

Case Law-Med

The Law-Medicine Center at Case Western Reserve

A photograph showing a man from behind, wearing a green puffer jacket and blue jeans, pushing a person in a wheelchair. The person in the wheelchair is wearing a dark blue puffer jacket. They are walking through a dense forest with green foliage. The man's hand is on the back of the wheelchair. The scene is captured from a low angle, looking slightly up at the man.

Law students represent victims of
the largest Social Security Disability
fraud case in U.S. history



SCHOOL OF LAW

CASE WESTERN RESERVE
UNIVERSITY

Ranked **5th** in the nation by
U.S. News & World Report



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 5th-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 four major hospital systems — the Cleveland Clinic, University Hospitals, MetroHealth, and Summa Health — which provide opportunities to work and learn in hospital legal environments.

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While entertaining some clients, the surgical glove lost inside Tom during his bypass surgery makes an untimely reappearance.

WELCOME

from our Law-Medicine
Center leaders



The challenges that will face the medical and health law professions in the coming decades are enormous. The Law-Medicine Center is uniquely poised to prepare its students to address these challenges. The center is the oldest health law program in the country. The field of health law effectively began with the creation of the center in 1953. Our health law curriculum offers a wide range of courses, seminars and clinical practice opportunities to students interested in the full array of health law subjects — from corporate law firm practice to bioethics, from medical malpractice advocacy to government regulation of health care providers.



Entering first-year students are eligible for two different named health law scholarships, and the center offers summer stipends for students working in non-profit and government internships. The faculty 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 community in which students are always welcome in all of its activities.

The center is fortunate to be located within a university with a top-ranked medical school and hospital and numerous other health care programs, 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.

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Cleveland

A TOP CITY FOR HEALTH CARE

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 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 of places to visit in the world by *The 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.

SEEKING JUSTICE



Iris Tyler was getting by on disability benefits until she and hundreds of others became victims of their lawyer's fraud.

PHOTO CREDIT: BARBARA BROTMAN

After a Rural Kentucky Lawyer Waged a Massive Disabilities Scam, Law School Professor Laura McNally-Levine and Her Students Stepped Up to Help His Former Clients

BY BARBARA BROTMAN

It's a six-hour drive and another world away from the Case Western Reserve University campus to Appalachian coal country. Poverty runs through eastern Kentucky like the dirt roads snaking deep into the hills.

But Laura McNally-Levine, professor at the university's School of Law, and several of her students made that drive and entered that world when they became part of a volunteer legal army helping people in danger of losing their disability benefits in the wake of a massive Social Security fraud committed by their lawyer, Eric Conn.

Conn and two accomplices, an administrative law judge and a psychologist, received prison sentences. But Conn's former clients, even those with legitimate claims, faced their own sentence: the possible loss of their disability benefits—despite not being accused of committing fraud or even knowing about it. McNally-Levine learned about the case in fall 2015 when a call for help went out to disability lawyers nationally to represent people seeking rehearings. She was appalled by the situation.

"They thought they were doing the right thing; they hired a lawyer. They followed what the lawyer said they needed to do," said McNally-Levine, who also directs the law school's Milton A. Kramer Law Clinic Center.

"I said: 'We do Social Security. Is there a way for us to do this?'" There was.

A PANIC-INDUCING SCAM

Conn, a flamboyant Kentucky lawyer who boasted on billboards that he was "Mr. Social Security," operated a years-long scheme in which he submitted false evidence of physical or mental disabilities, paid a psychologist and three other clinicians to sign forms, and bribed a Social Security judge to approve claims. Before its discovery, the scheme had obligated the U.S. Social Security Administration (SSA) to pay \$550 million in lifetime disability benefits.

Conn pleaded guilty in March 2017 to stealing from the SSA and paying illegal gratuities to the administrative law judge. He was ordered to pay \$106.9 million in restitution.

While awaiting sentencing, Conn cut off his ankle-monitoring bracelet and fled the country. He was sentenced in absentia to 12 years. After six months on the run, he was captured in Honduras and is imprisoned and facing additional charges. The SSA judge in the scheme pleaded guilty to accepting \$609,000 in bribes and was sentenced to four years. The psychologist was convicted on multiple counts, sentenced to 25 years and is appealing.

Separately, Conn's former clients were facing fallout from the fraud, which was the subject of national news reports and a 2013 U.S. Senate investigation. The SSA is required to re-examine cases believed to be fraudulent, no matter who commits the fraud, a spokeswoman said. And so, in 2015, the agency notified 1,500 of Conn's former clients that their disability benefits would be reviewed—and that 900 of them, who had

worked before going on disability, would have their benefits cut off immediately.

Panic spread through eastern Kentucky.

Many of them had legitimate cases, said Robert C. Johns, JD, executive director of the Appalachian Research and Defense Fund of Kentucky, known as AppalReD Legal Aid. "Whatever was done here was done without their knowledge," he said.

And they desperately needed the disability payments. "For most of these clients, this is their only income," said Kelly Ward-Wallen, JD, directing attorney at AppalReD's Prestonsburg, Kentucky, office. "What's at stake is their ability to maintain housing, provide for their families, provide shelter and clothing—the basic necessities of life."

When Iris Tyler got the SSA notification letter and learned her benefits would be terminated immediately, she was terrified.

A former hotel housekeeper who went on disability in 2008 because of back and knee pain and intellectual impairments, she was barely scraping by, even with her check. She lives in a cramped house on a dirt road with half-painted walls, unfinished floors and a refrigerator and water heater standing outside. Tyler lives rent-free in exchange for fixing the place, but pain keeps her from doing so. When she needs water to wash or to flush a toilet, she has to go outside with a bucket to a garden hose hanging off the porch.

"I thought, 'What am I going to do?'" said Tyler, 63. "I wanted to take pills and die."



Law students Alton Oh (left) and Holger Sonntag (right) and Professor Laura McNally-Levine traveled to rural Kentucky to represent people on disability whose lives were upended by their lawyer's scam.

PHOTO CREDIT:
MICHAEL F. MCELROY

Robert Franks also faced an immediate cutoff. He had been a truck driver for 28 years, but then debilitating headaches he'd had for a decade became blinding. After blacking out a few times, Franks decided in 2009 to stop driving "before I kill somebody."

