



SCHOOL OF LAW

CASE WESTERN RESERVE
UNIVERSITY

v. 20 no. 1 2016

Law-Medicine News

From the Law-Medicine Center at Case Western Reserve



Panelists included Christopher Kuczynski (left), Acting Associate Legal Counsel for the Equal Employment Opportunity Commission, and Samuel Bagenstos (right), Frank G. Millard Professor of Law at the University of Michigan.

Are corporate wellness programs hazardous?

Annual Case Western Reserve health law conference explores central question

At first glance, employer-sponsored wellness programs appear to benefit all involved. But legal, ethical and privacy issues associated with such programs are also becoming more apparent.

"Corporate Wellness Programs: Are They Hazardous to Well-Being?" a conference at Case Western Reserve University

School of Law on Friday, April 15, examined the benefits and problems in what are known as corporate or workplace wellness programs. The daylong gathering of wellness and law experts was co-sponsored by the Law-Medicine Center and the Center for Business Law & Regulation.

Papers presented for the conference will be published the Case Western Reserve Law School's journal *Health Matrix*.

"Generally, the approach has been that employers provide incentives, such as financial rewards, to employees who meet certain requirements created by

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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 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.

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.

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Arthur E. Petersilge Professor
CWRU School of Law
Professor of Bioethics
CWRU School of Medicine

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Health Matrix: Journal of Law-Medicine

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

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

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

Examples of recent *Health Matrix* symposia:

- Corporate Wellness Programs – Are they Hazardous to Well-Being?
- The Rhetoric of Reproduction
- Putting an End to Separate and Unequal Health Care 50 Years after the Civil Rights Act

- Patients' Rights in the Use of Electronic Medical Records for Non-Treatment Purposes
- New Technologies, New Challenges: Women and Prenatal Genetic Testing in the 21st Century

Student Health Law Association

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

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

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 (ranked No. 1 in the nation in cardiology and heart surgery) and University Hospitals — where opportunities to work and learn in hospital legal environments are steps away. The area is also home to two premier regional medical institutions: Summa Health and The MetroHealth System.



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

Law-Medicine Center Co-Directors participate in White House Precision Medicine Initiative

Professor Sharona Hoffman was invited by the White House to participate in the Precision Medicine Initiative Summit on February 25 in Washington, D.C., and Professor Max Mehlman was appointed by the National Institute of Health as a scientific review panel member.

The Summit, which President Obama attended, brought together leaders from the federal government, private sector, academia, research organizations and patient advocacy groups to discuss how to implement the president's Precision Medicine Initiative. President Obama announced the launch of the initiative during his State of the Union address in 2015. He described it as an effort to revolutionize the way health is improved and disease is treated.

Mehlman is one of two bioethics experts who reviewed applications to establish Healthcare Provider Organization (HPO) Enrollment Centers within the NIH Cohort Program. The President's goal is to create a national research cohort of one million or more volunteers. The HPO centers are one of two mechanisms under the Initiative for creating the Cohort Program, which Mehlman describes as a mammoth "geno-pheno bank" – that is, a research program in which individuals' genes are decoded and matched with their personal health records to enable researchers to look for links between specific genetic variations and diseases, health risks and drug responses. The NIH will be awarding \$28 million in grants in FY 2016 to successful applicants for the grants that Mehlman reviewed.

Precision medicine is an innovative approach that takes into account individual differences in genetics, environments and lifestyles and gives medical professionals the resources they need to target the specific treatments of the illnesses patients encounter.

"We are very proud that our distinguished professors have been invited to be on the ground floor of this pioneering initiative," said Co-Dean Jessica Berg.

Professor Hoffman is the Edgar A. Hahn Professor of Law, Professor of Bioethics and Co-Director of the Law-Medicine Center. 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). Professor Hoffman has published over 60 articles and book chapters on health law and civil rights issues. 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 Mehlman is Distinguished University Professor, Arthur E. Petersilge Professor of Law and Director of the Law-Medicine Center, and Professor of Biomedical Ethics, Case Western Reserve University School of Medicine. 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.



