations and judicial matters.

#### **Beginning of Forensic Medicine**

The Law-Medicine Center first began with forensic medicine in mind. It was founded by Dr. Samuel Gerber, a coroner with a national reputation as a forensic professional; Dr. Alan Moritz, a forensic pathologist from Harvard University; and Oliver Schroeder, a young law professor just beginning his long and very distinguished career. Established within the law school with Professor Schroeder as director, the Center offered classes in forensic sciences to law and medical students, police officers, coroners, prosecutors, judges and practicing attorneys. Since then, we've shifted our focus from forensics to professional education and the intersection of law and medicine.



In 2017, Case Western Reserve University Law Professor Sharona Hoffman was recognized as the 14th most cited health law scholar and the 2nd most cited female health law scholar in the nation.

The citation study was conducted by Professors Mark Hall (Wake Forest) and Glenn Cohen (Harvard) and posted on Bill of Health, a Harvard Law School blog. Dr. Hoffman, who joined the law faculty in 1999, is the Edgar A. Hahn Professor of Law, professor of Bioethics and Co-director of the Law-Medicine Center.

Her recent publications are Electronic Health Records and Medical Big Data: Law and Policy (Cambridge University Press 2016); "Big Data and the Americans with Disabilities Act," Hastings Law Journal (forthcoming 2017); and "The Perplexities of Age and Power," Elder Law Journal (forthcoming 2017).

#### PROFESSOR HOFFMAN'S NEW BOOK EXAMINES LEGAL, ETHICAL AND POLICY IMPLICATIONS OF **ELECTRONIC HEALTH RECORDS AND MEDICAL 'BIG DATA'**

Recent years have marked a dramatic transition from paper to electronic medical records. Simultaneously, Electronic Health Record (EHR) systems allow for the creation of medical "big data"—massive collections of electronic data that can be used for medical research, public health initiatives and other health-related endeavors.



To educate medical, legal, information technology and policy professionals and students about EHR systems, medical big data and the regulations that govern them, Sharona Hoffman, a professor of law and bioethics at Case Western Reserve University and co-director of the Law-Medicine Center, wrote a new book, Electronic Health Records and Medical Big Data: Law and Policy (Cambridge University Press).

"This book is intended to provide a thorough, interdisciplinary analysis of EHR systems and medical big data, offering in-depth technical and legal insight," Hoffman said. "The law is vital for safeguarding and enhancing the



Professor Sharona Hoffman signs copies of her first book, Aging with a Plan.

quality and security of EHR systems and the medical big data resources that are drawn from them."

EHR systems became widely adopted only in recent years, mainly due to the Obama administration's incentive program, begun in 2011, that offered health care providers financial support for the adoption of health information technology.

Electronic Health Records and Medical Big Data addresses privacy and security concerns and other important challenges, such as those involving data quality and data analysis. Hoffman also offers recommendations to improve the technology's safety, security and efficacy for both clinical and secondary uses of medical data.

For example, Hoffman recommends: Extensive testing of EHR systems in clinical settings to determine their usability and safety before they are approved. EHR systems should continue to be reviewed after they are launched to ensure they function as expected and to track any serious problems. She also recommends expanding the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rules and the Americans with Disabilities Act to enhance their privacy and anti-discrimination protections.

The book is available on Amazon and from Cambridge University Press.





# American Health Lawyers Association collaborates with Case Western Reserve for the event

Many diseases do not have optimal means of prevention or treatment.

Former President Barack Obama's Precision Medicine Initiative, made public in January 2015, aimed to find new customized treatments so that better medical decisions can be made based on a patient's genetics and other patient-specific factors.

The Law-Medicine Center at Case Western Reserve University School of Law, in conjunction with the American Health Lawyers Association, conducted its own check-up on this concept.

On April 7, the conference "Legal Challenges in Precision Medicine" featured experts in law and medicine discussing the new trend, its medical potential and possible legal roadblocks.

"It's about getting away from one-size-fits-all medicine and making medicine much more focused on the characteristics of the individual patient. That's the ultimate dream," said Maxwell Mehlman, Arthur E. Petersilge Professor of Law and director of the Law-Medicine Center, Case Western Reserve University School of Law.

Mehlman is one of two bioethics experts in the nation who reviewed applications to establish Healthcare Provider Organization Enrollment Centers within the NIH cohort program, which is part of the Precision Medicine Initiative.

He said medical researchers and physicians know that clinical trials tend to identify a treatment for many, not for a few or one.

"In reality, no two patients respond the same way to the same treatment," Mehlman said. "There are slight differences. Some of those differences are dependent on the patient's genetics."

The featured speaker for the conference was Carolyn Mary Hutter, acting division director for the Division of Genome Sciences at the National Human Genome Research Institute, National Institutes of Health.





She discussed the scientific progress that's been made, and serves as one of the leaders of the Precision Medicine Initiative.

In addition to Mehlman and Hutter, speakers

- Ruqaiijah Yearby, Associate Dean of Institutional Diversity and Inclusiveness and David L. Brennan Professor of Law at Case Western Reserve University School of Law. Her scholarship focuses on two emerging fields of health law: racial disparities in health care and law, justice and medical research.
- Shawneequa Callier, Assistant Professor of Bioethics and Health Care Law and Regulation in the George Washington University School of Medicine and Health Sciences. She serves as a special volunteer at the National Human Genome Research Institute's Center for Research on Genomics and Global Health.
- Ellen Wright Clayton, an internationally respected leader in the field of law and genetics who holds appointments in both the law and medical schools at

Vanderbilt, where she co-founded and directed the Center for Biomedical Ethics and Society.

- Peter Pavarini, co-chair of the health law practice of the global law firm Squire Patton Boggs (US) LLP and partner resident in the firm's Columbus, Ohio office. He was president of the American Health Lawyers Association from 2014-15.
- Kristen Rosati, one of the nation's leading HIPAA compliance attorneys. She also has deep expertise with large data breaches, health information exchange, data sharing, clinical research, biobanking and all things "Big Data." She is past president (2013-2014) of the American Health Lawyers Association, the nation's largest health care legal organization.
- Mark A. Rothstein, the Herbert F. Boehl Chair of Law and Medicine and Director of the Institute for Bioethics. Health Policy, and Law at the University of Louisville School of Medicine. He serves as Department Editor for the Public Health Ethics of the American Journal of Public Health.

A full webcast of the event is available at law. case.edu/Lectures-Events/Past-Lectures

Legal Precision Medicine questions explored during the conference:

- Will a doctor be liable for malpractice if he or she doesn't tailor a treatment specifically to the patient?
- Precision medicine requires access to medical records, which raises serious privacy issues.
- If research finds that people, based on where they or their ancestors came from, respond differently to various drugs, will that lead to discrimination and stigmatization?
- How will private health insurers price their policies and decide whether and know how much to pay doctors and other health care providers if patients are different in terms of their illnesses and treatments but insurers can't find that out?
- Will federal budget cuts of funding for medical research delay production of new evidence needed in order for precision medicine to work effectively?