He had no idea what he would do without disability payments.

"That's all I had to live on," said Franks, 52, who has multiple sclerosis.

At least three people committed suicide after getting the letters. "This has been a real humanitarian crisis," said Ned Pillersdorf, JD, a Prestonsburg lawyer who took a lead in helping Conn's former clients.

After the first two suicides, U.S. Rep. Hal Rogers, whose district includes Prestonsburg, stepped in and the SSA decided to let people keep the benefits while they pursued rehearings. But they needed lawyers—and because of SSA rules on legal fees, ones willing to work for free, Pillersdorf and other lawyers said.

Pillersdorf took 70 cases, AppalReD nearly 200. But it wasn't nearly enough. The Kentucky Bar Association helped recruit volunteers at its 2015 convention, while the National Organization of Social Security Claimants' Representatives, the professional group for lawyers in the field, emailed members asking for volunteers. Among them was McNally-Levine.

At the law school's health law clinic, she oversees students who represent people appealing disability-benefit cutoffs. It seemed ideal—a way to help people in eastern Kentucky, give her students valuable experience and expose them to a different place.

AN ARMY OF VOLUNTEERS

McNally-Levine asked students if they'd be willing to take on cases for clients affected by the scam and living 370 miles away from the university. Four said yes.

"I'm from West Virginia, so it kind of tugged on my heartstrings," said Julia Kurtz, JD (LAW '16), then a third-year law student.

They took four cases, including those of Tyler and Franks.

Lawyers poured in from around the country—136 of them, enough to represent all 1,100 Conn clients who sought lawyers. The bar association held a training seminar at the University of Kentucky College of Law in Lexington led by experts—including McNally-Levine, who explained the basics of Social Security cases for volunteer lawyers who didn't practice disability law.

Kurtz, 27, was assigned to Tyler and drove to Prestonsburg to get to know the case. "She started crying," Kurtz said. "She got very emotional when she was talking about how she is limited. But she didn't want to take

a break." At the end of the meeting, Tyler hugged and thanked Kurtz.

But Kurtz graduated before the case moved forward. Holger Sonntag, a third-year law student, took over and drove to Prestonsburg with McNally-Levine for the hearing last fall.

They met with Tyler at a Long John Silver's. "We tried to explain to her, 'This is why we're here, this is what's going to be going on,'" said Sonntag, 48, a former minister who served two military tours in Afghanistan before law school. He got along so well with Tyler that when she couldn't pronounce his first name, she took to calling him "Ho Ho Cupcake."

At the hearing the next day, Sonntag argued that Tyler's physical and intellectual impairments had prevented her from working.

The judge asked her whether she had been able to do various specific tasks, Tyler recalled. "Then my Cupcake, he said, 'Well, your honor,' and he brought up everything I'm going through with my pain, my age, the years I worked," she said.

Meanwhile, Alton Oh, a 25-year-old third-year student, was representing Franks. He quickly encountered one of the highest hurdles in these cases: getting clients' old medical records.

They were needed because SSA required people to prove they were disabled at the time of their original applications, which had

been made years earlier. But records were difficult to find. Doctors had died, medical offices had closed, and Conn, according to the 2013 Senate investigation, had arranged for the destruction of more than 26,000 pounds of documents.

That was the understanding lawyers had for nearly three years as they fought to maintain clients' benefits. Then in April came stunning news reports: Thousands of case documents remained at Conn's old office in long shelves stacked with boxes.

The discovery aroused fury among advocates. Without the files, "claimants were at a disadvantage" during their rehearings, Ward-Wallen said. "Those records may have made a difference" in proving years ago that people were legitimately disabled.

And medical records have been a thorny issue throughout the crisis. Social Security said from the start that any records involving health-care professionals who were part of the fraud were inadmissible.

"...[W]e must disregard evidence [in redetermination cases] if we have reason to believe that fraud or similar fault was involved in providing that evidence," said the SSA's Regional Communications Director Patti Patterson in an email earlier this year.

However, advocates for Conn's former clients say some of those records were of legitimate medical exams and that the SSA excluded them unfairly. That issue is now before an appeals court.

McNally-Levine had no reason to think Conn's files still existed when she and Oh drove to Hazard, Kentucky, last September for the rehearing for Franks, the former truck driver. Oh was nervous. "I presented the case, or I tried to," he said. "Laura stepped in many times to save me. She was the rock that held us together."

Franks, however, thought his young representative did beautifully. "Mr. Oh, he's great. Real thorough. He'll make a fine lawyer," Franks said.

At the hearing's end, the judge told Franks that although he couldn't say so formally, he had decided to award him full disability.

"I started to tear up," McNally-Levine said. "Then I look over at my client, and he's bawling."

"I couldn't hardly speak," Franks said. "That's all I had to live on. I believe I cried for 30 minutes."

Outside, Franks hugged McNally-Levine. Oh reached out for a handshake. "No, I'll hug you," Franks said.

HEARTRENDING LESSONS

The Franks case turned out to be their only win. The law school team lost two hearings that were held by three-way video hearings, with the client, lawyers and judge all in different cities. McNally-Levine hated the impersonal format, but the clients had waived their rights to in-person hearings.

And several months after Tyler's hearing, the judge ruled against her, determining that the evidence of the severity of her impairments did not meet the disability standards.

"I thought this was the [case] we had the best chance on," McNally-Levine said earlier this year. "To not be successful was very painful." However, because of her age and work history, Tyler now receives Social Security retirement benefits.

Many of the cases have been lost. SSA originally flagged 1,800 cases—1,500 that were reheard and 300 others that the agency determined after further investigation were legitimate. The SSA ruled against about 47 percent of the 1,800, while giving

some 53 percent favorable or partially favorable decisions. McNally-Levine said the experience was valuable for the students. "We met a need, and the students got a good experience going in front of an administrative law judge, gathering evidence, writing a brief—the core things we want [them] to get out of a clinical program," she said.

But the lessons went beyond basic lawyering. "This was a case that allowed my students to see what happens when we as professionals act inappropriately—and the impact of that not only on individuals, but on a whole region," she said.