MARK YOUR CALENDARS

June 7-9, 2018

The Law-Medicine Center is hosting the 2018 Annual Health Law Professors Conference

Case Western Reserve University ▪ School of Law ▪ Cleveland, Ohio

American Society of Law, Medicine & Ethics

UPCOMING LECTURES AND EVENTS

SEPTEMBER 21, 2016

The Louis C. Greenwood Lecture Series

The Present and Future of
Reproductive Rights

B. Jessie Hill, Associate Dean for
Academic Affairs & Judge Ben C. Green
Professor of Law, CWRU School of Law

CWRU Law Downtown

8:30–9:00 a.m., City Club of Cleveland

OCTOBER 5, 2016

Elena and Miles Zaremski Law-Medicine Forum

The Future of Healthcare Privacy

Kirk J. Nahra, Partner, Wiley Rein LLC,
Washington, D.C.

12:00–1:00 p.m., Moot Courtroom (A59)

NOVEMBER 1, 2016

Maxwell J. Mehlman Lecture

Medicaid Accountable Care
Organizations: A Solution to Rising
Program Costs?

Matt Herndon, Chief Legal Officer & Vice
President of Government Affairs Boston
Medical Center HealthNet Plan

4:30–5:30 p.m., Moot Courtroom (A59)

FEBRUARY 10, 2017

The Law-Medicine Center Conference

Medical-Legal Partnerships:
Transforming Interprofessional
Collaboration and Education

8:30 a.m.–5:00 p.m., CWRU Tinkham
Veale University Center (Ballroom A)

MARCH 6, 2017

The Oliver C. Schroeder Scholar-in- Residence Lecture

Evolution of the American Health Care
System: Where do we go from here?

Elisabeth Rosenthal, Columnist,
The New York Times

4:30–5:30 p.m., Moot Courtroom (A59)

Reception follows, Webcast Live, 1-hour
CLE Credit pending approval

APRIL 7, 2017

Precision Medicine Conference

Legal Challenges in Precision Medicine

Sponsored by The Law-Medicine Center &
the American Health Lawyers Association

8:30 a.m.–5:00 p.m., Venue TBD; visit
law.case.edu for more information



Health Law Professor Ruqaiyah Yearby is Case Western Reserve University School of Law's new Associate Dean for Diversity.

Law-Med Center Associate Director named the law school's first Associate Dean for Diversity

Case Western Reserve University School of Law's first tenured female African-American professor has been named as the school's inaugural Associate Dean of Institutional Diversity and Inclusiveness. Ruqaiyah A. Yearby, who joined the faculty four and a half years ago, began her administrative position in January.

"Professor Yearby's knowledge, experience and commitment to helping others make her uniquely suited to take on this new role," Deans Jessica Berg and Michael Scharf said. "Case Western Reserve has a long and proud history of commitment to diversity, and we expect to build on that progress with this appointment."

In her role, Yearby draws upon her health law expertise, which focuses on ensuring that the most vulnerable people (children, elderly, women, minorities, the disabled and the poor) are valued and have an opportunity to excel. Her research centers on how the U.S. must create a supportive community in which all those living in the U.S. have meaningful access to quality health care, without having to submit to dangerous and unnecessary medical research.

Yearby has chaired the law school's Diversity Committee since 2014 and also has participated in several university-wide groups and initiatives related to diversity. The engagement here reflects a trend dating back to her undergraduate days at the

University of Michigan, when she founded and led "United Brothers and Sisters," a student organization dedicated to bringing together students from different cultures, religions and lifestyles through diversity-related programming.

"As the Rev. Martin Luther King Jr. said: 'I can never be what I ought to be until you are what you ought to be. And you can never be what you ought to be until I am what I ought to be,'" Associate Dean Yearby explained. She added, "Thus, throughout my life I have worked to improve the lives of others."