## Renowned healthcare journalist,

## Elisabeth Rosenthal, gives talk on how healthcare became a

## **BIG BUSINESS**



Elisabeth Rosenthal, editor-in-chief of Kaiser Health News and former health care and environment columnist for the New York Times, visited Case Western Reserve on March 6 and delivered the Oliver C. Schroeder Jr. Scholar-in-Residence Lecture based on her best-selling book, "An American Sickness: How Healthcare Became Big Business and How You Can Take it Back."



In the last quarter century, American healthcare has become a big business, leading to expenses for procedures and drugs that are higher than in any other developed country – a fact that simply can't be ignored in any kind of healthcare system, Rosenthal said during her talk.

"The Rubik's cube of healthcare is going to be really hard to put together in any satisfactory way until we figure out a way to do deal with the cost and prices in our healthcare system," Rosenthal said during her talk.

Everyone wants to identify the "bad guy" in the situation, Rosenthal explained, but "everyone is feeding at the trough of our healthcare dollar."

"We could get much better care for a lot less if we right-size this system, but everyone is going to have to give," she said.

Rosenthal used specific patient examples, including a colonoscopy and a pregnancy, to illustrate the severity of healthcare costs and the factors that drive them.

As a journalist, Rosenthal covered a variety of beats from healthcare to environment to reporter in the Beijing bureau. While in China she covered SARs, bird flu and the emergence of HIV/AIDS in rural areas. Her two-year-long New York Times series "Paying Till it Hurts" (2013-14) won many prizes for both health reporting and its creative use of digital tools.

Her book "An American Sickness: How Healthcare Became Big Business and How You Can Take it Back" was published by Penguin Random House in April 2017. She is a graduate of Stanford University and Harvard Medical School and briefly practiced medicine in a New York City emergency room before converting to journalism.







Jessie Hill



Matt Herndon

## The Law-Medicine Center's fall events take on MEDICAID, HEALTH CARE PRIVACY AND REPRODUCTIVE RIGHTS

The Law-Medicine Center hosted a trio of health law events last fall with leading experts in Medicaid, health care privacy and reproductive rights. In November, Matt Herndon, chief legal officer and vice president of Government Affairs for the Boston Medical Center HealthNet Plan, spoke on a solution to rising Medicaid costs. Kirk J. Nahra, a partner at Wiley Rein in Washington, D.C., delivered a Zaremski Forum in which he discussed the future of health care privacy during an October event. In addition, Case Western Reserve Law Professor Jessie Hill spoke about the present and future of reproductive rights at an October event in downtown Cleveland.

## **UPCOMING EVENTS 2017-18**

**WEDNESDAY, OCTOBER 18, 2017** Maxwell J. Mehlman Lecture

Diversity in Clinical Trials - Why it is Especially Crucial Today?

Paula Taylor Whitfield ('83), Senior Director, Assistant General Counsel, Eli Lilly and Company

4:30-5:30pm, Moot Courtroom (A59) Webcast Live, 1 hour of CLE credit

**MONDAY, OCTOBER 30, 2017** 

The Oliver C. Schroeder Jr. Scholar-in-Residence Lecture

Witchdoctors, Zombies and Wizards: Rethinking Health in America

Dean Ali S. Khan, MD, MPH, Retired Assistant Surgeon General USPHS

4:30-5:30pm, Moot Courtroom (A59) Webcast Live, 1 hour of CLE credit

FRIDAY, FEBRUARY 23, 2018

Law-Medicine Center Conference

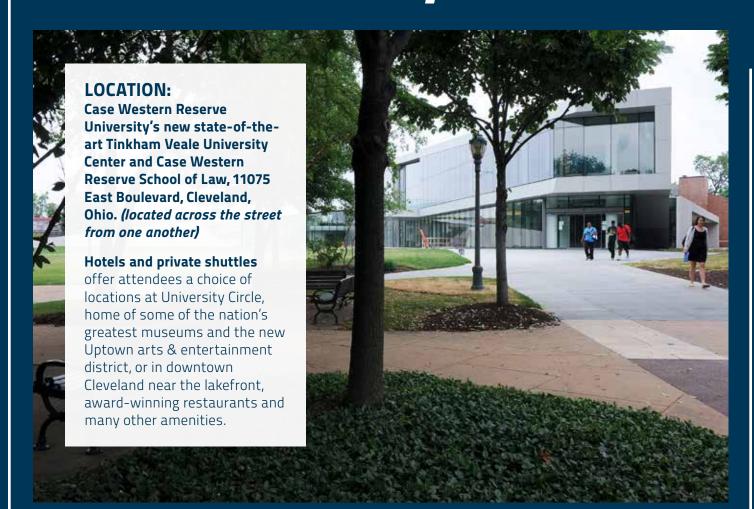
Law Schools, Health Professions, and the Communities They Serve: Exploring an Inclusive Approach to Interdisciplinary Collaborative Practice

8:30am-5pm, Moot Courtroom (A59)

Webcast live, 6 hours of CLE credit

Co-Sponsored by the Arthur W. Fiske Memorial lecture series

## 2018 HEALTH LAW PROFESSORS CONFERENCE JUNE 7-9, 2018



#### **SCHEDULE OF NETWORKING EVENTS:**

**Thursday, June 7, 2018** – **Welcome barbecue**, Law School Courtyard

**Friday, June 8, 2018** – Reception, dinner and private tour, **Rock and Roll Hall of Fame** 

**Saturday, June 9, 2018** – **Parade the Circle** with lunch on the grounds of the law school



For more information, updates and registration

LAW.CASE.EDU/LECTURES-EVENTS



## Student teams conduct legal research on paving the way for future legal work by

From access to feminine hygiene products for incarcerated women to the sound of protests outside an abortion clinic, students dove deep into specific legal issues facing reproductive rights in their lab with Professor Jessie Hill, a nationally known expert in the field. Here's an example of the legal work our students did this year.





Elizabeth E. Friedman and Rachel Cohen, '17 Friedman and Cohen focused on legally questionable practices of local Crisis Pregnancy Centers (CPCs), which are generally non-profit, religious, pro-life organizations that aim to dissuade women from obtaining legal abortions. They investigated misleading tactics CPCs use to get women to their centers. For example,

internet searches for "abortion in Cleveland" will bring up CPCs with little or no indication that they do not provide or refer for abortion services. Some CPCs across the nation have names that are strikingly similar to abortion providers in the area. CPCs are not medical facilities, yet it appears that many hold themselves out as such. CPCs also provide false and misleading information about risks of abortion, omitting evidence that abortions are typically safe medical procedures.

Friedman and Cohen researched Ohio laws against unlicensed practice of medicine or deceptive trade practices that these CPCs may be violating. Other states have enacted laws specifically outlawing false advertising by CPCs, but in response, CPCs have claimed that they are partaking in religious or political speech when they counsel pregnant girls.