"As a law student, I got to go down to another state to interview a client on my own," said Kurtz, now a medical-malpractice defense attorney in Pittsburgh. "I got to work the case, I got to come up with the theory on it and I had to read all those medical records, which was really invaluable, especially since I do that now."

Oh said this was the first time a case became a person. "I didn't really feel it until we finally got there, when we went all the way down to Kentucky and saw Mr. Franks," he said.

For Sonntag, it was "a pretty stark reminder of what responsibility we have when we're dealing with our clients." A reminder, too, he said, that "there is a human being behind the paperwork; that people are not the case number...and you as an advocate have the privilege, in a sense, of following for a few weeks or a few months and trying to help them out."

McNally-Levine and a new group of students could soon take on more cases slated for rehearings.

The SSA's Office of the Inspector General has flagged nearly 2,000 more Conn-connected cases containing potentially fraudulent claims. McNally-Levine said it's not clear who will sift through the thousands of documents in Conn's old office—or when. But the big questions now, she said, are how to address the cases of the 800 people who lost their rehearings and how to pause the new cases until lawyers gain access to those files. "If there are files in that mess that have [our clients'] names on them, I want to see them," she said. Sonntag has finished work on Tyler's case. When he graduates, he plans to send her a fitting farewell: a package of Hostess Ho Hos.



Iris Tyler's eastern Kentucky home, where pain keeps her from making needed repairs and she has no running water.

PHOTO CREDIT: BARBARA BROTMAN

Helping clients **LIVE THEIR LIVES TO THE FULLEST**

HEALTH LAW STUDENTS COLLABORATE WITH CLEVELAND-BASED HEALTH CARE SYSTEMS TO SERVE LGBT, POOR, MENTALLY ILL AND DISABLED



(Left to right) Alexis Florczak '18; Annie Slota, a Behavioral Health Linkage Coordinator at Neighborhood Family Practice; and Holger Sonntag '18. Florczak and Sonntag helped patients with legal needs during the 2018 spring semester as part of a new collaboration between the family practice and Case Western Reserve University School of Law.

Vulnerable individuals, including people who are LGBT, mentally disabled and poor, are getting help with their legal needs as a result of new collaborations between Case Western Reserve University law students and Cleveland-area health care systems.

During the 2017-18 academic year, health law clinic students Holger Sonntag and Alexis Florczak, both of whom graduated in 2018, provided legal representation to patients referred to the clinic from major public hospitals and Neighborhood Family Practice. They helped patients with a wide range of legal needs, including applying for disability benefits, guardianship and housing issues.

"It definitely opened up my eyes to the massive amount of unmet legal needs that are out there, and they are really diverse — family law, guardianship, public benefits, domestic abuse. I'm still thinking this is only just scratching the surface," Sonntag said. "I just think this experience has been a great complement to classroom legal education, especially at an early career stage. This totally broadens your perspective on what you might be interested in, in terms of a practice area, later on."

Together, Sonntag and Florczak assisted more than a dozen clients throughout the spring 2018 semester. Annie Slota, a Behavioral Health Linkage Coordinator at Neighborhood Family Practice, served as a point person for directing patients to them when they held office hours at the health care facility on Friday afternoons. By working together, the legal interns and health care professionals better serve individuals by creating a one-stop shop to address their legal and medical needs, which include health benefits, insurance and quality patient care.

"Word has gotten out, even to doctors. They've said, 'I've heard about you guys and what you are doing is really great,'" Sonntag said.

FEDERAL IMPLICATIONS

The experience also exposed the students to the policy side of health law. There are proposals, for example, to limit the eligibility criteria for state medicaid from 138% of the poverty line to 100%, which would directly affect their clients.

"The issue of Medicaid expansion all of a sudden becomes relevant, rather than something you just read in the newspaper," Sonntag said. "If you work in the health law field, you have to be mindful of these wider federal issues."

In addition to her work with Neighborhood Family Practice, Florczak assisted the LGBT community by working with the Cleveland Clinic. Their legal needs, she explained, were "pretty wide," but a lot of the common themes involved discrimination, housing matters and working with social security to ensure medical procedures are covered after someone has a gender marker change.

"I enjoyed the fact that we were able to assist these vulnerable individuals who don't always get the help they need," Florczak said. "I always knew I was interested in health law coming into law school, but I wasn't really sure what I wanted to do with it. The clinic helped me see the vastness of the types of careers you can have within health law."

Florczak specialized in serving the LGBT community throughout her law school education. She also wrote her student note on combating discrimination in LGBT health care. She completed a project in which

she developed a list of providers in the Cleveland area that are LGBT-friendly. She also surveyed the marketplace insurance plans in Ohio to determine which ones were the most transgender-inclusive. Most didn't even address the issue, she found.

"Access to health care is a really important thing and knowing you can go to a provider that is safe and will treat you with respect is important for the LGBT community," she said.

In addition to helping disabled patients and LGBT clients, the law school worked together with UH Rainbow Babies & Children's Hospital to establish a new clinic to help autistic youths, aged 12 to 15. The clinic's team includes a developmental behavioral pediatrician, neuropsychiatrist, behavior psychologist, social worker and a lawyer.

During the legal component of the evaluation, the team reviews the child's special education, public benefits and guardianship needs.

"One of the things that came up about a year ago was a guardianship issue. It is expensive to file for guardianship, and the courts don't waive the fees if you are poor. If you are a family dealing with limited means, to get a piece of paper could cost hundreds of dollars," said Laura McNally-Levine, Associate Dean for Experiential Education.

NEW RESOURCES

To address the financial hurdles poor families are facing, the law school, in partnership with Cleveland Legal Aid and Rainbow Babies, successfully obtained an Ohio Supreme Court for Civil Justice grant. The \$75,000 grant allows use of a portion of the money

for court fees within a five-county area. The group is also preparing a toolkit of resources to help families navigate the guardianship process. All of this work paves the way for even more opportunities for students to assist clients with legal needs.

"We've talked to doctors, social workers and nurses. This is preventative as well as curative. These are vulnerable populations, and we want to keep them from getting to a place where they lose housing because of chronic illness," said Maya Simek, a lecturer who is helping to oversee the law clinic's collaboration with the LGBT community. "It's about trying to maintain stability for our clients, so they can live their best selves."