An honors biology major in college, Yearby discovered what would become the focus of her legal scholarship during a National Science Foundation-supported research trip to South Africa two decades ago. As she observed sharp differences in access to health care firsthand, she began to recognize that solutions could not come solely from medical professionals – no matter how well-meaning.

"It showed me that there will always be disparities unless the laws and structures of society mandate equality," she said.

After graduating from Michigan, Yearby went on to earn a Master's in Public Health from Johns Hopkins University and a Juris Doctorate from Georgetown University. In 2003 she became the first African-American woman hired to a tenure-track position at

the Loyola Chicago School of Law; five years later she joined the University of Buffalo as an associate professor in both its law school and its school of public health and health professions.

Yearby is the second university faculty member to assume a school-based administrative post dedicated to diversity. In 2012 the School of Medicine named professor Sana Loue as its first vice dean for faculty development and diversity; Yearby has served on the school's advisory committee for faculty development and diversity since 2014.

Berg and Scharf long have emphasized the broad importance of diversity and inclusion, and as deans made improving underrepresented minority enrollment among their leadership priorities. About one-fifth of this year's entering class comes from underrepresented groups. The school recently transformed two of its restrooms into all-gender restrooms and this year had faculty and staff participate in the university's Diversity 360 education program. The program is required for students as well.

"We know the law school can be doing so much more," the deans said. "We think this [appointment] will make for a better educational and scholarly climate, enhance admissions recruitment, and provide opportunities to engage more alumni."

Are corporate wellness programs hazardous? *Continued from page 1*

these wellness programs, such as losing a certain amount of weight, cooperating with health assessments, doing a certain amount of exercise and so on," said Maxwell Mehlman, director of CWRU's Law-Medicine Center, the Arthur E. Petersilge Professor of Law and a professor of bioethics at CWRU School of Medicine.

The widely accepted intention of any wellness program is that it is good for employers and employees.

"But there are real concerns," Melhman said. "The business sector has other motives, which are to reduce health care costs, increase productivity and provide less expensive benefit plans to employees. Ostensibly, if employees are healthy, they won't need as much medical care. So it's not just the employer looking out for the wellbeing of the employee, it's the employer looking out for economic self-interest. There's potential for a conflict of interest there."

Workplace wellness programs may also prove costly in unintended ways, according to Jonathan Adler, Johan Verheij Memorial Professor of Law, who directs the Center for Business Law & Regulation.

"Such programs may not only shift health care costs onto workers, but also may impose disproportionate costs on those workers the programs are most intended to help," Adler said.

"It's pretty clear that wellness programs of some sort are here to stay," Adler said. "Employers seem to like them. The programs are encouraged by certain laws and regulations. If we are going to have these programs, we certainly should care about what they do and care that they achieve the goals we'd like them to achieve at acceptable cost."

Conference speakers included Soeren Mattke, managing director of RAND Health Advisory Services; Michael Roizen, chief wellness officer of Cleveland Clinic Foundation; and Christopher Kucynski, director of the ADA/GINA Policy Division of the U.S. Equal Employment Opportunity Commission.

Mattke said incentives have become one of the most contentious topics in workplace wellness.

"Overall our research shows there is relatively limited potential for cost saving under wellness programs," Mattke said. "Basically, in the case of well-intended, or sometimes not-so-well intended wellness programs, what employees are struggling with is that a lot of people tend to ignore them."

So employers are motivated to create penalties or rewards, he said.

"But then there is this contentious legal issue, kind of a maze of laws and regulations that apply to different parts of a wellness program," Mattke said. "If we actually want to use all these incentives, then what do we know about whether they work or not? This is the ultimate question."



Above: Dr. Michael Roizen, chief wellness officer of Cleveland Clinic Foundation, addresses the crowd.



Left: Professor Jessica Roberts, of the University of Houston, speaks during the wellness conference.

