



SCHOOL OF LAW

CASE WESTERN RESERVE
UNIVERSITY

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Law-Medicine News

From the Law-Medicine Center at Case Western Reserve

Law-Medicine Center conference explores "The Rhetoric of Reproduction"

Experts from across the nation gathered at Case Western Reserve University School of Law to explore the ways courts and commentators have framed reproductive rights.

Panelists took on doctrinal, political and other issues during the 2015 Law-Medicine Center Conference, "The Rhetoric of Reproduction," on Friday, April 17.

Michele Bratcher Goodwin, Chancellor's Professor of Law and director of the Center for Biotechnology and Global Health Policy at the University of California, Irvine School of Law, gave the keynote presentation.

Goodwin said the United States incarcerates more women than any other place in the world, and black women have the highest incarceration rate among women of all races. She said that the issues in American society, such as drug-related crime, that lead to black women being put behind bars also affect how laws and regulations are designed to influence reproductive decision-making.

"Missing from these debates has been a more nuanced understanding of the constitutional liberties that are associated with reproduction that deliberates on and recognizes autonomous decision-making in pregnancy, whether to carry a pregnancy to full term or to abortion," Goodwin said.



Participants rally outside the U.S. Supreme Court building during the *Hobby Lobby v. Burwell* oral arguments in March. Case Western Reserve University Law Professor Jessie Hill provided her expertise about the case to media, scholars and other groups before and after the opinion was released.

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Ranked **9th** in the nation by *U.S. News & World Report*



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Welcome from our Law-Medicine Center Leaders



The challenges that will face the medical and health law professions in the coming decades are enormous. And 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 externships. 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.

Our graduates are trained to be highly competent health care lawyers. They are prepared to confront the challenges that lie ahead at the intersection of law and medicine, such as securing affordable, high-quality health care for all and managing the risks and benefits of extraordinary breakthroughs in human genetics and health information technology.

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

Distinguished University Professor
Director, Law-Medicine Center
Arthur E. Petersilge Professor
Case Western Reserve University School of Law
Professor of Bioethics
Case Western Reserve University School of Medicine

Sharona Hoffman

Co-Director, Law-Medicine Center
Edgar A. Hahn Professor of Law
Case Western Reserve University School of Law
Professor of Bioethics
Case Western Reserve University School of Medicine

Health Matrix: Journal of Law-Medicine

Published twice a year, each issue of *Health Matrix* includes articles by major scholars, along with student notes, written under the supervision of a faculty member.

One issue each year is a symposium on a significant health law topic, such as reproductive rights, newborn screening, bioterrorism, health care reform, regulating germ line genetic engineering, health care and tax exemption and barriers to health care access.

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 50 percent 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 regulation of opioids by the Food and Drug Administration, Medical Marijuana and the Americans with Disabilities Act and treatment for transsexual inmates in prison.

Examples of Recent *Health Matrix* Topics:

- Affordable Care Act
- Health Care for Death Row Inmates
- Privacy in Health Care
- Adult Stem Cell Regulations
- Defamation and Physician-Review Websites



- Nanotechnology
- Regulation of Advertisements to Combat Childhood Obesity
- Prenatal Genetic Testing
- Health Care and Illegal Immigrants
- Defining Intellectual Disability

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.

ABOUT THE LAW-MEDICINE CENTER

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 and University Hospitals — where opportunities to work and learn in hospital legal environments are steps away.



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

Case Western Reserve introduces new health law SJD degree program

A new SJD degree is now available to lawyers who seek the highest degree in the specialized field of health law and wish to work in academia, research or health policy.

The health law SJD generally requires full-time attendance in residence for the first year. During the second year, the candidate will complete a doctoral dissertation. Candidates may take up to two additional years to complete the dissertation.

"Our program is distinct because we will train people to be academics, researchers or policy makers," said Ruqaiyah Yearby, professor and associate director of The Law-Medicine Center. "Other programs focus on training domestic and international lawyers who will go out and work for firms or other legal entities."

Admissions decisions will be based on the ability of the student to thrive in the academic program as evidenced by the applicant's academic record and professional accomplishments, as well as the candidate's ability to add to the richness of the academic and extra-curricular programs of the JD students.

"Health law is an emerging field in law. Therefore, there is a growing need for lawyers to write in the area, conduct research and act as policy makers," Yearby said. "To ensure that we get the best students, we do not anticipate enrolling more than two per year. Thus, there will be no more than three to eight students in the U.S. annually completing an SJD in health law."

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



Professor Ruqaiyah Yearby, Associate Director of the Law-Medicine Center, is one of the faculty advisors for the health law SJD program.

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 three 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. The completed thesis must be of publishable quality.

Potential thesis advisors will be tenured faculty specializing in Health Law, who now

comprise Professor Maxwell Mehlman, Arthur E. Petersilge Professor of Law, Director of the Law-Medicine Center, and Professor of Biomedical Ethics at Case Western Reserve University; Sharon Hoffman, Edgar E. Hahn Professor of Law and Co-Director of the Law-Medicine Center; Jessica Berg, Dean and Professor of Law, Biomedical Ethics and Public Health; and Ruqaiyah Yearby, Professor of Law and Associate Director of the Law-Medicine Center.

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.



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)

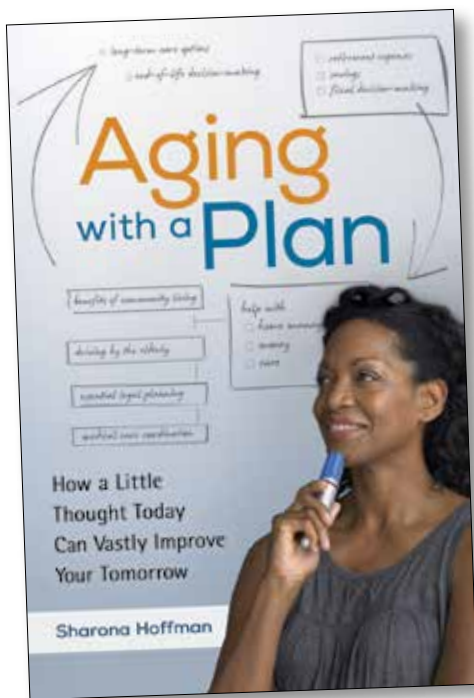
The School of Medicine offers an MS program in biochemistry, designed to provide students with knowledge of the latest advancements in biochemistry and related fields. This four-year program is generally used by students who have a scientific background and an interest in patent law as reflected in intellectual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



Professor Hoffman's new book featured on TV, radio

Law-Medicine Center Co-Director and Professor Sharona Hoffman appeared on the "Golden Opportunities" TV show on July 26 and on the Sound of Ideas radio show on August 3 to discuss her book, *Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow*.

Published in May 2015 by Praeger, *Aging with a Plan* is a concise but comprehensive resource to help baby boomers plan for their own aging and for taking care of older loved ones. Hoffman combines scholarly research with many personal anecdotes and covers legal, financial, social, medical and other challenges of aging.

"It's important to educate ourselves in advance because, as I've learned the hard way," Hoffman said during her interview. "When you are in the midst of crisis, it's very hard to make good decisions when you don't know anything about the problems you are facing."

2015-2016 Upcoming Lectures and Events

Just Between Us: The First Amendment in the Doctor-Patient Relationship



Thursday, September 24, 2015

4:30-5:30 p.m.

Oliver C. Schroeder, Jr. Scholar-in-Resident Lecture

Location: Moot Courtroom (A59), Case Western Reserve University School of Law, Cleveland, OH

Speaker: Nancy Northrup, President and CEO, Center for Reproductive Rights

1-hour Continuing Legal Education Credit pending approval

Register at the door

Free & open to the public

The Role of Lawyers in Building a Culture of Health



Thursday, October 8, 2015

4:30-5:30 p.m.