Rachel Rubenstein and Karishma Goel, '17 Rubenstein and Goel worked to resolve an issue of general misinformation regarding minors accessing abortions without parental notice or consent through a process known as "judicial bypass." There is very little information available to minors about how to use the judicial bypass process, and the information that is available is often



## abortion clinics and women in prison, students in the years to come

inaccurate. To obtain a judicial bypass, a minor must file a complaint with the juvenile court asserting that she is mature enough to make the decision to have an abortion or that, if she is not mature enough to make that decision, the decision is in her best interest.

Juvenile courts often seem unaware of, or poorly informed about, this process. Rubenstein and Goel called several juvenile courts in Ohio to gauge their ability to provide accurate information. They also called trial courts to ask how to start the process and determine whether they direct the inquiry to the juvenile court, as they are supposed to. The courts have provided a lot of misinformation to Rubenstein and Goel over the phone. For example, they were told that a minor cannot begin the process without an attorney and that the clerk could not provide an attorney; however, the court is required to provide an attorney to a minor going through this process. In some cases, the clerk hung up on them, incorrectly directed them to the health department, or

directed them to a "Pregnancy Center" that was actually an anti-abortion Christian organization.

Rubenstein and Goel drafted a set of handbooks describing the law and the process for pregnant minors to obtain judicial bypass, answering frequently asked questions and providing information about how to prepare for court. These handbooks will be distributed to (1) school nurses/ counselors at middle/high schools to aid them in answering a scared student's questions accurately, (2) Planned Parenthood and similar clinics that provide abortion-related services, and (3) clerks at both the juvenile and trial courts so they can accurately answer questions and participate appropriately in the process as the law demands. Rubenstein and Goel are in contact with groups that have similar goals to facilitate distribution. They also plan to make a PDF version of the handbook available online, so it is easily accessible to minors in areas that are not sympathetic to the cause.



Santiago Reich, '17 Reich's project focused on devising legal remedies for disruptive protests regularly occurring outside abortion clinics. The protestors sometimes become extremely loud and disrupt the peace in

the neighborhood. Residents have voiced upset with the protests, and some have even attempted to drown out the protestors with music. Clinic staff state that the noise inhibits them from properly attending to their job duties. The protestors can get so loud that staff is unable to hear patients over the phone, interfering with their ability to relay information. Sometimes the protests gather a decent crowd that blocks the entrance to the clinic, causing patients to weave through the crowd to enter the facility, and causes congestion in the surrounding area. Reich looked into whether clinic staff might have a cause of action against the protestors for damages or other relief.



Students work on discrete legal issues presented to faculty by courts and practitioners who seek assistance on current cases. Our students research and discuss the issues presented and prepare memoranda or briefs for the referring lawyers, judges or organizations to use.

Public Health Law Lab – Students research legal issues for a variety of state/local health departments and the Network for Public Health Law, providing real-world experience in this expanding legal field. Research topics include: environmental health regulations, emergency preparedness, cross-border public health, food safety, health information data sharing, injury prevention, maternal/child health, public health statutes and regulations, vaccination requirements, obesity prevention and tobacco control.

**Reproductive Rights Lab** – In this lab, students complete research projects pertaining to cutting-edge issues in reproductive rights law. Working individually or in small groups, students have the opportunity to cooperate with both national and Ohio-based reproductive rights organizations to conduct fact examination, draft legal research memos and analyze proposed legislation.

#### LAW-MEDICINE CENTER NAMES NEW EXECUTIVE DIRECTOR



Nancy Pratt has recently been named executive director of the Law-Medicine Center effective November 2016. Pratt has been with Case Western Reserve University School of Law since 2001, working in a variety of positions on behalf of the Law-Medicine Center since her initial hire. Her new position will include coordinating marketing efforts, administration of our SJD program, leading an initiative to create a new health law certificate program, grant writing, growing efforts to support students interested in health law and managing conferences and lectures. Pratt, who is currently working on a Ph.D. in policy, created a training program to better prepare civilians doing aid and relief work around the globe while working on her master's degree. She has given workshops on the topic in the U.S. and throughout the Middle East and North Africa. Her dissertation will focus on "wellbeing training" for Syrian refugees and states and organizations that manage refugee camps.



## Health Matrix: Journal of Law-Medicine

Each annual issue of Health Matrix includes articles by national scholars, along with student notes, written under the supervision of a faculty member.

It also features articles that grow out of a symposium on a significant health law topic, such as corporate wellness programs, reproductive rights, health disparities and medical big data.

Students are selected for the journal based on their grades and a writing competition. Once chosen to be associate editors,

students complete a major research paper, while providing research support to the journal's executive board. Through the Health *Matrix* Notes program, students work closely with the journal's faculty advisor to develop their papers, which may be submitted for publication. Approximately one-third of the students' notes are selected for publication by the journal's staff, and one note is designated "Note of the Year," an award that carries a cash prize. Student notes recently published in the journal cover a wide range of topics, including solitary confinement, human trafficking and prosecuting women for drug use during pregnancy.

#### Examples of recent *Health Matrix* symposia:

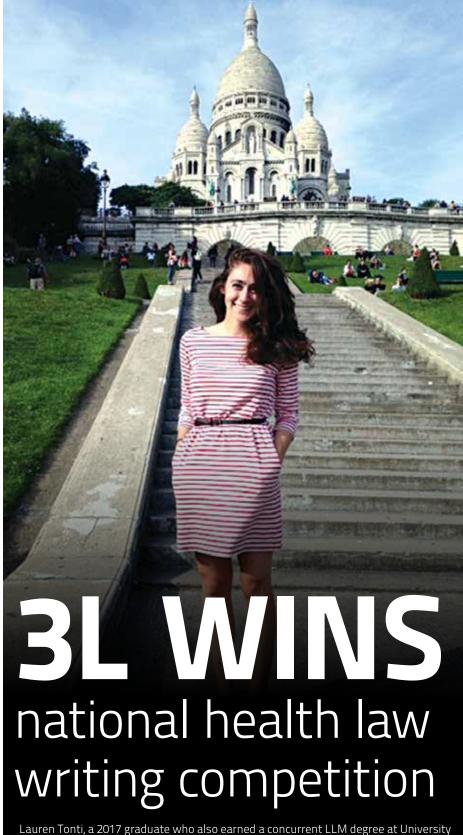
- Corporate Wellness Programs Are they Hazardous to Well-Being?
- The Rhetoric of Reproduction
- Putting an End to Separate and Unequal Health Care 50 Years after the Civil Rights Act
- Patients' Rights in the Use of Electronic Medical Records for Non-Treatment Purposes
- New Technologies, New Challenges: Women and Prenatal Genetic Testing in the 21st Century

### Student Health Law Association

SHLA is dedicated to the professional development of students, faculty and alumni of the law school in the area of health care law. It is further committed to education, public discourse and critical analysis of matters related to health care law and policy. Each year, SHLA presents lectures, workshops and symposia to provide continuing education on health care issues, and organizes health law career development workshops and professional outreach programs.