Third-year student wins national legal writing award for piece on medical marijuana



This year's Burton Award for Distinguished Legal Writing goes to Kathleen Harvey '16.

This prize was given to only 10 students nationwide, who were nominated by their

law schools for publishing an exceptional piece of legal writing. Harvey was recognized, along with other winners, at a special ceremony in May in Washington D.C., featuring U.S. Supreme Court Justices Ruth Bader Ginsburg and Stephen Breyer.

Harvey won the prize for her student article entitled "Protecting Medical Marijuana Users in the Workplace," which was published in Volume 66 of the Case Western Reserve University Law Review.

"I am honored to receive the Burton Award and grateful for all of the people that helped me throughout the writing process," Harvey said.

The seventeen-year-old Burton Award program is run by the Burton Foundation and the Library of Congress, with co-sponsorship from the American Bar Association, and winners are chosen by a distinguished panel of law professors and judges.

"We are delighted by this high recognition of one of our students for her excellence in legal writing," said Jessie Hill, Associate Dean for Academic Affairs, who nominated Harvey for the prize.

Student note about state gender identification policies wins national prize

State policies regarding the conditions under which transsexuals are permitted to change their gender identities on official documents coerce



transsexuals into undergoing surgery they may not desire, violating their right to medical privacy and encroaching on their dignity, Kayla Baker concludes in her Note, "Never Quite the Woman that She Wanted to Be: How State Policies Transform a Transsexual's Identification into a Scarlet Letter."

Baker's writing and research were so successful they earned her first place in this year's Dukeminier Student Note Competition and the \$1,000 Jeffrey S. Haber Prize. The national competition was

judged by a panel of UCLA Law faculty and students.

"My article examines state policies regarding gender marker amendments for transsexuals on identification, such as birth certificates and driver's licenses. Today, states are largely responsible for issuing these documents, and the requirements to amend vary widely state to state," Baker said. "Nonetheless, most states require reassignment surgery as a prerequisite to amending, which is exorbitantly expensive and not always desired. As a result, most transsexuals carry documentation with nonconforming gender markers, disclosing their transsexual status to the world."

Baker's Note was written with the guidance of Professor Jessie Hill, a Constitutional law and health law scholar, and will be published in the next volume of UCLA Law School's Dukeminier Journal.

Zaremski forum explores legal issues in the "Rise of Retail Medicine," webcast available

Retail medicine encompasses a variety of health delivery models that emphasize convenience and affordability compared with traditional provider models. Examples include walk-in clinics, urgent care centers, freestanding emergency departments, after-hours physician offices and workplace clinics. On April 6, the Law-Medicine Center hosted Peter A. Pavarini (pictured), a partner at Squire Patton Boggs and co-leader of the Healthcare Practice Group, for the spring Elena and Miles Zaremski Law-Medicine Forum. His lecture focused on enhancing practitioners' ability to provide legal representation to enterprises operating and financing these new healthcare entities, health care professionals providing services in these settings and patients obtaining care from them.





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.

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



Kristina Moore, Class of 2017, interviews Professor Sharona Hoffman about her book Aging with a Plan.

Health law topics featured in video podcasts that have drawn more than 3,150 views to date

Associate Dean Jessie Hill, a noted Constitutional law expert, discussed the recent Supreme Court case, *Whole Women's Health v. Cole*, said to be the most important abortion case since the landmark decision in *Planned Parenthood v. Casey*.

Professor Sharona Hoffman, a national health law expert and Co-Director of the Law-Medicine Center, discussed her book *Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow*, a concise but comprehensive resource designed to help people who are middle aged and beyond plan for their own aging and for taking care of elderly loved ones.

Both faculty members were interviewed on key health law topics as part of Case Western Reserve University School of Law's Faculty View from CWRU. Faculty View is a video podcast series that features 10-minute expert commentaries on cutting-edge legal developments by members of the law school faculty. The interviews are conducted by students who are familiar with the professor's work.