Maxwell J. Mehlman Lecture

Location: Moot Courtroom (A59), Case Western Reserve University School of Law, Cleveland, OH

Speaker: Katherine Hatton, '80, Vice President, General Counsel and Secretary, Robert Wood Johnson Foundation

1-hour Continuing Legal Education Credit pending approval

Register at the door

Free & open to the public

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



Tuesday, December 15, 2015

9:00-10:00 a.m.

Location: City Club of Cleveland, 850 Euclid Avenue, #200, Cleveland, OH 44114

Speaker: Sharona Hoffman, Edgar A. Hahn Professor of Law, Professor of Bioethics, Co-Director of the Law-Medicine Center, Case Western Reserve University School of Law

Corporate Wellness Programs: Are They Hazardous to Well-Being?

Friday, March 18, 2016

9:00 a.m. – 5:00 p.m.

The Law-Medicine Center Conference

Location: Moot Courtroom (A59), Case Western Reserve University School of Law, Cleveland, OH

5-hours of Continuing Legal Education Credit pending approval

\$100.00 for Case Law Alumni

\$200.00 for all other attorneys

Register online

Free and open to the public



My Recent Research: The decline in medical professionalism and the use of genetic technology by the U.S. military

By Max Mehlman

My recent research and scholarship has focused on two very different topics. One relates to the military. I received a grant from the National Institutes of Health in 2012 to study ethical, legal and social issues raised by the use of genetic technology by the U.S. military. Scientific advances are attracting the interest of the military for their potential to improve military medical care and to aid in recruitment, training, specialization and mission accomplishment. While a substantial amount of research has explored the ethical, legal and social issues raised by the use of genetic science in a variety of civilian contexts, my work was the first to examine these issues in depth in connection with the military.

I quickly realized that the basic principles of bioethics that govern the use of genetic technology in the civilian sector were not suitable for the military because of fundamental differences between civilian and military core values. I therefore set out to produce the first-ever framework for military bioethics. The resulting article in the *Journal of Military Ethics*, co-authored with Stephanie Corley, a graduate of the Law School who was the first post-doctoral Cowan Fellow in the Law-Medicine Center, begins by describing core military values, articulating how they differ from civilian goals and values, and explaining how these differences limit the ability of civilian bioethical principles to govern military biomedicine. The article then puts forward a set of more appropriate principles for the military and describes how these principles would apply in several controversial settings: the use of military personnel as research subjects; the deployment use of biomedical agents; and the obligations of military physicians toward their own troops.

Having articulated this new framework, I then applied it in an article specifically discussing military genetics, which I co-authored with Tracy Yeheng Li, the Cowan Fellow who succeeded Stephanie, and which was published in the *Oxford Journal of Law and the Biosciences*. This article begins by describing current and potential uses of genetic technology by the military, identifying the resulting ethical, legal, social and policy issues, and proposing how the issues should be handled to promote the



welfare of warfighters within the constraints of military service. Several prominent scholars wrote peer commentaries about the article that were published in a subsequent issue of the journal along with a response by Tracy and me.

My second research focus has been on the decline in the professional status of physicians. In an article published in the *Indiana Health Law Review*, I explain that this status was the result of a hard-won fight that began with the formation of the American Medical Association in 1847 and continued with its efforts over the next half-century to assert control over who could practice medicine, require them to possess extensive scientific knowledge and technical expertise and make the patient's welfare their supreme ethical consideration. I argue that a major reason for the decline of medical professionalism has been the refusal of the

law to enforce the physician's fiduciary duty to the patient, a legal prerequisite for professional status, in the face of changes in the financing and delivery of health care and self-interested behavior on the part of physicians. This failure of the law is attributable to two factors: astounding errors of legal analysis by a number of legal scholars, and a desire on the part of some scholars and policymakers for physicians to sacrifice patient welfare and ration care "at the bedside" to reduce health care costs. The article asserts that relying on bedside rationing to save money surreptitiously instead of making public decisions openly as in other countries not only undermines medical professionalism but imposes high costs on patients and serious economic inefficiencies on society in general. The article concludes by calling for changes in the law to reinforce the physician's duty of loyalty.

Law-Medicine summer stipend recipients gain experience in health law

During the second year of law school, students have the opportunity to apply for a summer stipend through the Law-Medicine Center. This program gives students the opportunity to pursue an externship in health law and receive compensation for living and travel expenses.

2015

Ana Tyler, 3L

As a research ethics intern at the National Institute for Environmental Sciences (NIEHS), an institute within the umbrella of the National Institutes of Health, Ana Tyler had the opportunity to work with both researchers and practicing health lawyers in the federal government. She is a current dual degree student in the Bioethics program, and says that this unique internship gave her work experience in both fields simultaneously.

She worked on a variety of projects including: a study that examined and reviewed authorship policies for scientific journals; development of investigator compliance evaluations; and research personnel financial disclosure review. She also participated in seminars on legal and ethical issues in human subjects research, as well as IRB and ethics meetings at a number of institutions.

"It was a crash course in being a health law jack-of-all-trades and complemented both of my degrees," she said. The internship allowed Tyler, who first began working in social policy research as an undergraduate, to take an active role in research projects with broad social and ethical implications. At the same time, interns were privy to real-life discussions about innovative and multi-institution studies awaiting board review. "We actually had a seat at the table and were able to participate in dialogue with a number of stakeholders in the biomedical and research communities about the proposed research," she said.

Of all the projects that made up a busy summer, Tyler said the most gratifying was a collaboration with a lead attorney from the Office of Human Research Protections (OHRP) in Bethesda, MD. Tyler and her fellow interns worked with the OHRP attorney remotely to come up with more user-friendly ways to help researchers and IRBs evaluate research studies for compliance with federal regulations regarding protections for vulnerable subject



Ana Tyler completed her summer health law internship at the National Institute for Environmental Sciences.

populations. "It's very gratifying to know that every day, researchers and institutions will use something I worked on," Tyler said. "Hopefully, because of this and similar compliance initiatives throughout NIH, the research approval process will be more transparent for everyone involved, and all human subjects in research will more uniformly receive the levels of protection afforded to them by law."

Because NIEHS is located in the Raleigh-Durham area of North Carolina, instead of the D.C.-Maryland area like many other NIH sub-agencies, Tyler and her fellow interns were able to get a feel for research law and ethics in many different types of organizations.

"We met many clinicians, scientists and attorneys through medical ethics and institutional review board meetings at University of North Carolina, Chapel Hill and Duke University, as well as at NIEHS, facilitating our understanding about how federal and institutional regulations are implemented within a government agency, at a public institution, and a private institution. While I am considering a public interest career, I never realized the number of ways in which I could put my skillset to work within the framework of a federal agency," Tyler said. "It was an incredible experience, and it would not have been possible without all the support I received from my health law professors and the Law-Medicine Center. I'm very grateful."

The Law-Medicine Center offers summer stipends for students interested in a career in health law. Students research and apply for an unpaid (or nominally paid) summer health law position at public interest organizations or in government and sometimes abroad. Students then apply for a Law-Medicine summer internship stipend to cover living and travel expenses.

Awards, announced in the spring, have enabled students to work for a wide variety of organizations, including:

- U.S. Dept. of Health & Human Services, Office of Inspector General (HHS OIG)
- American Association for Advancement of Science (AAAS)
- U.S. Food and Drug Administration (FDA)
- University Hospitals, General Counsel's Office
- National Indian Health Board
- Tennessee Department of Mental Health & Developmental Disabilities
- Ministry of Legal Affairs (Roseau, Dominica, West Indies)
- Vermont Medical Society
- SPARC: Society for the Protection & Rights of the Child (Lahore, Pakistan)
- Physicians for Reproductive Choice & Health
- Northwest Community Hospital
- Senator Herb Kohl (D-WI) and the Special Committee on Aging

Alumni Spotlight:

Matt Herndon, Chief Legal Officer of Boston Medical Center HealthNet Plan



Matt Herndon, '92, leads the Legal, Compliance and Internal Audit, and Human Resources departments of the Boston Medical Center HealthNet Plan. He is responsible for all corporate legal affairs, including advising the organization on legal and corporate governance issues, supervising outside counsel and reviewing contractual arrangements. He also oversees administration of the MassHealth, Health Connector, and New Hampshire Medicaid contracts as well as general government affairs.