Members of the Student Health Law Association pursue activities that promote professional development in all

areas of health law. Activities include sponsoring lectures, workshops and symposia, organizing health law career development workshops and outreach programs, cosponsoring service and charitable events with other student groups and representing the concerns of students interested in health law within the law school community. Sponsored by the Law-Medicine Center, SHLA members have the opportunity to network with professionals at bi-monthly Cleveland Metropolitan Bar Association Health Care Law Council luncheon meetings, where they hear health law experts discuss various aspects of their practice.



of Paris-Dauphine this year, won first place in the second annual American University Washington College of Law National Health Law Writing Competition.

Her winning article, "Food for Thought: Flexible Farm to School Procurement Policies Can Surmount Access Barriers to Fresh, Healthy School Meals," will be published in Case Western Reserve University's Health Matrix this year. First place comes with a \$1,000 prize.

## Students receive stipends for their health law summer internships

Shannon Meyer had the unique opportunity to practice health law first-hand during her internship at Pro Seniors in 2017.

Pro Seniors, based in Cincinnati, is comprised of attorneys who are experts in elder law, including Medicaid, Medicare, Social Security, long-term care, pensions and financial exploitation protection, according to its website.



In the summer prior to her third year of law school, Meyer received a summer internship stipend from the Law-Medicine Center. She is one of the dozens of students who have benefitted from the program.

During the second year of law school, students have the opportunity to apply for a summer stipend. The program gives students the opportunity to pursue an internship in health law and receive compensation for living and travel expenses.

In recent years, students have interned at the following organizations:

- St. Jude Children's Research Hospital; Memphis,
- Akron Community Legal Aid's Health Education Advocacy and Law Project (HEAL); Akron, Ohio
- The Legal Aid Society of Cleveland: Health, Education, Work, Income and Immigration Practice Group; Cleveland, Ohio
- Centers for Disease Control & Prevention (CDC) Public Health Law Program; Atlanta, Georgia
- Neuroethics Program, Cleveland Clinic; Cleveland, Ohio
- National Institute for Environmental Health Sciences; Triangle Park, North Carolina
- City of Cleveland, Department of Aging; Cleveland, OH
- Center for Medicare Advocacy; Washington, DC



#### JD/MA (Bioethics)

The Department of Bioethics at the School of Medicine offers an MA in Bioethics, which focuses on the ethical, cultural and policy dimensions of health care, technology and the life sciences. The three or three and 1/2 year program emphasizes the interdisciplinary and interprofessional nature of the field, and includes a significant clinical component. This program provides excellent preparation for students who wish to practice or have academic careers in health care law.

#### JD/MPH (Public Health)

Offered by the Schools of Medicine and Graduate Studies, the MPH degree provides students with the broad base of knowledge and skills necessary for the field of public health. Students in the four-year dual degree program have opportunities to apply what they learn to community health problems.

#### JD/MD (Medicine)

This six-year program allows students to study at Case Western Reserve University School of Medicine, one of the finest in the country. Participants may begin their studies at the law or medical school, and complete two years at the host school before continuing study at the other school.

#### JD/MS (Biochemistry)

The School of Medicine offers an MS program in biochemistry, designed to provide students with knowledge of the latest advancements in biochemistry and related fields. This four-year program is generally used by students who have a scientific background and an interest in patent law as reflected in intellectual property.

#### JD/MSSA (Social Work)

Consistently ranked at one of the top ten schools of social work in the country, the Mandel School of Applied Social Sciences offers a combination of extensive field education and academic study at a major university. Four-year dual degree students may choose from a variety of curricular concentrations, including a Health Concentration and Mental Health Concentration.

#### JD/MBA (Health Management)

Students may pursue an MBA degree from Weatherhead School of Management in addition to their law degree. The program is designed for individuals who want to specialize in the legal, contractual and governmental aspects of management. Those interested in health law may complete a concentration in Health Systems Management by taking twelve credit hours from a list of eligible courses focused on the topic, of which nine hours may be counted toward the MBA.

#### JD/MNO (Nonprofit Organizations)

Founded 32 years ago as one of the first nonprofit management programs in the nation, this dual degree is at the forefront of training future leaders in the nonprofit, health care and public sectors. It provides the essential tools to lead a nonprofit and carry out its mission ethically and effectively, featuring a curriculum that emphasizes leadership, strategic planning, revenue development, finance, organization management, ethics and use of data.

## The Health Law JD Curriculum

The health law curriculum is highly interdisciplinary and considers issues from ethical, legal, social and public policy perspectives. Our program can accommodate the interests of students who wish to focus on health law, or even a subspecialty within health law. Subspecialities include corporate health law, medical malpractice, health care regulation, health care law and policy and bioethics. However, students need not declare an area of specialization. Following foundational courses in the first year, students can choose from a variety of specialized health law courses.

#### **HEALTH LAW CONCENTRATION COURSES:**

Administrative Law
Psychiatry and Law
Discrimination in Employment
Employment Retirement Income Security Act (ERISA)
Genetics and Law
Health Care and Human Rights
Health Care Controversies
Health Care & Human Rights Topics Seminar
Health Matrix Seminar

Law and Bioethics
Nonprofit Organizations Law
Pretrial Practice: Medical Malpractice
Public Health Law
Public Health Law Lab
Reproductive Rights Lab
Supervised Research (with approval of the
Concentration Director only)
Workers' Compensation

#### THIRD-YEAR FULL-SEMESTER CAPSTONE OPTIONS:

Health Law Clinic American Health Lawyers Association (Washington, D.C.) Additional Health Law-related capstones with faculty approval



## Doctor of Juridical Science: SJD in Health Law

At Case Western Reserve University, the SJD in Health Law is designed to give lawyers an opportunity to complete the highest degree in law in the specialized field of health law.

The program is designed primarily for those who wish to work in academia, research or health policy. The two-year program requires full-time attendance in residence for the first year and a second year (that need not be in residence) during which the candidate will complete a doctoral dissertation. The program is open only to candidates who have completed a JD or equivalent law degree, and who demonstrate the ability to successfully engage in rigorous scholarly work by holding a Master of Laws (LLM) degree in Health Law or by having other suitable academic or work experience.

#### Degree requirements

The first year requires residency and 20 hours of thesis credit. The thesis advisor may require the SJD candidate to take additional courses applicable to the student's thesis topic. By the end of the year, the candidate must submit a thesis proposal, a preliminary thesis outline, and a bibliography that is accepted by the candidate's thesis committee. The candidate then must complete at least one additional year, which need not be in residence, during which the candidate must complete and submit the thesis to the thesis committee, and following approval by the thesis committee, appear before the thesis committee and successfully defend the thesis. The candidate may take up to two additional years to complete the thesis, for a total of four years, including the first year of classroom work, if required, and time spent designing the thesis proposal. For each year that the candidate is in residence after the first year, the candidate must register for 3 thesis credits per semester.

If the candidate is not in residence, the candidate must be available to meet with the thesis advisor in the year(s) prior to submission of the completed thesis, as determined by the thesis advisor. Following approval of the thesis by the candidate's committee, the candidate must appear before the committee to defend the thesis. The completed thesis must be of publishable quality.