The podcasts began last winter and have generated more than 3,150 total views. In addition to health law, the segments cover a wide-range of topics in clinical, international and intellectual property law.

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

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

Scholarships are given to students each year with outstanding academic

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

This fellowship is named for Samuel Gerber, a famous Cuyahoga County

Coroner, who, along with law professor Oliver Schroeder and Harvard forensic pathologist Dr. Alan Moritz, helped form the Law-Medicine Center at Case Western Reserve University, the first health law center in the United States.

Markus Willoughby selected for 'California Lawyer Attorney of the Year' award

Markus Willoughby '95 was recently selected for the 2016 "California Lawyer Attorney of the Year" (CLAY) award. Willoughby, the principal attorney for the Oakland-based Willoughby Law Firm, was honored with the CLAY award for his work in the case of *Keys v. Alta Bates Summit Medical Center*, where he was credited with creating a blueprint for successfully maintaining claims of negligent infliction of emotional distress in medical malpractice cases.

The CLAY awards honor attorneys across California for work with a significant impact over the past year. Of the 21 achievements statewide in 14 areas of practice selected for the award by California Lawyer in 2016, Willoughby's was the only one in the practice area of medical malpractice.

In *Keys v. Alta Bates Summit Medical Center*, Willoughby represented the sister and daughter of a malpractice victim who died following complications from thyroid surgery. He was able to stack claims in addition to the wrongful death award that was based on California's \$250,000 cap on non-economic damages in medical malpractice cases. On top of the capped award, his clients received individual awards of \$200,000 and \$175,000 for negligent infliction of emotional distress (NIED), marking the first time in over 30 years a court has granted a NIED claim in a medical malpractice case. The *Keys v. Alta Bates Summit Medical Center* case is now being cited in an effort to expand the capped damages in medical malpractice cases in several states throughout the country.

In addition to his selection for the CLAY award, Willoughby has several other career accomplishments. He is a board member of the San Francisco Trial Lawyers Association and was nominated as Trial Lawyer of the Year in 2012, 2013 and 2014. In 2014, he was awarded the prestigious Civil Justice Award for



"fighting the good fight, every day, for his clients." Willoughby has also been selected as a Northern California SuperLawyer for 2015 and 2016, and is also a member of The National Trial Lawyers Top 100 Trial Lawyers.

Willoughby concentrates his law practice on litigation. He is an experienced civil trial attorney specializing in plaintiff's civil litigation with an emphasis on medical malpractice, personal injury, wrongful death and elder abuse, but litigates all forms of medical injury-related cases. He has tried numerous civil jury trials and/or binding arbitrations in multiple jurisdictions on behalf of both plaintiffs and defendants. He is often called upon by other attorneys at the last minute to try their medical malpractice jury trials. As lead counsel, Willoughby has litigated more than one thousand cases.

Recent grad joins health care and life sciences group at Jones Day in Chicago

Alumna Katherine Makielski '14 made a career change when she came to Case Western Reserve to study health law in 2011, and she hasn't looked back. Makielski, now an associate at Jones Day in Chicago, began working in the Health Care and Life Sciences group last summer after joining Jones Day almost two years ago.



Before coming to law school, Makielski knew she wanted to work in the health care field, and worked for a time with a company that marketed pharmaceuticals.

"The work was great, blending my interests in science, health care and business," Makielski said.

After working for several years and transitioning from project management to medical writing, she decided to make a change and return to school.

"I reflected and realized that of all the individuals I worked with on a day-to-day basis, my interest was piqued most by the attorneys," Makielski said. "I had the pleasure of working with attorneys who reviewed materials for compliance, advised on novel programming and actively engaged in community advocacy and policy efforts. I not only admired the attorneys' work, but also saw the versatility a law degree offers."

Now, as an associate at Jones Day, Makielski's "focused wandering" has continued to expose her to different areas and niches within health law.