Case Western Reserve health law video wins Telly Award

The Telly Awards has named **Case Western Reserve University School of Law** as a **Bronze** winner in the 36th Annual Telly Awards for its health law video. There were nearly 12,000 entries from all 50 states and numerous countries.

The video depicts the law school's top-ranked health law program. It includes interviews with numerous students and young alumni who discuss their experiences in their program and their ability to find jobs in the field of health law.

The Telly Awards was founded in 1979 and is the premier award honoring outstanding local, regional and cable TV commercials and programs, the finest video and film productions and online commercials, video and films. Winners represent the best work of the most respected advertising agencies, production companies, television stations, cable operators, and corporate video departments in the world.

View the video at law.case.edu/centers/Law-Med



Law-Medicine Center conference explores "The Rhetoric of Reproduction"

Continued from page 1

Goodwin also told the symposium audience that there have been more anti-abortion bills in the past three years than in the past three decades. "The continued battles over abortion crowds out what I would call the broader legal sphere of pregnancy and the social and political challenges experienced by women who seek to carry pregnancies to term, particularly for poor women and women of color," she said.

Panelists considered complex legal questions, including whether reproductive rights are best conceptualized as an aspect of privacy, liberty or equality. They also explored abortion restrictions, especially as they affect women of color.

One panel examined the ways in which parenthood, sex and reproduction are constructed in popular and legal discourse. A second panel's focus was on race and reproduction, in particular whether laws pertaining to reproductive healthcare marginalize minority women.

The third panel focused on abortion regulations, such as requirements that abortion providers have admitting privileges to nearby hospitals. This panel looked at litigation about what a state must show to justify its interest in women's health. It explored the ways this rationale has led to political and legal success for abortion opponents.

Case Western Reserve University School of Law Dean Michael Scharf thanked Associate Dean for Academic Affairs B. Jessie Hill for



Monica Simpson, Executive Director of Sister Song, addresses the audience during the conference.

all her efforts in organizing the symposium along with Diana Hortsch, senior director of the Law School Initiative of the New York-based Center for Reproductive Rights.

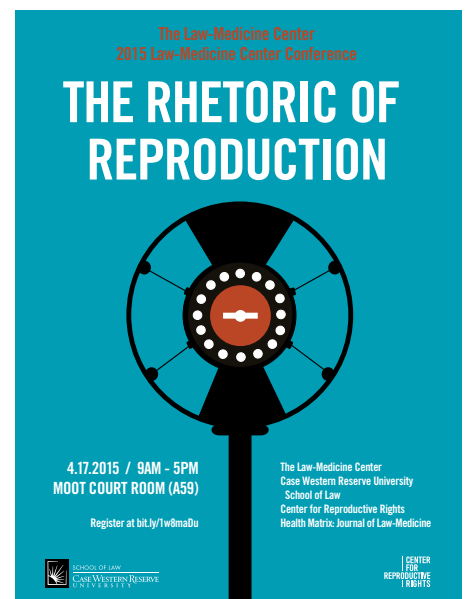
"The topic has been much in the news of late," Scharf said in his introductory remarks. "Of course, everyone here has heard of the *Hobby Lobby* case (*Burwell v. Hobby Lobby Stores, Inc.*), which dealt with employers' rights to avoid covering contraception for employees under the Affordable Care Act, a

case which continues to reverberate. There have also been recent battles over admitting privilege requirements for abortion providers across the country, which continue to raise questions about the extent to which proponents and opponents of legal access to abortion can claim the mantle of protecting women's health."

The Case Western Reserve School of Law's health law journal *Health Matrix* will publish papers presented at the symposium.



Panelists considered complex legal questions, including whether reproductive rights are best conceptualized as an aspect of privacy, liberty or equality.





"The Rhetoric of Reproduction" Speaker Lineup

Jessica Berg

Dean
Tom J.E. and Bette Lou Walker Professor of Law
and Professor of Bioethics & Public Health
Case Western Reserve University School of Law

Caitlin Borgmann

Professor of Law
CUNY School of Law

Khiara Bridges

Associate Professor of Anthropology
Associate Professor of Law
Boston University

David Brown

Staff Attorney
Center for Reproductive Rights

Sarah Burns

Professor of Clinical Law
New York University School of Law
Faculty Director
Carr Center for Reproductive Justice

April Cherry

Professor
Cleveland-Marshall College of Law

Deborah Dinner

Associate Professor of Law
Washington University School of Law

Dov Fox

Assistant Professor of Law
University of San Diego School of Law

Michele Bratcher Goodwin

Chancellor's Professor of Law
University of California-Irvine School of Law
Director, Center for Biotechnology and Global
Health Policy

Jennifer S. Hendricks

Associate Professor of Law and Co-Director of
the Juvenile and Family Law Program
Colorado Law at University of Colorado Boulder

B. Jessie Hill

Associate Dean for Academic Affairs
Professor of Law and Laura B. Chisolm
Distinguished Research Scholar

Diana Hortsch

Senior Director
Law School Initiative
Center for Reproductive Rights

Alexa Kolbi-Molinas

Staff Attorney
Reproductive Freedom Project of the ACLU

Shannon B. Lundeen, Ph.D.

Former Director
Flora Stone Mather Center for Women
Assistant Professor of Bioethics
Case Western Reserve University

Maxwell Mehlman

Arthur E. Petersilge Professor of Law
Professor of Biomedical Ethics, Case School
of Medicine
Co-Director of the Law-Medicine Center
Case Western Reserve University School of Law

Monica Simpson

Executive Director
Sister Song

Nicole Tusynski

Senior Manager of the Law School Initiative
Center for Reproductive Rights

Alyssa Wulf

Principal and Director of Programs
Real Reason

Robin West

Frederick J. Haas Professor of Law and Philosophy
Georgetown Law School

Ruqaiyah A. Yearby

Professor
Associate Director of the Law-Medicine Center
Case Western Reserve University School of Law

Inaugural Maxwell J. Mehlman Lecture explores ADA's impact

Bob Joondeph, '76, Executive Director of Disability Rights Oregon, served as the guest speaker for the inaugural Maxwell J. Mehlman Lecture in November 2014, established in honor of Distinguished University Professor and Law-Medicine Center Director Max Mehlman.

The Americans with Disabilities Act of 1990 (ADA) specifically mentions health services as an area in which discrimination stubbornly persists. From inception to demise, individuals with disabilities continue to pose fundamental questions regarding the value and quality of life, personal autonomy, economic incentives and even the purpose of health care. This lecture explored how core values of the disability rights movement have influenced medical ethics, decision-making and health care reform.

The second annual Mehlman Lecture, "The Role of Lawyers in Building a Culture of Health," will be held at Case Western Reserve University School of Law on October 8, 2015. The guest speaker is Katherine Hatton, '80, Vice President, General Counsel and Secretary, Robert Wood Johnson Foundation.



(Left to Right) Dean Michael Scharf; Bob Joondeph, '76, Executive Director of Disability Rights Oregon; Professor Max Mehlman; and Dean Jessica Berg.

Students gain real health law experience

Hospital externships offered by the Law-Medicine Center allow students to gain hands-on, experiential learning in a top hospital legal environment, while earning course credit. The highly selective externships are with Cleveland's top hospital systems: University Hospitals, MetroHealth System and Summa Health System.

"The Law-Medicine Center is located in a first-rate market for hospital care," says Professor Max Mehlman. "These externships foster collaboration between the law school and outstanding medical institutions, and the work experience will make our students more marketable."

In addition to hospital externships, students gain real health law experience through our health law clinic.