#### **Application Requirements**

Candidates must demonstrate their ability to successfully complete high-level legal academic work. This may be demonstrated by successful completion of an LLM in health law, a masters degree in a related field such as health administration or public health, or the equivalent.

#### **ADJUNCT FACULTY**

#### Harlin Adelman

Health Law I and II University Hospitals

#### Matt Albers, '00 Health Law I and II Vorys Sater

#### Harry Brown

Health Law I and II Benesch Attorneys at Law

#### Dale Cowan, '81

Health Law I and II University Hospitals

#### **Paul Feinberg**

NonProfit Law

#### Elizabeth Hammack, '04

Health Law I and II University Hospitals

#### Ryan Hooper

Health Law I and II University Hospitals

#### Paul Kostyack, '01

Health Law I and II University Hospitals

#### **Donald Lampert**

Workers Compensation
Calfee Halter & Griswold

#### Marcie Manson

Health Law I and II University Hospitals

#### Peter Pavarini

Health Law I and II Squire Patton Boggs

#### Dr. Phillip J. Resnick

Civil Law & Psychiatry; Criminal Law & Psychiatry Case Western Reserve University School of Medicine University Hospitals

#### **Russell Shaw**

ERISA Walter Haverfield

#### Seth Wolf, '94

Health Law I and II University Hospitals

See pages 29-31 for health law faculty updates for the 2016-17 academic year.

## Advocate for At-Risk Prisoners

Having scored a major victory in a three-part case to improve conditions in Alabama's state prisons, Caitlin "CJ" Sandley '14 is still pushing for much-needed reform

66

"Our clients have suffered tremendously and, in many cases, immeasurably. We are so pleased that Judge Thompson has ordered Alabama to provide constitutionally adequate mental health care in its prisons," Sandley says.



On the morning of December 15, 2016, CJ Sandley heard news that shook her to the core. She and her colleagues at the Southern Poverty Law Center (SPLC) were just two weeks into a trial concerning the quality of mental health care in Alabama prisons when she learned that a prisoner named Jamie Wallace had hanged himself in his cell.

Wallace, 24, was the first prisoner to testify at the trial and had spoken movingly in the courtroom about the inadequate services offered to prisoners with severe mental health conditions. Sandley recalls feeling shattered by the news of Wallace's death and then having to steel herself to "go on with the business of the trial just hours later."

Just three years out of law school, Sandley found herself working on a case of epic scope. With some 25,000 people incarcerated in Alabama's crowded and under-resourced state prisons, the Montgomerybased SPLC—a leading social justice nonprofit—was one of several plaintiffs in a complex, multipronged class action suit, Braggs v. Dunn, against the Alabama Department of Corrections. "This is a significant case for so many reasons, especially for its massive scale," Sandley said. "As a Southerner, I've always felt that it's important to do what I can to help improve conditions in the south. And after Jamie took his own life, I felt even more committed to preventing events like this from ever happening again."

In June, Sandley and her colleagues received the gratifying news that they had won a major victory at court—and more importantly, were assured that the Department of Corrections would have to step up its game. In his ruling, U.S. District Judge Myron H. Thompson declared the mental health care system in Alabama prisons to be "horrendously inadequate" and ordered the state to reform the system. He directed the state Corrections Department to work with the Southern Poverty Law Center and its co-plaintiffs to address the "persistent and severe shortages of mental-health staff and correctional staff, combined with chronic and significant overcrowding."

"Our clients have suffered tremendously and, in many cases, immeasurably. We are so pleased that Judge Thompson has ordered Alabama to provide constitutionally adequate mental health care in its prisons," Sandley says.

#### The March Continues

Sandley came by her passion for social justice at an early age. Raised in Birmingham, Ala., she had long been aware of the role her home state had played in civil rights history, and mentors she met through the Baptist church encouraged her to pursue her interest trying to effect systemic change. After completing her undergraduate studies at Auburn University, she spent two years working as a community organizer in Birmingham, where she met several pubic interest attorneys who had a profound impact on her decision to pursue a legal education. "I



CJ Sandley '14

had originally thought I might get a degree in social work," she said, "but when I saw how attorneys could be empowered to bring about social change, I realized law could be a great fit for me."

She enrolled in Case Western Reserve University School of Law, where she was mentored by renowned faculty members Jonathan Entin and Sharona Hoffman. In her 2L year, she joined the staff of *Health Matrix*, the law school's health law journal, and by her 3L year, she was its editor-in-chief. Additionally, she pursued public interest law tirelessly through a variety of internships and externships. These included stints with the ACLU in Cleveland and the U.S. Department of Education's Office for Civil Rights, and a summer internship at SPLC, where today she serves as a full-time law fellow. After graduating, she did a two-year clerkship with Judge W. Louis Sands of the U.S. District Court for the Middle District of Georgia, where the courthouse is named in honor of trailblazing Case Western Reserve law alumnus C. B. King.

Today Sandley's focus is almost entirely on Braggs v. Dunn. She and her SPLC team are now gearing up for the trial's third and final phase, which will address the quality of the medical care provided to prisoners. Sandley is optimistic that the issues raised in this case will be resolved eventually, but believes that there is no overnight fix. "One of SPLC's slogans is 'The March Continues," she said, in reference to the historic Selmato-Montgomery marches. "So we're saying that we are still going forward. There is always more work to be done."

## REVOLUTIONIZING **HEALTHCARE** FROM WITHIN

General Counsel of Blue Shield of California Seth Jacobs '81 confronts the healthcare industry's uncertain future with determination and purpose

s a 1L at Case Western Reserve University School of Law, Seth Jacobs '81 could not have predicted that he would become one of the most influential attorneys in an industry at the cusp of radical change.

Pursuing coursework in medicine and public health in addition to his law classes, Jacobs thrived under the tutelage of the university's faculty.

"The education I got was instrumental and key to my next steps, and the program was terrific," he said.

Following graduation, Jacobs spent the next several years at different law firms in Ohio and Michigan before joining MetraHealth, the largest health insurer in the country at the time.

"There was a tremendous amount of consolidation in the managed care industry," Jacobs said. "I found myself chasing my job around the country as my employer made an acquisition or was acquired, or underwent a major relocation or reorganization."

After UnitedHealth Group bought MetraHealth in 1996, he faced a difficult choice: accept a move to Minneapolis

to further his career at UnitedHealth, or become Blue Shield of California's first-ever in-house general counsel. Jacobs and his wife, fellow Case Western Reserve University School of Law graduate Julie Jacobs '81, chose the West Coast.

Fast-forward 21 years. Today, Jacobs helms a legal department comprising 18 attorneys and more than 100 staff members. His days consist of managing the department and serving as chief lawyer to the company's CEO, board of directors and C-suite executives.

During his tenure at Blue Shield of California, which is the state's largest Affordable Care Act (ACA) insurer in the California exchange, with four million members in total, Jacobs has presided over several milestones. Ten years before the ACA, Blue Shield of California was the first health plan in the country to press for universal coverage, and Jacobs helped draft a universal health care law for



Seth Jacobs '81

California. Although the bill did not pass, it served as one of the blueprints for the ACA.