"I work mostly on fraud and abuse matters, but I also have dabbled in some FDA, telehealth and HIPAA/privacy issues. I'm also fortunate to say my work has spanned litigation, transactions, investigations and compliance counseling," she said. "For now, I'm enjoying the journey and look forward to seeing how my work and focus areas evolve."

Alumna brings health law expertise to the American Academy of Dermatology

Natasha Pattanshetti '12 recently joined the American Academy of Dermatology as a Regulatory Policy Manager. Pattanshetti, who previously worked as the Assistant Director of Health Policy and Practice and Center for Professional Advocacy with the American Podiatric Medical Association, now focuses on FDA policy concerning drugs and devices impacting the practice of dermatology.

Pattanshetti's work spans a broad range of issues crossing federal and state lines. She works with federal regulations and collaborates with colleagues who are lobbyists to the federal legislature, as well as others who are focused on state policy, to jointly examine issues affecting the practice of dermatology.

"I'm not a lobbyist in terms of what you'd think on Capitol Hill," she said. "But my advocacy and policy colleagues are all advocates for the profession. So, we need to keep up with advancements in medicine and how they are regulated."

There are several hot-button issues on Pattanshetti's advocacy agenda. While some, such as the proposed ban on tanning beds for minors under 18, may be familiar to much of the public, other matters of interest, such as compounded drugs and the evolution of biologics and biosimilars, are less well known.

"The regulation of biologics and biosimilars is ever-changing," she said. "Biologics are drugs with molecules not produced in a lab—they're taken from natural sources." Because of that, biologics aren't always the same, which complicates FDA regulation.

"We're very focused on providing input to the FDA and collaborating with other



stakeholders in this area," Pattanshetti said.

As the academy's staff liaison for the Regulatory Policy Committee, she also works with a task force of dermatologist

academy members who volunteer their time to provide input which helps inform the content for academy publications and statements such as those made through comment letters in response to proposed rules, draft guidances and requests for information.

Pattanshetti's proficiency in working in interdisciplinary teams comes in part from her health law background and her Master of Public Health degree, which she also earned from Case Western Reserve as a dual-degree student.

"In that program, there were a lot of healthcare providers," she said. "I think it's really important to get that perspective."

Pattanshetti concentrated in health law as a law student and took courses in health care transactions, health care organizations and health finance. She says she's learned a lot about FDA law and policy, though she obtained some background in the subject by taking now-Dean Jessica Berg's FDA law course when she was a law student.

Working with the FDA in this role is gratifying, Pattanshetti says, because of their responsiveness to stakeholder input.

"I've enjoyed developing relationships and having conversations with FDA officials," she said. "It's a two-way communications

street, too. They will often give us a heads up if there's something coming up we will need to comment on, or if we will need to make a statement to the media."

There is still one area of particular interest that Pattanshetti hopes to work on: healthcare fraud. Pattanshetti worked for a brief time in her local prosecutor's office and interned with the Office of the Inspector General for Health and Human Services.

"That ties in to my interest in terms of both health law and law enforcement generally," she said. She will be working on health care fraud issues with her practice management colleagues in the near future in her new role.

No matter what the specific position is, Pattanshetti advises young alums and new attorneys to identify a skill to take from the experience, such as learning to speak to different audiences and tailoring arguments for different groups.

In addition, she recommends keeping up professional networks.

"It's always important to keep connections with people, especially people you've gotten along with," she said. "It's easy to lose connections after a summer internship or an externship."

Professional connections can make excellent references or sources of advice for career changes and conundrums.

"They may also have connections that you may not have thought of and reach out to you about that, as long as you maintain a relationship. You never know who knows someone, so it's good to keep your options open," Pattanshetti said.