Some clients, the students said, have been eligible for public benefits but simply didn't apply, or have been in need of other types of legal assistance and didn't have anywhere to turn to for help — until now.

"If you have a disability, you would very likely not be able to even fill out the application. We can really help clients when we take them by the hand and walk them through it," Sonntag said. "It's been really gratifying to do this work. It is really meaningful."



Pictured are Marie Clark, MD, MPH, and Laura McNally-Levine, Associate Dean for Experiential Education at CWRU Law, at the grand opening of the UH Women's and Children's Center.

Reporting on Legal Issues at the AMA

Scott Schweikart '03 joined the American Medical Association last year as Senior Research Associate and Legal Editor of its *Journal of Ethics*.

Does a physician face any liability risks related to a patient he or she refers for a surgical procedure in another country? This is a question Scott Schweikart '03 asked when researching and writing an article about medical tourism and plastic surgery for the American Medical Association (AMA) *Journal of Ethics*. Schweikart joined the AMA in 2017, after a decade working as a reference attorney and attorney editor at Thomson Reuters. "I had built up years of editorial, legal and research skills and wanted to get into bioethics," he says of his move to the AMA.

As for the article, the subject intrigued Schweikart, the legal editor of the journal, because the Council on Ethical and Judicial Affairs (CEJA) was working on the issue of medical tourism. "I thought it would be an interesting topic to explore for the journal," he says, noting that more people are going overseas for cosmetic and plastic surgery procedures and getting injured. "It's becoming more of a problem—and I thought, 'How does this impact doctors in the U.S. and their liability?'"

There's an ethical conundrum for U.S. physicians who refer patients to doctors abroad for a specific procedure and then provide follow-up care for the patients once they return home. Many of these patients return with incomplete medical records and in some cases, surgical complications. Providing care for patients in these circumstances can be risky. The interest in providing continuity of care clashes with the potential for increased liability for the follow-up-care physician.

Exploring health and bioethical legal issues is a passion for Schweikart, who was a pre-med major at Washington University in St. Louis, Missouri and earned a degree



University of Pennsylvania in Philadelphia, and then landed at Thomson Reuters in Minneapolis/St. Paul, Minn.

"It's important to be open to your future and look for opportunities everywhere," Schweikart says, relating that having work experience in between earning degrees reinforced his career path in health law and research. And practicing law for a couple of years helped him realize how much he enjoyed the research and academic side of the field.

An average day at the AMA for Schweikart includes lots of research and writing. "I'm reviewing law journals and drafting articles," he says. He also attends CEJA

There's an ethical conundrum for U.S. physicians who refer patients to doctors abroad for a specific procedure and then provide follow-up care for the patients once they return home.

in German Studies. "I was interested in both medicine and law—and I ended up applying to law schools. I wanted to go somewhere with a good health law program, so that drew me to Case," Schweikart says.

At CWRU School of Law, Schweikart was inspired by the health law classes—especially ones taught by now Dean Jessica Berg. After graduating, he moved to Chicago and practiced law at a small firm that focused on immigration and family cases. Two years later, he pursued a master's degree in bioethics from the

meetings and goes to AMA Annual and Interim meetings, where the House of Delegates votes on AMA policies.

At home in Chicago, Schweikart says he loves the "vibrant" city and enjoys restaurants and the arts. Most often, he's spending time with family—his wife and three children.

Promoting Clinical Trials Transparency

Hilary Leeds '03 helped write the final HHS rule that strengthens requirements for submitting clinical trial results information

What happens to the information researchers collect during a clinical trial if the drug, product or treatment they're testing never goes to market?

Hilary Leeds '03, who works in the National Institutes of Health (NIH) Office of Science Policy—in a division focused on data sharing—got to deep-dive into ethical and scientific reporting issues when she collaborated to help develop the final rule on Clinical Trials Registration and Results Information Submission. (This project was in addition to her role implementing the NIH's Genomic Data Sharing Policy.)

The final rule is a significant turning point in data sharing, Leeds says.

For one, the new rule strengthens the legal requirements for submitting registration and results information for clinical trials involving FDA-regulated drug, biological and device products. Also, the NIH issued a complementary policy for registering and submitting summary results information to ClinicalTrials.gov for all NIH-funded clinical trials, including those not subject to the final rule.

"The hope is that this will alleviate publication bias and help researchers and care providers see what trials have been conducted," Leeds says. "It will enhance trust in research because people participate with the understanding that the information and data will be used to further knowledge. That is a major provision."

Expanding the final rule with a complementary policy requiring NIH-funded clinical trials to also follow the data-sharing provisions further enhances transparency. The final rule requires also submitting adverse event information on ClinicalTrials.gov for specified trials.



"For instance, if a pharmaceutical company was conducting clinical trials to gain approval for a drug, they might do trials whose results never see the light of day because they did not show a benefit," Leeds explains.

"Now, the world will know if other trials were attempted that weren't so successful because that outcome data will be available on ClinicalTrials.gov," Leeds says.

During the final rule writing process, Leeds and her team collaborated with colleagues from the National Library of Medicine and FDA. "I have an interest in research ethics—and you can imagine, this was a labor-intensive project, and it was collaborative."

The team reviewed about 900 public comments in the process of writing the preamble and final rule. "Our job was to analyze the comments that came in about the draft, refine the draft and see what needed to be updated and looked at more closely," she explains.

The final document is a real game-changer in clinical trials reporting on ClinicalTrials.gov, Leeds says. "CWRU gave me the tools to think through the complex real-world issues I see at work," she relates. "I really enjoy working with colleagues from different backgrounds, and thinking through issues that might not have a single answer."

Leeds was drawn to CWRU because of the national reputation of its health law and bioethics program. During her time at Case, she served as president of the Student Health Law Association. "I remember bringing speakers to campus to give us a broader picture of what health law is," she says.

Leeds grew up in western Pennsylvania, and after attending CWRU School of Law, went on to complete a fellowship in Clinical Medical Ethics at The University of Chicago. Following that, she did a two-year project at Louisiana State University, working for a public health law professor and conducting research on employee discrimination and diabetes. In 2007, she landed a position in NIH's National Heart, Lung and Blood Institute, where she served in their science policy group. She recently moved to the NIH's Office of Science Policy.