Tasked with implementing the ACA for his company, Jacobs and his team focused on ensuring the success of the program and Covered California, the state exchange created for individual and small group coverage under the ACA.

"Covered California changed everything about how products were designed, priced, distributed and marketed. I think it's rare in any industry to see a wholesale change like

that occur in almost everything you do." He also oversaw Blue Shield's acquisition of Care1st in 2015, which marked the company's entry into Medi-Cal, the state's Medicaid program.

Jacobs is reluctant to prognosticate about the future of health care in the current political climate, but notes that it is crucial to remain true to Blue Shields' nonprofit mission to provide accessible and affordable health care.

"The ACA isn't perfect. Changes are needed to stabilize the market. We think there are solutions." he said. "Even in the proposals that have come out of Congress, there is goodness, and we view goodness as enhancing access and affordability. There are also significant risks. We're advocating avoiding those things that would risk the successes the ACA achieved, like expanding coverage immensely for people who were previously uninsured."

One of Jacobs' primary concerns is the fate of the federal subsidies that support the

The managed care business is highly regulated and complicated. The margins are so tiny and the risks so high that it requires a level of diligence, attention and care that is uniquely challenging compared to other businesses. And by the way, we're also dealing with people's health and lives. The cost of making a mistake can be very high.

state exchanges and Medicaid expansion. If the subsidies are significantly reduced or eliminated, California will not have enough money to compensate for what could be a massive loss of funds.

"We could go back to the bad old days, when if you were ill or couldn't afford insurance, you couldn't receive coverage, which would be tragic," said Jacobs. "The managed care business is highly regulated and complicated. The margins are so tiny and the risks so high that it requires a level of diligence, attention and care that is uniquely challenging compared to other businesses. And by the way, we're also dealing with people's health and lives. The cost of making a mistake can be very high."

Despite the industry's uncertain future, Jacobs, who has attended every meeting of the company's board of directors for 21 years, is passionate about his job.

"I feel blessed to work for an enterprise that is mission-driven to the core," he said. "People have a hard time trusting health insurance companies. They think we're making

decisions based on trying to avoid providing coverage or spending money. But that's not the way decisions are made here. If people could see that, they'd certainly want to do business with a company like ours."

## Gerber Law-Med Fellowships and **Scholarships** offered to health law students

Case Western Reserve University School of Law has a fellowship program and a scholarship program for incoming students interested in health law.

Scholarships are given to students each year with outstanding academic credentials and an interest in pursuing a career in health law. In addition, students selected as Gerber fellows receive an additional stipend for work on a health law project during the academic year.

This fellowship is named for Samuel Gerber, a famous Cuyahoga County Coroner, who, along with law professor Oliver Schroeder and Harvard forensic pathologist Dr. Alan Moritz, helped form the Law-Medicine Center at Case Western Reserve University, the first health law center in the United States.

## Defending pharmaceuticals and medical facilities:

TWO CASE WESTERN RESERVE ALUMNI DISCUSS THEIR CAREERS IN THE HEALTH LAW FIELD

#### Jessica Benson Cox, Class of 2006



Cox is a partner at Faegre Baker Daniels in Indianapolis, concentrating her litigation work on the defense of pharmaceutical companies, device manufacturers and other industry leaders involved in product liability. Cox has served as national and local counsel in matters involving local anesthetics, antipsychotic medications, cosmetics and

orthopedic medical devices. She also provides counsel to pharmaceutical companies to ensure compliance with state and federal restrictions applicable to the marketing of pharmaceutical products. Cox has represented physician groups and hospitals in medical malpractice actions brought before the Indiana Department of Insurance, as well as state and federal courts throughout Indiana.

#### 1. What do you enjoy most about working in health law?

I focus my practice on the defense of pharmaceutical and medical device manufacturers involved in litigation. I feel extremely fortunate to work with clients on a daily basis who make drugs and devices with the power to save lives and change lives.

#### 2. What changes have you seen in the health law field? How have these changes affected your career?

As the products sold by drug and device companies grow in complexity, so too does my practice defending these novel products in court. For example, in 2010, Congress passed the Biologics Price Competition and Innovation Act ("BPCIA"), legislation that paved the way for the introduction of biosimilars to the United States market. Now we are actually seeing these products enter the marketplace, so a portion of my practice is now devoted to trying to help companies prepare for future litigation over these new products.

#### 3. What developments do you foresee in health law? How do you anticipate that these advancements will impact your career?

I anticipate that drug and device companies will continue the cycle of innovation, and with those innovations will come new and unique challenges for product liability lawyers defending those companies against litigation.

#### Ronald A. Mingus, Class of 1990



Mingus is the managing partner for Reminger's Indianapolis office, sits on the firm's management group and serves as co-chair of the firm's dental liability practice group. He has more than 25 years of first-chair experience representing defendants in civil litigation, including over 80 trials and arbitration cases of

medical malpractice, hospital malpractice, general liability, governmental liability and civil rights.

#### 1. What do you enjoy most about working in health law?

Medical malpractice litigation is intellectually stimulating and physicians are wonderful clients to represent and work with.

#### 2. What changes have you seen in the health law field? How have these changes affected your career?

Many states have enacted legislation generically referred to a "tort reform" which has placed limitations on malpractice awards and imposed other requirements in bringing cases. We have also seen a greater effort by Medicare and other insurers to obtain reimbursement from healthcare providers for overbilling. Finally, there has been more emphasis on patient privacy and new claims for the unauthorized disclosure of protected health information.

#### 3. What developments do you foresee in health law? How do you anticipate that these advancements will impact your career?

I don't have a crystal ball and cannot predict what will occur in the future. However, I would anticipate future legislative battles between legislators who favor additional limitations on medical malpractice awards versus those who favor no caps on damages or limitations on awards.

### Health Law Faculty Updates

#### JONATHAN H. ADLER Johan Verheij Memorial Professor of Law



**Publications** Compelled Commercial Speech and the Consumer Right-to-

Know, 58 ARIZ. L. REV.

Baptists, Bootleggers, and E-Cigarettes (w/ Roger Meiners, Andrew

Morriss & Bruce Yandle), 33 YALE J. REG. 313 (2016).

421 (2016).

Of Kings to Come: The Future of Health Care Reform Still Remains in Federal Court, 20 EM. RTS. & EMP. POL'Y J. 133 (2016) (symposium, solicited).

What "Sex" Has to Do with Seminole Rock, YALE J. REG. ONLINE, Sept. 16, 2016.

#### **Presentations**

On September 2, spoke on King v. Burwell to a CWRU School of Law alumni event in Cleveland

On Oct. 5, lectured on "Health Care Reform in the High Court," as part of the Case Senior Scholars course on the Supreme Court.

On Oct. 25, spoke on "Vaping Regulation Kills: Why Federal Regulation of Electronic Cigarettes Is Good for Big Tobacco and Bad for Public Health," before the student chapter of the Federalist Society at the Wayne University Law School in Detroit, MI.