We were one of the first law schools in the country to start a clinical program. We opened to the community over 45 years ago, a long-standing history that demonstrates our commitment to clients, to the highest-quality representation and to excellence in education. Our clinic is a law firm within the law school and is staffed with eight full-time faculty members who have years of practice experience themselves. Our clinic handles more than 100 cases per year for a total of



"We're doing a service for the clients who might not have the opportunity to have an attorney work on their case and give it as much time as the students do. You can really tell that it's appreciated by the judges and other attorneys...The real life experience you're getting is so beneficial."

— Victoria Roberts '15

approximately 16,000 hours of pro bono legal work.

The clinic experience allows third-year students to apply skills they have developed in their course work to cases for real clients. Health Law Clinic students represent children and adults in Social Security disability claims, guardianships concerning incompetence, access to health care, special education for children with disabilities and other health and disability law-related issues in administrative and court proceedings. This year, students will also represent veterans regarding VA disability benefits and participate in a pilot medical-legal partnership with nationally-ranked University Hospitals.

Each student takes primary responsibility for his/her caseload, serving as first chair at all hearings, trials and negotiations. On any given day of the week in the clinic, you may find students conducting an examination of a medical expert in a social security disability claim, drafting an advanced health care directive for an ailing client or seeking to obtain insurance coverage for a client. Students can also be trained and certified as level two Long Term Care Ombudsmen. Certified students go to nursing homes to investigate complaints, monitor compliance with legal requirements and participate in administrative appeals.

What do a

medical defense lawyer and partner of **Roetzel & Andress**,
associate at **Hogan Lovells**, and **health care group lawyer**
and partner of **Vorys, Sater, Seymour and Pease** *have in common?* ►



Ingrid Kinkoph-Zajac, '96
Partner, Roetzel & Andress
Specializes in medical defense;
litigation; and health, drugs and
pharmacy law



Ali Lakhani, '13
Associate, Hogan Lovells
Advises clients on regulatory compliance
issues arising under Medicare, Medicaid
and other programs



Matthew Albers, '00
Partner, Vorys, Sater,
Seymour and Pease
Member of the Health Care Group,
focusing on health care mergers
and acquisitions

► *They are all* part of the network of Case Western Reserve law alumni who help our students obtain internships and jobs in the field of health law.

Kinship Caregiver Project: Law students provide legal assistance to MetroHealth families

In fall 2014, a group of first-year law students experienced health law in practice by assisting families during MetroHealth System's Kinship Caregiver Project. Kinship Caregiver is a collaborative project with the County Children's Services and MetroHealth Pediatrics.

Our students were part of a team at MetroHealth that provided free legal assistance to relative caregivers like grandparents, aunts, uncles and siblings who are responsible for children in their extended family.

These family caregivers often do not have the necessary legal support to access many services, including health care and educational assistance. During the program, our students interviewed families, assisted in preparing guardianship applications, powers of attorney and custody motions under the guidance of Case Western Reserve faculty and volunteer attorneys.

The students' work enabled family members to get care for their loved ones and make health and educational decisions on their behalf. The project stems from the law school's 2014 curriculum reform, which provides client experiences for all 1L students beginning in the first semester.



DiBlasio, '12, serves as healthcare policy advisor for Congressman

Carla DiBlasio puts her motivation and strong work ethic into action as the healthcare policy advisor for Congressman Tom Price (GA-6)



Carla DiBlasio never pictured herself working for a Congressman and, instead, thought she'd be in a law firm after she graduated from Case Western Reserve University School of Law in 2012.

It was after some encouragement from Adjunct Professor Matt Dolan, with whom she studied legislation, that she began to contemplate how policy and statutes are formed within Congress. She said she was grateful for all the practical experience she gained during law school, which also taught her that success within a legal career is not one-size-fits all.

Now DiBlasio is the healthcare policy advisor for Congressman Tom Price (GA-6), and she's been directly involved in Affordable Care Act issues. In March 2015, for example, Price introduced the Medical Freedom Act, legislation that DiBlasio said would allow states to regulate the insurance market and offer affordable health coverage in the wake of *King v. Burwell*.

"I love my job right now because no two days are alike. I meet with many stakeholders and constituents about the latest concerns in healthcare policy each day," she said. "My favorite part of my job is using the problem-solving and analytical skills I gained in law school to help develop policy solutions to address serious concerns facing people across the country."

DiBlasio said Derek Harley, who also graduated from Case Western Reserve University School of Law, has been a role model throughout every step of her journey in D.C. DiBlasio started her experience on Capitol Hill working for Rep. Dave Joyce from Ohio's 14th district. Two pieces of advice have carried throughout both her Case Western and D.C. experiences, said DiBlasio: Get to know yourself well enough so you can play upon your strengths and always keep an open mind.

DiBlasio added she was jealous of people who seemed to know exactly what they wanted to do after law school. For Carla, this process was based more on exploration. She did not complete a concentration because she knew she wanted to take a variety of courses. She's confident in her decision today.

"I learned something important about myself every step of the way. I would encourage current law students to refrain from pigeon-holing oneself into a distinct career path," she said. "If you have any doubt about your career trajectory, now is the time to explore."

And explore she did, with these experiences under her belt and a zest for learning. DiBlasio started her time in D.C. not knowing many people and decided that she would introduce herself to Senators and Congressmen alike. After a full day of being in the exciting and fast-paced world of Congress, she knew this was where she belonged.

"The best feeling on the job is working hard to help develop a solution to a problem. Taking a simple idea as a possible solution and then crafting specific policy and legislative text in order to achieve that solution can be challenging, but very rewarding. H.R. 1234, the Medical Freedom Act, is a perfect example of that. Working with your boss to introduce a bill in Congress is very exciting."

Case Western Reserve 25th in most-cited faculty ranking

Case Western Reserve University School of Law tied for the No. 25 spot in scholarly impact, according to the Leiter and Sisk study released in August 2015.

The ranking is based on mean and median citations to tenured faculty scholarship since 2010. Case Western Reserve's latest ranking marks a leap of more than a dozen percentage points, and it is the only law school in Ohio to rank in the top 25.

"This data proves what we've known for some time. Our professors are the best experts in the nation, and continue to be leading influencers in court decisions, policies and legal matters around the globe," Deans Jessica Berg and Michael Scharf said. "We couldn't be more proud of what our faculty has achieved in recent years."

Case Western Reserve's most-cited scholar is Professor Jonathan Adler, whose research led to the 2015 U.S. Supreme Court challenge to the Affordable Care Act. Other top faculty members include B. Jessie Hill, whose expertise includes constitutional law and reproductive rights, and Sharona Hoffman, co-director of the Law-Medicine Center and expert in health law topics, including big data and aging.



Professor B. Jessie Hill



Lauren Sankary (center) at the Cleveland Clinic

NeuroEthics and law internship at Cleveland Clinic prepares student for career future

As the NeuroEthics and Law Intern at the Cleveland Clinic's Department of Bioethics last summer, Case Western Reserve University law student Lauren Sankary pursued clinical and research opportunities under the mentorship of Paul Ford, PhD and Jalayne Arias, JD.

She attended regular meetings, observed nine clinical rotations, led biweekly journal clubs, conducted research and presented her initial findings. During over 60 hours of clinical observation, she shadowed a variety of medical professionals in their clinical practices and gained insight into the ethical issues in both inpatient and outpatient settings.

"The opportunity to observe clinicians in practice provided invaluable insight into ethical issues that arise in medicine, and will provide rich context for my dual-degree work in bioethics. My research project provided an introduction to methods in qualitative research and the step-by-step process of developing research toward publication," Sankary said. "Leading biweekly journal clubs and presenting my research improved my ability to communicate clearly about complex and ethically-charged subjects, focus and lead a group discussion, and convey confidence in interactions with experts in both medical and academic fields. These skills will help me to accomplish my short-term goals as a student in law and bioethics, and will equip me for my longer-term goals in clinical ethics."