At home in suburban Washington, D.C., Leeds and her husband enjoy spending time with their one-year-old daughter and taking in sights at the nation's capital. Looking back at her CWRU experience, Leeds says she is grateful for the support she received through the Ralph A. and Dorothy K. Colbert Law Scholarship Fund. She says, "That was a really amazing opportunity, and I'm so appreciative for it."

NATIONAL JURIST RECOGNIZES

ALISON
EPPERSON

AS A

"LAW STUDENT OF
THE YEAR"**She founded her own nonprofit
after death of long-time boyfriend**

"Law school teaches you how to counsel and advise, something I do everyday in my role at CTE Hope, and it also helps you develop the art of strategically and successfully advocating for your position."

Near the end of her first semester in law school, Alison Epperson's long-time boyfriend took his own life after sustaining brain injuries playing football. Instead of letting grief overwhelm her, she co-founded a nonprofit organization to help others suffering from CTE, drawing national awareness and attention. Epperson's story of tragedy-to-triumph also got the attention of the *National Jurist*, which recently named her a Law Student of the Year.

The 2018 graduate of Case Western Reserve University School of Law was one of 25 honored nationally and the only student from Ohio.

"I am incredibly humbled by this honor," she said. "There are so many amazing students at Case (Western Reserve), so this feels truly special. After three difficult years and everything I've gone through, it's unbelievable." Epperson, an Iowa native, rose to national prominence through her work on chronic traumatic encephalopathy (CTE), the disease portrayed in the movie *Concussion*.

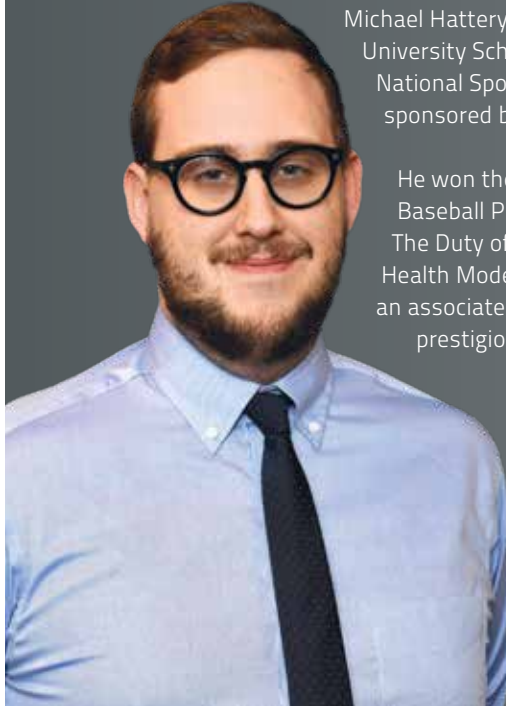
CTE is a neurodegenerative disease — similar to Alzheimer's and Parkinson's — occurring when trauma to the brain causes protein to pool in brain cells.

Concussions from playing high school football are the suspected cause of her boyfriend Zac's CTE.

To fulfill Zac's last wishes to help others and to help her cope with the experience, Epperson co-founded CTE Hope, a nonprofit launched to spread the message about CTE and increase prevention efforts. A flurry of media attention followed, including an article in *GQ*. As chief communications officer for CTE Hope, she advocates for concussion protocols in high school sports programs.

"The easier route would have been to crawl into a hole," she said. "But, for one, Zac would have hated that; he asked that we use his legacy to spread awareness. I wanted to transform this enormously negative

CWRU law student **WINS WRITING AWARD** for article on health modeling analysis



Michael Hattery, a 2018 graduate of Case Western Reserve University School of Law, was the winner of the 2017 National Sports Law Student Writing Competition sponsored by Marquette University Law School.

He won the award for his article, "Major League Baseball Players, Big Data, and the Right to Know: The Duty of Major League Baseball Teams to Disclose Health Modeling Analysis to Their Players." Hattery was an associate editor of *Health-Matrix*, the Law School's prestigious Health Law journal.

"Mike wrote an excellent paper. We are very proud of this well-deserved recognition," said Professor Sharona Hoffman, *Health-Matrix* faculty advisor and co-Director of the Law-Medicine Center.

As part of the award, Hattery's article was published in the *Marquette Sports Law Review*.

experience and turn it into a driving, positive force to help others. The goal is to keep this from happening to anyone else."

Epperson did this while consistently making the Dean's List and ranked near the top of her class at Case Western Reserve.

Epperson said law school prepared her for her role in founding CTE Hope.

"Not only has law school forced me to perfect my time-management and organizational skills, it has also helped me be able to take an extremely complex issue or subject, analyze it, and then distill it in a way in which it can most effectively be communicated," she said. "Law school teaches you how to counsel and advise, something I do every day in my role at CTE Hope, and it also helps you develop the art of strategically and successfully advocating for your position."

During law school, she served as executive notes editor of the *International Law Journal* and was also co-president of the school's National Security Law Society. During her third year, she externed in the Office of the Legal Adviser of the U.S. Department of State, one of the most competitive internships in the federal government.

Now Epperson is working as an associate at the law firm Orrick, Herrington and Sutcliffe in New York City. She's pursuing law with an international and public focus.

Epperson said she has no plans to abandon her work on CTE.

"I will always be involved," she said. "It's my passion."



CWRU law student **WINS SECOND PLACE** in national health law writing competition

Third-year student Elizabeth Burnett won the award for her paper, "Solving the Uncertainty: Why the HIPAA Privacy Rule Fails to Appropriately Address Disclosures of Psychotherapy Notes of Deceased Patients." The paper analyzes troubling ambiguities in the privacy regulations, and, according to Professor Sharona Hoffman, *Health Matrix* advisor, it fills a significant gap in the privacy literature.