On Jan. 4, participated in a panel on "Scholarship and Activism: Writing to Protest and for Social Change," sponsored by the AALS Section on Scholarship at the AALS Annual Meeting in San Francisco, CA.

On Jan. 12, participated in a debate on the FDA's regulation of electronic cigarettes with Professor Micah Berman sponsored by the Columbus Lawyers Chapter of the Federalist Society in Columbus, OH.

On Feb. 22, presented the paper "Regulatory Obstacles to Harm Reduction: The Case of Tobacco," at a conference on Medical Innovation and the Law, sponsored by the Classical Liberal Institute at the NYU School of Law. The paper will be published in the NYU Journal of Law & Liberty.

#### **B. JESSIE HILL** Associate Dean for Academic Affairs and Judge Ben C. Green Professor of Law



#### **Publications**

Regulating Reasons: Governmental Regulation of Private Deliberation in Reproductive Decision-Making, in LAW, **RELIGION AND HEALTH** IN THE U.S. (Holly Fernandez Lynch, I. Glenn Cohen & Elizabeth

Sepper eds., Cambridge University Press) (forthcoming 2017) (chapter in edited volume).

Kingdom Without End? The Inevitable Expansion of Religious Sovereignty Claims, 20 LEWIS & CLARK L. REV. 1177 (2017) (invited symposium contribution).

The Identity of the Public University, 17 RUTGERS J.L. & Relig. 429 (2016) (invited symposium contribution).

The First Amendment and the Politics of Reproductive Health Care, 50 WASH. U. J.L. & POL'Y 103 (2016).

#### **Presentations**

Invited participant, Federalist Society Colloquium on The Past and Future of Free Exercise (San Francisco, CA, June 24-25, 2016).

Invited speaker, American Constitution Society member conference call on Whole Woman's Health v. Hellerstedt (with Rupali Sharma, Center for Reproductive Rights) (June 28, 2016).

Invited panelist, Conference on Faith, Sexuality, and the Meaning of Freedom (Yale University, January 13-14, 2017).

Controversial Coverage: Faith and the Fight to Insure Contraceptives, Percy Skuy Lecture, Dittrick Museum of Medical History at CWRU (March 2017).

Sex, Lies, and Ultrasound, Ira C. Rothgerber Conference on Truth, Lies, and the Constitution, University of Colorado at Boulder (April 2017).

#### Media and Blogs

Quoted in Ohio.com/Akron Beacon Journal story, "Overturned Texas anti-abortion law similar to Ohio's" (June 28, 2016).

After Texas: What's at Stake for the Rest of the Country in Whole Woman's Health v. Hellerstedt, (JURIST Commentary, posted June 13, 2016).

The Day the Supreme Court Saved Abortion Rights: Whole Woman's Health v. Hellerstedt, (Casetext commentary, posted June 29, 2016).

Quoted in Erik Eckholm's New York Times story "Texas Ruling on Abortion Leads to Call for Clarity."

Quoted in Amelia Thomson-Deveaux, "Trump Probably Can't Get Roe v. Wade Overruled," Fivethirtyeight.com (Nov. 17, 2016).

Quoted in Eric Heisig, "Ohio's Heartbeat Bill: How Conservative Judges in Other States Gutted Similar Laws," Plain Dealer (Dec 7, 2016).

#### Awards and Honors

2016 Law Alumni Association Distinguished Teacher Award.

Inducted into the Society of Benchers on June 23, 2016.

Appointed to Judicial Nominations Commission for the federal district court vacancy in the Southern District of Ohio

#### SHARONA HOFFMAN

Co-Director of the Law-Medicine Center; Edgar A. Hahn Professor of Jurisprudence; Professor of Bioethics



#### **Publications**

Your Money or Your Patient's Life? Ransomware and Electronic Health Records, Annals of Internal Medicine (forthcoming) (with Glenn Cohen and Eli Adashi).

Big Data and the Americans with Disabilities Act: Amending the Law to Cover Discrimination Based on Data-Driven Predictions of Future Illnesses, in BIG DATA, HEALTH LAW, AND BIOETHICS (H.F. Lynch, I.G. Cohen, & U. Gasser eds.,), to be published by Cambridge University Press in 2017.

Big Data and the Americans with Disabilities Act, 68 Hastings L.J. 777 (2017).

The Perplexities of Age and Power, ELDER L.J. (University of Illinois) (forthcoming 2017).

"The Americans with Disabilities Act and Discrimination based on Predictive Health Data" Bill of Health (a Harvard Law School blog).

ELECTRONIC HEALTH RECORDS AND MEDICAL BIG DATA: LAW AND POLICY (Cambridge University Press 2016).

Privacy and Security, in OXFORD HANDBOOK OF AMERICAN HEALTH LAW (Oxford University Press 2016).

#### Presentations

Panelist, "Law, Medicine, and the Right to Decide," Jewish Law Symposium, Whippany, New Jersey, September 26, 2016 (attended by over 700 people).

## Health Law Faculty Updates

Panelist, "Boomers Planning for the Future: Knowledgeable Professionals in Aging, Elder Law, Medicare, and Housing Will Help You Improve Your Tomorrow,"

- Middleburg Heights, OH, September 29,
- Independence, OH, October 6, 2016
- Solon, OH, October 13, 2016
- Aurora, OH, April 26, 2017

"Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow,"

- Keynote speaker: Celebrating Women, Cleveland, September 30, 2016
- Pilgrim United Church of Christ, Cuyahoga Falls, OH March 19, 2017
- Wellesley Club of Cleveland, April 23, 2017

Panelist, "Ohio End of Life Options Evening with the Experts," January 31, 2017.

Panelist, "Resilient Aging in Today's Health Care Climate," CWRU Emeriti Academy, April 13, 2017

"Electronic Health Records and Medical Big Data: Privacy and Autonomy," Cleveland State University Cleveland-Marshall College of Law, April 17, 2017.

"Personal Health Records as a Tool for Transparency in Health Care," Harvard Law School "Transparency in Health Care" conference, April 28, 2017.

#### Award

2016 Celebrating Women INSPIRE Award (given by McGregor, Cleveland).

#### Media

Interviewed about Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow for an hour-long program called "Caregiver SOS" on San Antonio's 930 AM, August 7, 2016.

Quoted in *The Columbus Dispatch*, in "Chronic Pain's Emotional Toll Can Lead to Suicide," Sept. 4, 2016.

Featured in an article in New Jersey's The Jewish Standard entitled "Law, Medicine, and the Right to Decide: Symposium looks at pressing medical ethical issues through Jewish lens," October 6, 2016.

Q&A: Case Western's Sharona Hoffman on big data, job discrimination and the ADA, Reuters Legal, October 13, 2016.

Radio interview on Sound of Ideas (WCPN) about new book, Electronic Health Records and Medical Big Data: Law and Policy, January 3, 2017.

Quoted in "Big Data in Healthcare: Privacy Is Major Ethical Concern," 33 Medical Ethics Advisor 43 (April 2017).