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.

Bioethics & the Law

Civil Law & Psychiatry

Criminal Law & Psychiatry

Disability Law

FDA Law

FDA Law Seminar

Genetics and the Law

Health Care & the Constitution

Health Care Transactions

Health Law I & II

Health Law Clinic I & II

Health Matrix

Health Matrix Notes Seminar

Hospital and Physician Organization Law

Medical Malpractice

Public Health Law & Ethics

Reproductive Rights Seminar

Research Ethics & Regulation

Research Ethics & Regulation Seminar

Scientific Evidence

Students can also draw from a number of related courses within the broader law school curriculum.

Administrative Law

Antitrust Law

Business Associations

Constitutional Law II

Evidence

Insurance

Intellectual Property

Legislation

Nonprofit Organizations Law

Advanced Nonprofit Organizations Seminar

Patent Law

Products Liability

Pretrial Practice—Medical Malpractice

Torts Theory

Trial Tactics

Workers' Compensation

Professor Adler named top 'mover & shaker' in health care



Named as one of the top 14 "Health Care Movers & Shakers" of 2014 by American Healthline, Professor Jonathan Adler gave talks around

the country and appeared in major media outlets as a result of his involvement in *King v. Burwell*, a high stakes challenge to Affordable Care Act implementation that reached the U.S. Supreme Court. Professor Adler's position did not prevail, but his scholarship transformed the legal debate over the ACA.

Professor Adler's research, including a co-authored article in the law school's own *Health Matrix: Journal of Law-Medicine*, prompted the initial challenge. As *King* and its companion cases moved through the courts, he submitted amicus briefs and frequently provided updates and commentary on the Volokh Conspiracy blog hosted at washingtonpost.com, in addition to op-ed contributions in *USA Today* and *The Wall Street Journal*.

His research extends well beyond the Affordable Care Act, however. Professor Adler continues to speak and publish in other areas, including environmental law, constitutional law and regulatory policy. His work is also widely cited in law reviews and print media.



Alum Charlie W. Fields brings health law expertise to role as general counsel

Charlie W. Fields, '02, has brought years of health law and policy education and experience in his current role as general counsel and senior vice president of regulatory affairs and human resources at Gorman Health Group (GHG) in Washington, D.C.

With his health law education from Case Western Reserve University and masters of public health with a concentration in health policy and administration from the University of Illinois School of Public Health, Fields is a valuable source of expertise and leadership for GHG. He directs and oversees corporate strategic initiatives, federal and state compliance, contracting, corporate policies, quality control, and human resources matters from recruitment to benefits and training.

Fields also handles legal matters for GHG, providing guidance on compliance with federal, state, and local law. He plays a

pivotal leadership role as GHG continues to develop privacy and security policies and corporate compliance implementation strategies.

Before taking on his current role as general counsel and senior vice president, Fields served as the associate director of consulting services, where his work consisted of overseeing legal matters relating to contracting, staffing and writing proposals.

Fields brings a wealth of public sector experience to GHG. He previously worked for the Centers for Medicare and Medicaid Services in the regional office in Chicago. There, he served in several roles: the regional office congressional liaison, the provider services branch and the Medicare advantage branch. His working knowledge of the Medicare program from this experience is a great asset to leading GHG's corporate compliance arena.

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-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



Photo by Chris Capell
www.flickr.com

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 the future, shaping our curriculum and faculty research into what it is today.

Why choose health law at Case Western Reserve University?

The Law-Medicine Center works closely with the School of Medicine, Weatherhead School of Management, the Mandel School of Applied Social Sciences, the Center for Policy Studies and the nursing, dental and graduate schools on research projects and to organize conferences, workshops and lectures open to students and faculty.

We're not just close to any hospitals — we're close to some of the country's finest. Cleveland is one of few cities that can claim two top hospitals in the world: Cleveland Clinic and University Hospitals. And, we have a top-25 medical school, with more than 2,000 faculty and hundreds of millions of dollars in research.

Our health law professors shape global debates, from genetic engineering and electronic health records to bioterrorism and end-of-life decisions. If you want to play a role in one the nation's fastest-growing legal fields, no other campus compares.



Miles Zaremski, '73, is a featured columnist for *MedPage Today*



Miles Zaremski has 41 years of experience as a health care lawyer, making him a clear standout for *MedPage Today's* first medical legal columnist.

Zaremski has a long-standing history with Case Western Reserve University School of Law. He always intended to study health law and chose Case Western Reserve because of its Law-Medicine Center. He graduated in 1973. Since then, he has spent four decades representing clients and institutions in the health care field nationwide.

Zaremski's new column "Legal Rx" debuted in January and has been a monthly feature in *MedPage Today*, a trusted site that reaches 670,000 physicians as well as other health care professionals, offering news, features and continuing medical education.

"I will be writing about all things law-, medicine- and health care-related," said Zaremski, whose practice is based in the greater Chicago area.

"From the Affordable Care Act to tort reform, health law is only getting more and more complicated," says *MedPage Today* Vice President and Global Editorial Director Ivan Oransky, MD. "That's why we're so happy to have Miles regularly contributing his expertise and vast knowledge to *MedPage Today*. His column will engage and stimulate our readers, and help them practice medicine better."

Zaremski's experience includes insurance defense litigation, medical device and

products liability, medical malpractice defense; physician-hospital disputes, health care antitrust exclusive contracts, counseling/advising healthcare practitioners and billing and collection issues between providers. He's served as a neutral (arbitrator and mediator) and advised top legislators through his health policy work. He's represented parties before the U.S. Supreme Court and written more than 22 amicus briefs in various courts.

For the past eight years, he has run his own practice, The Zaremski Law Group. He has also written more than 100 articles for *The Huffington Post*.

In honor of Zaremski, the Law-Medicine Center hosts the Elena & Miles Zaremski Forum, and he has served as a guest speaker.

CLOSE TO HOME JOHN McPHERSON



"The patients just seem a lot calmer since we got these new IV bags."

Gerber Law-Medicine Fellowships offered to health law students

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

Scholarships covering three-quarters tuition or greater are given to approximately five students each year with outstanding academic credentials and an interest in pursuing a career in health law.

Fellows also receive an additional stipend for work on a health law project during the academic year.

This scholarship 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.



William Haeberle and Kaitlyn Appleby

Students draft legislation to limit sale of flavored tobacco

Through Professor Ruqaiyah Yearby's Health Care Regulation Lab class, a group of students began drafting legislation to limit the sale of flavored tobacco.

Kaitlyn Appleby and William Haeberle collaborated with Professor Ruqaiyah Yearby, Professor Erika Trapl (a faculty member in Case Western Reserve's medical school public health program), and representatives from Cuyahoga County and the City of East Cleveland. The project involved learning about the public health implications of tobacco use in our local community and grappling with the best way to try to regulate and minimize tobacco use in the youth population.

"We started this project by looking to other cities that have passed similar legislation. This is still a fairly new public health movement, so not many cities have this type of legislation," Appleby said. "Our goal in creating this legislation for the City of East Cleveland was that the legislation could easily be enacted by surrounding cities."

Appleby and Haeberle were tasked with using the lessons learned from their Health Care Regulation class to draft legislation that would minimize the sale of flavored tobacco but would also withstand any legal challenges. The students examined whether a blanket ban with a small exception for sale was the best option. They also explored whether making a ban within a certain geographic area around schools would be best and tried to decide how the law would be enforced.

Working with a community that does not have a surplus of resources enabled the students to think creatively about utilizing the community members as well as how the enforcement of this law could benefit the city.

"This project has been a wonderful, real-world, application of health law," Appleby said. "We took an idea and drafted legislation that will hopefully help support a local community in enhancing the public health. The ability to work, hands on, with the community and have a practical application of what we were learning in class has been one of my favorite experiences so far in law school."