CWRU HOSTS THE 41ST ANNUAL HEALTH LAW PROFESSORS CONFERENCE





Case Western Reserve University School of Law and the American Society of Law, Medicine & Ethics hosted the 41st Annual Health Law Professors Conference on June 7-9, 2018. Featuring events at the School of Law, Hilton Downtown and the Rock and Roll Hall of Fame, the conference drew hundreds of legal and medical professionals from around the country, covering topics on long-term care insurance, rural health, drug pricing, medical malpractice and more.



THE LAW-MEDICINE CENTER AT
CASE WESTERN RESERVE UNIVERSITY
AND THE AMERICAN SOCIETY OF LAW,
MEDICINE & ETHICS PRESENT THE

2018 HEALTH LAW PROFESSORS CONFERENCE



Health law students awarded scholarship funding and research fellowships

Case Western Reserve University School of Law offers scholarships and fellowships to incoming students who are interested in health law.

The Gerber Law-Medicine Fellowship is available to students with outstanding academic credentials. The award covers three-quarters of the law school tuition or more. In addition, Fellows can receive a small stipend for work on a health law project during the academic year. In 2017-18, Fellows assisted the Health Law

Clinic by conducting research regarding public school students with disabilities, gender-reassignment surgery, Medicaid, and more.

The Gerber Fellowship is named for Samuel Gerber. He was a well-respected 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.

Incoming students are eligible for Gerber Fellowships or Wurzburger Health Law Scholarships, which cover partial tuition and are awarded to students who plan to pursue health law studies. The Wurzburger Scholarships are named for Odette Wurzburger, a renowned law professor and philanthropist who helped establish the endowment for the Law-Medicine Center at Case Western, the first health law center in the United States.





Student Health Law Association

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

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.



LABS

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 engage with both national and Ohio-based reproductive rights organizations to conduct fact examination, draft legal research memos and analyze proposed legislation.

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, Tennessee
- 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, Ohio
- Center for Medicare Advocacy; Washington, DC
- Office of Counsel to the Inspector General, in the Health Care Fraud and Abuse area, of the US Department of Health & Human Services; Washington, DC
- Medical Mutual of Ohio; Cleveland, Ohio
- University Hospitals; Cleveland, Ohio
- MetroHealth; Cleveland, Ohio
- Cleveland Clinic Innovations; Cleveland, Ohio
- Cleveland Clinic's Institutional Review Board; Cleveland, Ohio



DUAL DEGREES

in health-related fields

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 inter-professional 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. Subspecialties 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 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

Case Western Reserve University School of Law invites applications for its Doctor of Juridical Science (SJD) in Health Law degree. This is the most advanced law degree in the health field.

The program enables students to work with CWRU's distinguished faculty members on writing a substantial piece of health law scholarship of publishable quality. Classes are available from among the law school's and the university's many offerings.

Eligibility

The health law SJD program is designed for applicants with a JD degree from a law school in the United States or another English-speaking common law country (e.g. Canada or Australia). It may also be appropriate for other students with a foreign law degree plus an LLM from the United States or another English-speaking common law country. Such individuals must have strong English language skills and be able to produce a compelling health law thesis proposal at the application stage. In the alternative, foreign students may choose our SJD program for foreign students and specialize in the health law field. The health law faculty is happy to work with applicants to determine which program best fits their needs. The faculty will also work with individuals who do not have an LLM degree to determine whether they should enroll in an LLM program before commencing their SJD work.

Scholarship support is available.

Degree Requirements

Each Health Law SJD student pursues a program of study that is tailored specifically to his or her background and academic interests. Candidates may be required by their advisors to take or audit courses and participate in seminars and discussions that will further their understanding of the health law field and their dissertation topic. Residency requirements are tailored to students' individual circumstances.

Ordinarily, completion of the SJD degree takes two to four years. Candidates must conduct rigorous research and produce an original dissertation that will contribute significantly to legal scholarship and further understanding of the law. The completed dissertation must be of publishable quality. This process begins at the application stage, when candidates submit a detailed thesis proposal of up to 5,000 words.

Application Process

To be considered as an applicant for the SJD program in Health Law, a candidate must submit by April 1st:

- Completed, printed application form.
- \$50 application fee made out to "Case Western Reserve University."
- Personal statement.
- Two letters of recommendation. Recommendation letters may be enclosed with the application form in sealed and signed envelopes or mailed separately by the recommenders.
- Official copy of transcripts from all post-secondary educational institutions with notarized translations into English where applicable; the transcripts may be included in sealed envelopes or mailed directly from the institutions.

- Thesis proposal of up to 5000 words explaining why their topic merits the type and depth of research that will result in production of a monograph-length thesis. Focus on the existing unresolved legal issues. Include a review of the existing literature on their topic, a bibliography of the literature that they have consulted, and an explanation of how their thesis will contribute substantially to the existing literature. The proposal must present a convincing case that the topic presents a current, unresolved issue worthy of an SJD thesis in health law and that the applicant has the potential to produce a work of publishable quality.
- We expect applicants to engage in a thorough review of literature concerning their topic in preparation for their thesis, which will result in a complete bibliography of the literature in the applicable field.

Additional Requirements for Foreign students

- An official TOEFL or IELTS score required of all applicants whose native language is not English. Our TOEFL institutional code is 1105, dept. 03. Copy of same may be included in initial application packet with indication that the original score has been requested by the applicant.
- Affidavit of financial support required for visa documents.
- Candidates must have at least a foreign university-level degree in law, and LLM degree and a TOEFL of 100 or IELTS of 6.5. In the case of multiple TOEFL scores, we will rely on the most recent score.

Completed applications should be sent to:

Professor Sharona Hoffman
Case Western Reserve University School of Law
11075 East Boulevard, Room 227
Cleveland, Ohio 44106-7148 U.S.A.
e-mail: sharona.hoffman@case.edu
phone: (216) 368-3860

Admission

Admission decisions are made starting April 1. Admissions decisions will be made by a committee consisting of the Dean of the Law School and the faculty of the Law-Medicine Center. A member of the faculty will agree to serve as the candidate's thesis advisor. The Dean and the thesis advisor will appoint a thesis committee for the candidate.

Admitted students will be required to submit a nonrefundable deposit of \$500 by May 15th in order to secure their position in the class. The deposit is deductible from the first semester's tuition.