Quoted in "EDs Expect 'Explosion' in EMRrelated Malpractice Litigation" ED Legal Letter (June 2017).

#### LAURA E. McNALLY-LEVINE Director, Milton A. Kramer Law Clinic Center; Director, Health Law Clinic



Presenter, "Housing: Legal Needs and Health Impact," HealthLeads at UH Rainbow, June 26, 2016.

Quarterly presentations to Pediatric Residents during their Advocacy Rotations on

guardianship, special education and public benefits.

Speaker, " Medical Legal Partnerships & STAR Clinic," North East Ohio Spina Bifida Education Day, October 7, 2016.

UH Rainbow Grand Rounds Presentation, "Guardianship and the Transition-Age Youth: A Medical-Legal Perspective" UH Rainbow Babies & Childrens Hospital, January 19, 2017.

Discussant, "Use of Poverty Simulations in Interprofessional Training Sessions," Jay Healey Teaching Plenary, Health Law Professors Conference, June 8, 2017 (Atlanta, Georgia).

#### MAXWELL J. MEHLMAN

Director of the Law-Medicine Center; Arthur E. Petersilge Professor of Law; Professor of Bioethics, School of Medicine; Distinguished University Professor



#### **Publications**

Ethical, Legal, and Social Implications of Personalized Genomic Medicine Research: Current Literature and Suggestions for the Future, 30 BIOETHICS 698-704 (2016) (with Shawneequa L. Callier,

Rachel Abudu, Mendel E. Singer, Duncan Neuhauser, Charlisse Caga-Anan and Georgia L. Wiesner).

Genomics and the Law, in THE OXFORD HANDBOOK OF U.S. HEALTH LAW 1113-1133 (I. Glenn Cohen, Allison K. Hoffman, and William M. Sage, eds. New York: Oxford University Press 2017).

Who Do You Trust?, 44 J.L. MED. & ETHICS 589-591 (2016), a symposium issue on the Affordable Care Act.

Genomic Medicine in the Military, 1 NPJ GENOMIC MEDICINE, art. 15008 (2016) (with De Castro, Biesecker, Turner, Brenner, Witkop, Bradburne, and Green).

#### **Presentations**

Can Law Save Medicine? ASLME Health Law Professors Conference, St. Louis, June 5,

Gave two presentations at the annual meeting of the American Society for Bioethics and Humanities in Washington, DC. One, hosted by the ASBH Law Affinity Group, was on funding prospects for lawyers interested in Bioethics, and the other was on NIH funding for Bioethics in a program organized by the National Human Genome Research Institute.

Gave a presentation on March 22, 2017, entitled "Can Law Help Save Medicine?" to a joint meeting of the L.A. County Bar Association and the L.A. County Medical Society.

Presentation entitled "Ethical Issues in Nudging Human Subjects" at Stanford Law School, April 21, 2017.

#### Professional

Appointed to a 3-4 year term as a member of the Genomics and Society Working Group of the National Advisory Council for Human Genome Research, National Human Genome Research Institute, National Institutes of Health. The Working Group advises the Council on short- and long-range planning and priority setting for Genomics and Society activities at the Institute, with particular emphasis on the Ethical, Legal, and Social Implications (ELSI) Research Program in the Division of Genomics and Society.

#### News

Quoted in an article on Yahoo! Sports in August about the use of prosthetics and other performance enhancements by athletes with disabilities.

Quoted in CNN web story "Americans wary of gene-editing, brain chips, synthetic blood," by Jacqueline Howeard.

Op-ed on doping in sports that appeared in the Plain Dealer on Sunday, August 14, 2016

Quoted in "Trump's health secretary pick has long record of service - to doctors" CNN Money.

Quoted in an article in the Feb. 26th Wall St. Journal about the ethics of do-it-yourself biological experimentation.

#### **RUQAIIJAH YEARBY** Associate Dean of Institutional Diversity and Inclusiveness and David L. Brennan Professor of Law



#### **Publications**

Exploitation in Medical Research: The Enduring Legacy of the Tuskegee Syphilis Study, 67 CASE W. RES. UNIV. L. REV. 1171 -1226 (2017).

Missing the "Target": Preventing the Unjust

Inclusion of Vulnerable Children for Medical Research Studies, 42 AM. J. OF L. & MED 797-833 (2016).

Involuntary Consent: Conditioning Access to Health Care on Participation in Clinical Trials, 44 J. OF L. MED. & ETHICS 445-461 (2016).

#### Professional

Received David L. Brennan Professor of Law Chair (March 2016).

Appointed to a 2 year term as a Steering Committee Member of the Health Improvement Project-Cuyahoga, a community based organization working with health departments to improve health in Cuyahoga County, Ohio (2017-2019).

Journal Reviewer, Journal of Immigrant and Minority Health (2017).

Appointed to a 3-4 year term as a member of the Ohio Attorney General Advisory Group on Diversity and Inclusion Initiatives (2016).

Proclamation issued by the Mayor of the City of Cleveland celebrating appointment as Associate Dean (January 2016).

#### Presentations

Texas A&M University School of Law Fort Worth, TX Invited Speaker, June 3, 2017 Diversity and Inclusion: Eradicating Hierarchies

Case Western Reserve University, School of Law Cleveland, OH Invited Speaker, October 20, 2016 Exploitation in Medical Research Forty Years After the Tuskegee Syphilis Study

Case Western Reserve University, School of Nursing Cleveland, OH Invited Speaker, September 9, 2016 Health Policy: A Significant Factor in Health Disparities



## PAUL GIANNELLI RETIRES

### AFTER 40 YEARS OF TEACHING AT CASE WESTERN RESERVE UNIVERSITY

Paul C. Giannelli has been a law faculty member for more than 40 years and has been the Albert J. Weatherhead III & Richard W. Weatherhead Professor of Law for 30 years. In 2011, he was named Distinguished University Professor.

Professor Giannelli is a preeminent scholar in the law of evidence, the author or coauthor of fourteen books, most of which have been published in multiple editions, and of more than 200 articles, book chapters, essays and reviews that have appeared in leading law reviews and scientific journals. Widely cited by scholars and courts around the world, his scholarship and expertise has served the legal profession and the nation.

Boston University School of Law Boston, MA Invited Speaker, June 3, 2016 "Civil Rights in Health Care: Letting Go of Race to End Bias"

Northeastern University School of Law Boston, MA Invited Speaker, April 15, 2016 "Individual Choice and Racial Health Disparities: A Fallacy of Relevance"

#### Media

Interviewed about Nursing Home Arbitration Rule Change, Knowledge@Wharton, a daily, call-in business program from Wharton Business School, University of Pennsylvania, on Sirius XM channel 111 (October 3, 2016).

Quoted in Stephanie Francis Ward, Lawsuits Fail To Bring Improvements To Nursing Homes, ABA JOURNAL (Aug. 1, 2016).



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## BY THE NUMBERS

25: Our faculty's ranking in scholarly citations

**9:** Ranking of our Law-Medicine Center

1: Nation's first health law program