Case Western Reserve University: Where Health Law Began

Founded in 1952, the Law-Medicine Center is the oldest law school-based center for the study of legal medicine and health law in the United States. The field of health law effectively began with the creation of the center in 1953.

The center 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. Students could earn a graduate degree, making this the first LLM program in the U.S. in law and medicine.

Since those beginnings, the center has shifted its focus away from the strictly forensic. The mission is now professional education — the training of law and medical students. With the retirement of Professor Schroeder, the center undertook a national search for his successor. Maxwell Mehlman, a specialist in the legal and governmental regulation of health care who had been practicing law with Arnold & Porter in Washington, D.C., was named associate director in 1984. He has served as director since 1986. In 2005, Professor Sharona Hoffman was appointed associate director and later became co-director of the center. Dean Jessica Berg was named associate director in 2006 and Professor Ruqaiyah Yearby was named associate director in 2011.

FACULTY AND SCHOLARLY UPDATES

JESSICA W. BERG

B.A. 1991 (Cornell), J.D. 1994 (Cornell), M.P.H. 2009 (Case Western Reserve University)



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

A renowned health law expert, Jessica Berg has been a member of the

faculty since 1999. She co-chaired the committee that developed The Case Western Reserve Model of Legal Education, a new academic model approved by the faculty in 2013.

Her articles include "All For One and One For All: Informed Consent and Public Health" 50 *Houston Law Review* 1 (2012), "Social Media in the Internet Age," 12 *American Journal of Bioethics* 28 (2012), and "Putting the Community Back Into the Community Benefit Standard" 43 *Georgia Law Review* 1 (2010). She has a chapter, "The Effect of Social Media on End-of-Life Decision Making," in *Death and Dying* (Oxford University Press, Forthcoming 2014). Dean 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.

Dean Berg teaches Public Health Law, FDA Law, Human Subjects Regulation, and other health law and policy courses.

Recent Publications

Berg J and Scharf M, "Reflections on Shared Law School Leadership," *Toledo Law Review Deans' Issue* (Invited Submission, 2015).

Farrell R, Metcalf J, McGowan M, Weise K, Agatisa P and Berg J, "Ethical Issues in Reproductive Medicine: Are Bioethics Educators Ready?" 44(5) *Hastings Center Report* 21 (2014).

Berg J, "The Effect of Social Media on End-of-Life Decision Making," in *Death and Dying* (Oxford University Press, 2014).

Recent Presentations

"Surrogate Decisionmaking in the Internet Age."

Grand Rounds, Cleveland Clinic, April 2015.

Keynote Address, University of Arkansas Medical Center, May 2015.

"No Smoke but Plenty of Fire: The Battle over E-cigarettes," 21st Century Club, Cleveland Ohio, May 2015.

PAUL C. GIANNELLI

B.A. 1967 (Providence), M.S.F.S. 1973 (George Washington), J.D. 1970 (Virginia), L.L.M. 1975 (Virginia)



Albert J. Weatherhead III and Richard W. Weatherhead Professor; Distinguished University Professor

Paul C. Giannelli, recognized by the *New York Times* as an "expert on scientific evidence,"

began his career as both a prosecutor and defense counsel in the military. Giannelli has written extensively in the field of evidence and criminal procedure, especially on the topic of scientific evidence. He has authored or co-authored ten books, including *Scientific Evidence* (5th ed. 2013), and has written over 200 articles, book chapters, reports, book reviews and columns, including articles in the *Columbia*, *Virginia*, *Cornell*, *Vanderbilt*, *Illinois*, *Fordham*, *North Carolina*, *Wisconsin*, *Ohio State* and *Hastings* law reviews. Other articles have been published in specialty journals at *Northwestern*, *Georgetown*, *Texas*, and *N.Y.U.* In addition, his work has appeared in interdisciplinary journals, such as the *Journal of Law, Medicine & Ethics*, *Issues in Science and Technology* (National Academies), *International Journal of Clinical & Experimental Hypnosis* and the *Journal of Forensic Sciences*. He is also co-author of a chapter on forensic science in *Federal Judicial Center/National Academy of Sciences, Reference Manual on Scientific Evidence* (3d ed. 2011).

Giannelli's work has been cited in nearly 700 judicial opinions throughout this country (including seven decisions of the U.S. Supreme Court), as well as in foreign courts. In addition, he has testified before the U.S. Senate Judiciary Committee and served as: Reporter for the American Bar Association Criminal Justice Standards on DNA Evidence; co-chair of the ABA Ad Hoc Committee on Innocence; and a member, National Academy of Sciences, Bullet Lead Elemental Composition Comparison Committee.

Professor Giannelli teaches many subjects, including Evidence, Scientific Evidence, Criminal Process, Criminal Procedure, Criminal Law, Juvenile Law, Trial Practice, Wrongful Convictions Seminar, Advanced Evidence Seminar, Capital Punishment Seminar and Corrections & Prisoners' Rights Seminar.

Recent Scholarship

Junk Science and the Execution of an Innocent Man, 7 *N.Y.U. J. L. & Liberty* 221 (2013).

Regulating DNA Laboratories: The New Gold Standard, *N.Y.U. Annual Survey of American Law* (2014).

Understanding Evidence: Federal and California Rules (at press).

Evidence: Cases and Materials (West Co. 8th ed. 2014) (with Broun & Mosteller).

Teacher's Manual for Evidence: Cases and Materials (West Co. 8th ed. 2014) (with Broun & Mosteller).

Questions & Answers: Evidence (3d ed. 2013) (with Leonard).

2013 Supplement, *Scientific Evidence* (Lexis Co. 5th ed. 2012) (with Imwinkelried, Roth & Moriarty (2 volumes).

Courtroom Criminal Evidence (Lexis Co. 5th ed. 2011) (with Imwinkelried et al.)

2013 Supplement, *Baldwin's Ohio Practice, Evidence* (West Co. 3d ed. 2010) (2 volumes).

Judicial Declaration of Expertise, 28 *Criminal Justice* 68 (Fall 2013).

Recent Activities

Commissioner, National Commission on Forensic Science, U.S. Department of Justice.

In the News

Quoted in "A bite mark matching advocacy group just conducted a study that discredits bite mark evidence," *The Washington Post*.

Quoted in the *Mother Jones* article, "Forget CSI: Real-Life Crime Labs are a Total Mess," on April 20, 2015.

B. JESSIE HILL

B.A. 1992 (Brown), J.D. 1999 (Harvard)



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

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. Before entering private practice, Hill worked at the Reproductive Freedom Project of the national ACLU office in New York, litigating challenges to state-law restrictions on reproductive rights. She also served as law clerk to the Honorable Karen Nelson Moore of the United States Court of Appeals for the Sixth Circuit. Her scholarship has been published in the *Michigan Law Review* and the *Texas Law Review*, among others. Her most recent publications include articles in the *Duke Law Journal*, the *Journal of Law, Medicine & Ethics* and the

Northwestern University Law Review. She is actively involved in speaking and litigating in the area of reproductive rights.

Dean Hill teaches Constitutional Law I, Civil Procedure, Civil Rights, Reproductive Rights Seminar, Religion and the State and the Law Review Seminar.

Recent Publications

"Casey Meets the Crisis Pregnancy Centers," 43 *Journal of Law, Medicine & Ethics* 59 (2015).

Constituting Children's Bodily Integrity, 64 *Duke Law Journal* 1295 (2015).

Ties that Bind? The Questionable Consent Justification for Hosanna-Tabor, 109 Nw. U. L. Rev. (forthcoming 2015) (essay) (originally published in the *Northwestern University Law Review Online*)

Change, Dissent, and the Problem of Consent in Religious Organizations, in *The Rise of Corporate Religious Liberty* (Oxford Univ. Press, forthcoming 2015) (Chad Flanders, Zoe Robinson & Micah Schwartzmann, eds.)

Recent Presentations

On March 3, 2015, Prof. Hill presented "Change, Dissent, and the Problem of Consent in Religious Organizations," a faculty workshop at Washington University (St. Louis) School of Law.