The Law-Medicine Center's 2017-18 EVENTS

take on malpractice litigation, patient trust,
opioid crisis, contraception and more

▶ **Missed one of our lectures? Webcasts are available online.
Here's a look at the topics we discussed this past academic year.**

▼ **EXPERIENCE IS TREACHEROUS: AN INTIMATE VIEW OF THE PHYSICIAN'S EXPERIENCE OF ADVERSE PATIENT OUTCOMES AND MALPRACTICE LITIGATION**

This presentation on April 10 addressed medical malpractice litigation from the perspective of the physician who becomes a defendant. Dr. Stacia Dearmin, a caring and committed physician, together with her attorney, Dirk Riemenschneider, explored the life-altering experience of an unfortunate patient outcome, being sued and going to trial. Physicians who enjoy a long career are very likely to have one or more claims filed against them.

Speakers: M. Stacia Dearmin, MD, Division of Emergency Services at Akron Children's Hospital, and Dirk E. Riemenschneider, JD, Chair of the Health & Medicine Practice Group, Buckingham, Doolittle, and Burroughs



▲ **WHO CAN PATIENTS TRUST?: LEGAL RESPONSES TO THE LOSS OF MEDICAL PROFESSIONALISM** Louis C. Greenwood Lecture Series CWRU Law Downtown at the City Club

The United States ranks 24th out of 29 countries for the percentage of adults who agree that doctors can be trusted. Moreover, new models of health care delivery that emphasize teamwork and coordination of care over time are changing the relationship between physicians, non-physician health professionals and patients, raising concerns about who is ethically and legally obligated to act in the patient's best interest. This lecture on March 21 explored the role of law in promoting patient trust and the changes in the law that are necessary to protect patients in the emerging health care environment.

Speaker: Max Mehlman, Distinguished University Professor, Arthur E. Petersilge Professor of Law and Director of the Law-Medicine Center, Case Western Reserve University School of Law, and Professor of Biomedical Ethics, Case Western Reserve University School of Medicine





◀ LEGAL PERSPECTIVES ON THE OPIOID CRISIS: LAW IN THE COURTS, THE STATEHOUSES AND THE MEDICAL CLINICS

The opioid crisis has produced a multipronged, interdisciplinary response in which law plays a central role. This talk on February 27 discussed current litigation concerning the crisis, legislative interventions, and the relevance of law to the practice of medicine.

Speaker: Abbe R. Gluck, Professor of Law and Faculty Director of the Solomon Center for Health Law and Policy at Yale Law School

▶ ATTORNEYS AS ADVOCATES: FROM CREATING POLICY ON PAPER TO IMPROVING LIVES IN PERSON

The Elena and Miles Zaremski Law-Medicine Forum

Healthcare reform continues to dominate national and state policy and economic discussions. This session on November 20 discussed how emerging reform proposals could impact Ohio's second largest public health system and the role attorneys play in promoting and protecting patient interests.

Speaker: Tracy L. Carter, MHSA, Senior Director of Government Relations, The MetroHealth System of Cleveland, Ohio



◀ TRUMP, CONTRACEPTION AND THE ACA

The Elena and Miles Zaremski Law-Medicine Forum

Where do things stand with respect to coverage for contraceptives under the Affordable Care Act? And how did we get here? Professor Jessie Hill gave an overview on November 13 of the legislative and litigation developments pertaining to contraceptive coverage from the late 1990s to today. She further discussed what we might expect moving forward.

Speaker: B. Jessie Hill, Associate Dean for Academic Affairs and Judge Ben C. Green Professor of Law, Case Western Reserve University



▼ WITCHDOCTORS, ZOMBIES AND WIZARDS: RETHINKING HEALTH IN AMERICA

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

To the extent we can even refer to an American healthcare "system," it functions brilliantly...to make money for executives and majority shareholders. American healthcare is already twice as costly as healthcare in other comparable nations, and these costs are growing faster than inflation or wages. Moreover, one third of the costs are attributable to waste, fraud, and abuse. On October 30, Dr. Ali Khan discussed the flaws of the American healthcare system from the perspective of patients and over-burdened primary care providers.

Speaker: Dean Ali S. Khan, MD, MPH, Retired Assistant Surgeon General USPHS College of Public Health University of Nebraska Medical Center



▲ DIVERSITY IN CLINICAL TRIALS ~ WHY IS IT ESPECIALLY CRUCIAL TODAY?

Maxwell J. Mehlman Lecture

Adequate and well controlled clinical trials are the holy grail and the sole bases used to evaluate whether any medicine is safe and effective before it is approved for marketing to health care professionals. The big challenge for companies, FDA and international regulatory authorities is ensuring that research participants are truly representative of the patients who will benefit from the medicine. This was discussed at an October 18 lecture.

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



SAVE THE DATES UPCOMING EVENTS 2018-19

SEPTEMBER 22, 2018

Law of Health Information Privacy

Speaker: Kirk Nabra

9 a.m. to 3:30 p.m.

Moot Courtroom (A59)

4.75 hours of CLE credit

SEPTEMBER 27, 2018

Oliver C. Schroeder Lecture

The (Almost) Great Unraveling: Can the Quest for Solidarity Survive?

Law-Medicine Center

4:30 pm to 6:30 pm.

Moot Courtroom (A59)

1 hour of CLE Credit

Speaker: Sara Rosenbaum

OCTOBER 25, 2018

Maxwell J. Mehlman Lecture

Law-Medicine Center

4:30 pm to 6:30 pm.

Moot Courtroom (A59)

1 hour of CLE Credit

Speaker: Seth Jacobs ('81)

Senior VP and General Counsel

Blue Shield of California

APRIL 5, 2019

Law-Medicine Center Conference

Electronic Health Records

and Patient Safety: Legal

Dimensions and Challenges

Full-Day Event

Iowa Supreme Court adopts standard urged by CWRU law professor's amicus brief

Jessie Hill, Associate Dean for Academic Affairs and Judge Ben C. Green Professor of Law, authored an *amicus curiae* brief in the Iowa Supreme Court on behalf of several professors of law and women's studies, arguing that the state's 72-hour waiting period for abortion is unconstitutional.

The brief also argued that the court should adopt a stricter standard under the Iowa Constitution for evaluating abortion restrictions than the standard that applies under the federal Constitution. On June 29, in *Planned Parenthood of the Heartland v. Reynolds*, the Iowa Supreme Court held the law unconstitutional and adopted the standard urged by Professor Hill's *amicus* brief.



CWRU Health Law Professor elected to prestigious American Law Institute



Sharona Hoffman, the Edgar A. Hahn Professor of Law at the Case Western Reserve University School of Law, is among 45 newly elected members of the prestigious American Law Institute (ALI).

The 90-year-old institute comprises exceptional judges, lawyers and legal academics internationally.

"It is an incredible honor to be elected to the American Law Institute, and I look forward to contributing to the organization's efforts to improve the law," said Hoffman.

Hoffman, professor of bioethics and co-director of the law school's Law-Medicine Center, joins eight other law faculty from Case Western Reserve among ALI's elite membership—including President Barbara R. Snyder.

She traveled to Washington, D.C., in May for the ALI's annual meeting.

In 2017, Hoffman was recognized by "Bill of Health," a Harvard Law School blog, as the 14th most cited health law scholar and second most cited female health law scholar in the nation.

Hoffman joined the Case Western Reserve faculty in 1999. Teaching courses in health law, employment discrimination and civil procedure, Hoffman was voted First-Year Teacher of the Year in 2011 and 2012.

She also served as associate dean for academic affairs from 2006-09, and won the Distinguished Teacher Award in 2014.

Hoffman received her bachelor's degree from Wellesley College, her JD from Harvard Law School, an LLM in health law from the University of Houston and an SJD in health law from Case Western Reserve.

Before becoming an academic, Hoffman was a senior trial attorney at the Equal Employment Opportunity Commission in Houston; a litigation associate at O'Melveny & Myers, a large Los Angeles law firm; and a judicial clerk for U.S. District Judge Douglas W. Hillman (Western District of Michigan).

In 2013, the Robert Wood Johnson Foundation selected Hoffman for a scholar-in-residence fellowship in public health law. She also has twice spent a sabbatical semester as a visiting scholar at the Centers for Disease Control and Prevention (2007 and 2014) and was a visiting scholar at Emory University in 2014.

She has published more than 60 articles and book chapters on health law and civil rights issues. She has developed particular expertise and a national reputation in health information technology. She also has researched and written about employment discrimination, public health emergencies, clinical research, health insurance and elder care. Her work has appeared in the *Georgetown Law Journal*, *William & Mary Law Review* and *Boston College Law Review*, among many other journals.

In addition, Hoffman is the author of two books: *Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow* (Praeger, 2015) and *Electronic Health Records and Medical Big Data: Law and Policy* (Cambridge University Press, 2016).

Health Law Faculty Updates

JONATHAN H. ADLER

Johan Verheij Memorial Professor of Law and Director of the Center for Business Law & Regulation

Administrative Law & Constitutional Law



Jonathan Adler joined the faculty in 2001; prior to that he worked at the Competitive Enterprise Institute and clerked for the Honorable David B. Sentelle on the U.S. Court of Appeals for the D.C.

Circuit. He is the author or editor of seven books, a contributing editor to National Review Online and a regular contributor to the popular legal blog, "The Volokh Conspiracy." He frequently writes on health law topics, including the Affordable Care Act and e-cigarette regulations. He has testified before Congress a dozen times, and his work has been cited in the U.S. Supreme Court.

JESSICA BERG

Dean; Tom J.E. and Bette Lou Walker Professor of Law; and Professor of Bioethics & Public Health

Public Health Law; Bioethics and Law; Health Policy Lab



Jessica Berg has been a member of the faculty since 1999 and has been the Dean since 2013. Berg previously served as the Director of Academic Affairs and Secretary of the Council

on Ethical and Judicial Affairs and Section Director of Professionalism at the American Medical Association. Her research spans a variety of areas including public health, medical decision-making, research with human subjects, confidentiality, reproductive law and ethics, genetic enhancement, end-of-life care, professionalism and e-medicine.

JESSIE HILL

Associate Dean for Academic Affairs and Judge Ben C. Green Professor of Law

Reproductive Rights Lab



Jessie Hill joined the faculty in 2003 after practicing First Amendment and civil rights law with the firm of Berkman, Gordon, Murray & DeVan in Cleveland. Hill also

worked at the Reproductive Freedom Project of the national ACLU office in New York, litigating challenges to state-law restrictions on reproductive rights, and served as law clerk to the Honorable Karen Nelson Moore of the United States Court of Appeals for the Sixth Circuit. Her scholarship focuses on constitutional law, law and religion, and reproductive rights.

SHARONA HOFFMAN

Edgar A. Hahn Professor of Law, Co-Director of the Center for Law and Medicine

Health Care and Human Rights



Dr. Hoffman (SJD, JD) joined the faculty in 1999 and is currently the co-director of the Law-Medicine Center at Case Western Reserve University School of Law. Previously she was a

Senior Trial Attorney at the EEOC, a litigation associate at O'Melveny & Myers, and she clerked for U.S. District Judge Douglas W. Hillman. Hoffman has lectured nationally and internationally on civil rights and health law topics, and has published over 60 articles and two books: *Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow* (Praeger 2015) and *Electronic Health Records and Medical Big Data: Law and Policy* (Cambridge University Press 2016).

LAURA MCNALLY-LEVINE

Associate Dean for Experiential Education & Director, Milton A. Kramer Law Clinic Center

Professor of Law

Externships & Health Law Clinic



Professor McNally-Levine joined the Law School's faculty in 2005. She has focused her practice and research in the areas of poverty law, disability rights, children's rights and

health law. Recently she established interdisciplinary collaborations with local hospitals, medical centers and community organizations to provide legal representation and engage in systemic advocacy regarding legal issues that impact community health. McNally-Levine is committed to experiential education and has held positions with the Clinical Legal Education Association and the AALS Section on Clinical Legal Education.

MAXWELL J. MEHLMAN

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

Health Law and Bioethics



Professor Mehlman joined the faculty in 1984 and has been the Director of the Law-Medicine Center since 1986. Previously he practiced health law with Arnold & Porter in

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Maxwell J. Mehlman, Director

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