On March 6, 2015, Professor Hill spoke on a panel on "Religion in the Public Square" at CWRU School of Law. The panel was organized by Professor George Dent, and the other panelists were Professor Robert Talisse (Vanderbilt) and Professor David Forte (Cleveland-Marshall).

On March 17, 2015, Professor Hill gave a lecture for the Power of Diversity Lecture Series entitled, "Reproductive Rights or Reproductive Justice?"

On February 17, 2015, Professor Hill presented on the *Hobby Lobby v. Burwell* case for the CWRU Lifelong Learning Program Senior Scholars Series on the Roberts Court.

"Regulating Reasons," *Conference on Law, Religion, and Health in America*, Petrie Flom Center for Health Law Policy, Biotechnology, and Bioethics, Harvard Law School (May 2015).

On October 17, 2014, Professor Hill spoke on "The ACA and the Politics of Reproductive Health Care," at a conference on *The ACA and Beyond: The Ethics and Future of Health Reform*, sponsored by the University of Missouri Center for Health Ethics and the University of Missouri Center for Health Policy.

On October 19, 2014, Professor Hill gave a talk entitled "When Does Free Exercise of Religion Become Forced Exercise of Religion? The Constitutional Implications of Accommodating Religious Employers" at the Church of the Covenant in Cleveland, as part of the Adult Education Series.

On October 20, 2014, Professor Hill spoke on a panel entitled "Fighting Back in Times of Turmoil" at the Cleveland Regional Meeting of the National Abortion Federation.

On October 21, 2014, Professor Hill spoke on "Sports, Sexual Misconduct, and Single-Sex Schools: Title IX and the State of Gender Equality in Education" at a salon sponsored by the Flora Stone Mather Center for Women.

On October 22, 2014, Professor Hill spoke at the City Club of Cleveland on a panel sponsored by the Northeast Ohio Chapter of the American Constitutional Society, entitled "Reproductive Rights: An Examination of Pending Litigation Challenging Abortion Laws."

On October 22, 2014, Professor Hill debated Ilya Shapiro of the Cato Institute on the *Hobby Lobby* case, at a CWRU Law School event co-sponsored the Federalist Society and Law Students for Reproductive Justice.

In the News

Interviewed on the Takeaway, a national radio program produced by WNYC and PRI, in collaboration with the *New York Times*, on "Law, Medicine, and Regulation: A Tricky Balancing Act."

Other Recent Achievements

Professor Hill was awarded the 2015 CWRU Distinguished Faculty Research Award. Professor Hill was named the Judge Ben C. Green Professor of Law.

On March 5, 2015, Professor Hill argued a summary judgment motion in the case of *Preterm v. Kasich* in the Cuyahoga County Common Pleas Court.

SHARONA HOFFMAN

B.A. 1985 (Wellesley College), J.D. 1988 (Harvard), L.L.M. 1999 (University of Houston)



Co-director of the Law-Medicine Center; Edgar A. Hahn Professor of Law; Professor of Bioethics, School of Medicine

Sharona Hoffman joined the faculty in 1999. Prior to becoming an

academic, Professor Hoffman was a Senior

Trial Attorney at the Equal Employment Opportunity Commission in Houston, a litigation associate at O'Melveny & Myers in Los Angeles and a judicial clerk for U.S. District Judge Douglas W. Hillman (Western District of Michigan).

Professor Hoffman has published over 60 articles and book chapters on health law and civil rights issues. She has developed particular expertise and a national reputation in the area of health information technology. Her work has appeared in the *Georgetown Law Journal*, *William & Mary Law Review* and *Boston College Law Review*, among many other journals. She is also the author of the book *Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow* (Praeger 2015). Professor Hoffman has lectured throughout the United States and internationally and has been widely quoted in the press.

In 2013, Professor Hoffman was selected by the Robert Wood Johnson Foundation for a scholar-in-residence fellowship in public health law. She has also 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 as well.

She teaches health law courses, Employment Discrimination, and Civil Procedure. She was voted First Year Teacher of the Year in 2011 and 2012, and won the 2014 Distinguished Teacher Award. She also served as Associate Dean for Academic Affairs from 2006 until 2009.

Recent Publications

Aging with A Plan: How A Little Thought Today Can Vastly Improve Your Tomorrow, Praeger (2015).

"Medical Big Data and Big Data Quality Problems," 21 *Connecticut Insurance Law Journal* 289 (2015) (invited symposium piece)

"Privacy and Security," in *Oxford Handbook of American Health Law* (forthcoming 2015).

"Citizen Science: The Law and Ethics of Public Access to Medical Big Data" was accepted for publication in the *Berkeley Technology Law Journal*.

Recent Presentations

"Prevention Strategies for the Unbefriended Elderly Problem," Association of American Law Schools annual conference, Washington, D.C., January 3, 2015.

"Citizen Science: The Law and Ethics of Public Access to Medical Big Data," 19th Annual BCLT/BTLJ Symposium at U.C. Berkeley, Berkeley, CA, April 17, 2015.

FACULTY AND SCHOLARLY UPDATES

"Citizen Science: The Law and Ethics of Public Access to Medical Big Data," Ohio State University Moritz College of Law, Columbus, Ohio, April 24, 2015.

"Citizen Science: The Law and Ethics of Public Access to Medical Big Data," Health Law Professors Conference, St. Louis, Missouri, June 6, 2014.

"Aging with A Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow," Book Launch, Coventry Village Library, Cleveland, June 14, 2015.

In the News

Sharona Hoffman was quoted in a *Plain Dealer* article about medical marijuana legalization in Ohio.

The *Cleveland Jewish News* featured a story about her new book, "Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow."

Interviewed for the radio program Health, Wealth & Wisdom on Senior Voice America.

Featured in a story that aired on Fox 8 about websites that sell fake sick notes and hospital wristbands, April 29, 2015.

Professor Hoffman was quoted extensively in "8 Malpractice Dangers in Your EHR," a story that appeared in EMR Industry Information and Intelligence.

She was quoted in an article entitled "Do EHRs Pose A Danger To Providers?" published in *Health IT Outcomes Magazine*.

Recent Honor

Elected to the Society of Benchers, 2015

LAURA E. McNALLY-LEVINE

B.A. 1996 (William Smith), J.D. 1999 (Syracuse)



Professor of Law;
Co-Director of the Milton
A. Kramer Law Clinic
Center

Laura E. McNally-Levine
joined the Law School's
faculty in 2005. Prior to
coming to Case Western
Reserve, she taught at

Suffolk University Law School and The University of Alabama School of Law. During her time at the University of Alabama, Professor McNally was a staff attorney with the Alabama Disabilities Advocacy Program (ADAP), Alabama's Protection and Advocacy Organization. Professor McNally-Levine has focused her practice and research in the areas of poverty law focusing on children, and individuals with disabilities.

McNally-Levine is the Director of the Health Law Clinic, through which third-year law students represent children and adults with disabilities in administrative and court proceedings. Specifically we represent adults and children with Social Security disability claims, potential wards in guardianship hearings at Probate Court, families in special education disputes with school districts and veterans seeking VA disability benefits. We are also developing a medical-legal partnership with doctors at Rainbow Babies & Children's Hospital – University Hospital where our work will focus on children's health issues.

McNally-Levine is also the faculty advisor for the summer Hospital Law Externship. In the past she has served as faculty advisor for the Access to Justice Externship with the Legal Aid Society of Cleveland and the Dispute Resolution Externship with the Cleveland Municipal Housing Court. She has also taught the Civil Litigation Clinic, and a basic mediation training course.

McNally-Levine is committed to clinical legal education and enjoys mentoring folks who are new to clinical teaching. She has held multiple positions with the Clinical Legal Education Association including Chief Information Officer, board member and chair of the New Clinicians Training Conference.

She was elected to the Executive Committee of the Clinical Legal Education Association (CLEA) as Secretary. Her term began January 1, 2015.

MAXWELL J. MEHLMAN

B.A. 1970 (Reed), B.A. 1972 (Oxford),
J.D. 1975 (Yale)



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

Max Mehlman received
his JD from Yale Law

School in 1975, and holds two bachelors degrees, one from Reed College and one from Oxford University, which he attended as a Rhodes Scholar. Prior to joining the Case Western Reserve faculty in 1984, Professor Mehlman practiced law with Arnold & Porter in Washington, D.C., where he specialized in federal regulation of health care and medical technology. He is the co-author of *Access to the Genome: The Challenge to Equality*; co-editor, with Tom Murray, of the *Encyclopedia of Ethical, Legal and Policy Issues in Biotechnology*; co-author of

Genetics: Ethics, Law and Policy, the first casebook on genetics and law, now in its fourth edition; and author of *Wondergenes: Genetic Enhancement and the Future of Society*, published in 2003 by the Indiana University Press; *The Price of Perfection: Individualism and Society in the Era of Biomedical Enhancement*, published in 2009 by the Johns Hopkins University Press; and *Transhumanist Dreams and Dystopian Nightmares: The Promise and Peril of Genetic Engineering*, published in 2012 by the Johns Hopkins University Press.

Recent Publications

The fourth edition of Max's casebook *Genetic: Ethics, Law and Policy* (with Andrews and Rothstein) has been published by Thompson/West (2015).

A chapter entitled Captain American and Iron Man: Biological, Genetic, and Psychological Enhancement and the Warrior Ethos was published in the *Routledge Handbook of Military Ethics* (G. Lucas ed. Routledge, 2015).

An article entitled Why Physicians Are Fiduciaries For Their Patients was published in volume 12 of the *Indiana Health Law Review*, pp. 1-63 (2015).

Military Neuroenhancement and Risk Assessment in Neurotechnology in *National Security and Defense* 227-238 (James Giordano ed. Boca Raton FL: CRC Press 2015) (with Abney and Lin).

An article entitled "A Framework for Military Bioethics," co-authored with former Cowan Fellow Stephanie Corley, has been published in the *Journal of Military Ethics*.

Super Soldiers (Part 1): What is Military Human Enhancement? in *Global Issues and Ethical Considerations in Human Enhancement Technologies* (Stephen John Thompson ed. Hershey, PA, IGI Global 2014) (with Lin, Abney, and Galliot).

Super Soldiers (Part 2): The Ethical, Legal, and Operational Implications in *Global Issues and Ethical Considerations in Human Enhancement Technologies* (Stephen John Thompson ed. Hershey, PA, IGI Global 2014) (with others).

"Ethical, Legal, Social, and Policy Issues in the Use of Genomic Technology by the U.S. Military," co-authored with Cowan Fellow Tracy Yeheng Li, has been published online by the *Journal of Law and the Biosciences*.

Recent Presentation

On June 5, 2015, Max gave a talk entitled "Can Law Save Medicine?" at the Health Law Professors Conference of the American Society of Law, Medicine, and Ethics in St. Louis, MO.

RUQAIJJAH YEABY**B.S. 1996 (University of Michigan), J.D. 2000 (Georgetown), M.P.H. 2000 (Johns Hopkins)**

Associate Director of the Law-Medicine Center; Oliver C. Schroeder, Jr. Distinguished Research Scholar; Professor of Law

Before joining the faculty at Case Western Reserve, Ruqaijjah A.

Yearby worked at the U.S. Department of Health and Human Services as an Assistant Regional Counsel and served as a law clerk for the Honorable Ann Claire Williams of the U.S. Court of Appeals for the Seventh Circuit. She also taught bioethics and health law courses at Loyola University Chicago, SUNY Buffalo and the University of Connecticut. A nationally and internationally recognized scholar and presenter, Yearby's scholarship focuses on two emerging fields of health law: 1) law, justice and medical research and 2) racial disparities in health care.

Due to her expertise in these areas, she has served as a book proposal reviewer for Oxford University Press and Cambridge

University Press, as well as a grant reviewer for the Wellcome Trust (the United Kingdom's largest non-governmental source of funds for biomedical research). Her scholarship has also been used in law and social science classes at schools such as NYU, Fordham and University of California Berkeley.

In her 12 years in legal academia, she has published 11 law review articles, three book chapters, one editorial (reprinted in USA Today Magazine) and submitted written legislative testimony. Professor Yearby's work has been cited in numerous legal and medical journals and books, including The Oxford Handbook of Bioethics (2007), Barry Furrow, et al, Health Law: Cases, Materials and Problems (6th ed. 2008), and Implicit Racial Bias Across the Law (Cambridge Univ. Press 2012). Additionally, her work was cited in the written testimony of Professor Vernellia Randall before the United States Senate Judiciary Subcommittee on Human Rights and the Law (Dec. 16, 2009). Her article entitled, *Breaking The Cycle Of 'Unequal Treatment': Using Health Care Reform To Address Racial Disparities In Health Care*, 44 U. Conn. L. Rev. 1281-1324 (2012), was excerpted in Dolgin & Shephard, Bioethics and the Law, 3rd ed (2013).

Professor Yearby teaches contracts, bioethics, administrative law, and health law courses. She was appointed the Oliver C. Schroeder Jr. Distinguished Research Scholar in 2015.

Recent Publications

Sick and Tired of Being Sick and Tired: Putting an End to Separate and Unequal Health Care in the United States 50 Years After the Civil Rights Act of 1964, 25 Health Matrix 1-30 (2015) (Introduction for Law-Medicine Symposium issue).

When is a Change Going To Come?: Separate and Unequal Health Care Fifty Years After Title VI of the Civil Rights Act of 1964, 67 SMU Law Review 287-338 (2014).

Recent Presentations

Cleveland Office of Minority Health, Cleveland, OH, Keynote Speaker, April 1, 2015, "Eradicating Injustice to Attain Health Equity in Cleveland".

In the News

Jeff Kelley Lowenstein, *Nursing Homes Serving Minorities Offering Less Care Than Those Housing Whites*, Tucson Sentinel, Nov. 17, 2014 (cited).

ADJUNCT FACULTY**Harlin Adelman**

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University Hospitals

Kerry M. Agins, '00

Disability Law
Agins & Gilman LLC

Matt Albers, '00

Health Law I and II
Vorys Sater

Jalayne Arias

Health Law I and II
Cleveland Clinic

Dr. Marie Clark

Health Law Clinic
University Hospitals Rainbow Babies & Children's Hospital

Luke Cleland

Health Law I and II
University Hospitals

Britt Conroy

Health Care Controversies
Department of Family Medicine & Community Health
Case Western Reserve University

Dale Cowan, '81

Health Law I and II
University Hospitals

Romney Cullers, '90

Pretrial Practice (Medical Malpractice)
The Becker Law Firm

Elizabeth Hammack, '04

Health Law I and II
University Hospitals

Franklin Hickman

Civil Law & Psychiatry; Criminal Law
& Psychiatry
Hickman & Lowder

Ryan Hooper

Health Law I and II
University Hospitals

Dr. Claudia Hoyer

Health Law Clinic
University Hospitals Rainbow Babies & Children's Hospital

Ingrid Kinkopf-Zajac, '96

Pretrial Practice (Medical Malpractice)
Roetzel & Andrews

Paul Kostyack, '01

Health Law I and II
University Hospitals

Christina Henagen Peer

Disability Law
Walter & Haverfield LLP

Deborah Pergament, '98

Distinguished Practitioner-in-Residence,
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Children's Law Group, LLC

Valerie Propper

Health Law I and II
University Hospitals

Sonja Rajki

Health Law I and II
MetroHealth System

Dr. Phillip J. Resnick

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

Michelle Johnson Tidjani

Health Law I and II
Cleveland Clinic

John Warren, '08

Health Law I and II
University Hospitals

Seth Wolf, '94

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University Hospitals



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