Is the ACA here to stay? Panel discusses central question

The U.S. Supreme Court's decision in *King v. Burwell* upheld the use of federal subsidies to fund the Affordable Care Act's insurance marketplaces. Though many believed this decision would end the major challenges to the ACA, this has not proven true. Case Western Reserve Law Professor

Jonathan Adler (pictured), Attorney Miles J. Zaremski and Joseph White, the Luxenberg Family Professor of Public Policy at Case Western Reserve University, participated on a panel that explored ongoing ACA litigation during the Elena and Miles Zaremski Law-Medicine Forum last fall.



Photo by Chris Capell
www.flickr.com

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 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.

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 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 advance 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.

Students receive stipends for their health law summer internship programs

As a summer associate at Legal Aid Society of Cleveland, Lauren Roberts worked alongside attorneys on disability benefit and educational services cases. She had personal contact with clients and gathered information as the case progressed.

She conducted legal research on topics concerning health, disability and reentry services. Roberts also worked on a research project regarding legal remedies and lead poisoning in our area. She is pictured at a Legal Aid Society information table at a community event at a church.

Roberts is just one of the dozens of students who have benefited from the Law-Medicine Center's summer stipend 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.



Aging with a Plan receives national publicity

From the *Washington Post* to a North Dakota radio show, Professor Sharona Hoffman's book *Aging with a Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow* has garnered national publicity across numerous major media outlets.

Published in May 2015 by Praeger, *Aging with a Plan* is a concise but comprehensive resource to help people who are middle-aged and beyond plan for their own aging and for taking care of older loved ones. Professor Hoffman combines scholarly research with a wealth of practical advice and many persona anecdotes and covers legal, financial, social, medical and other challenges of aging.

"It's important to educate ourselves in advance," Hoffman said during her interview on the "Golden Opportunities" TV show in Cleveland. "As I've learned the hard way," she explained, "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."



In addition to media appearances, Hoffman has participated in more than 25 book talks and signings. She has also been featured in prominent blogs and websites that cover the topic of aging, including The Retirement Café and The Caregiver's Voice.

The book is available for purchase on Amazon.com.



Ana Tyler (right) is pictured with fellow 2015 NIEHS interns Jennifer Black and Farrah Yaghi.

Class of 2016 health law grad published in *Journal of Medical Ethics*

As part of a summer internship at the National Institute for Environmental Health Sciences (National Institutes of Health), Ana Tyler, who graduated in the Class of 2016, was second author on an article recently published by the *Journal of Medical Ethics*.

"Authorship Policies in Scientific Journals" was published following a study conducted by National Institute for Environmental Health Sciences (NIEHS) Bioethicist and IRB Chair David B. Resnik, JD, PhD, in summer 2015.

Tyler worked with Dr. Resnik and Jennifer Black, a law student from Emory University, to conduct a study related to ethical issues in research. The study examined authorship policies of scientific journals and their adherence to ethical guidelines from various professional organizations. Because publications in academic journals are a crucial component of productivity in academia and research, publications are necessary to assess individuals' marketability, salary, promotion, tenure eligibility and other long-term career activities. There are also implications for intellectual property concerns relating to authorship status. The study's aim was to articulate the prevalence of authorship

"Because internships with the federal government are unpaid, I am very grateful to the Law-Medicine Center for allowing me to pursue this fantastic opportunity by providing financial support for my internship experience. None of it would have been possible without the Center's help."

– Ana Tyler

standards within the scientific academic community for these reasons.

After writing, editing and revising the draft before final publication, the article was published in the *Journal of Medical Ethics* in December 2015. It is Tyler's first publication in an academic journal.

"Because internships with the federal government are unpaid, I am very grateful to the Law-Medicine Center for allowing me to pursue this fantastic opportunity by providing financial support for my internship experience," Tyler, who graduated in May 2016 with a health law concentration, said. "None of it would have been possible without the Center's help."

The team discovered that about two-thirds of the journals had some kind of authorship policy. Among those with a policy, the most frequent type of policy was about acknowledgements. Other types of policies included requiring that authors make substantial contributions to the research, requiring that authors be accountable for the research as a whole, providing guidance on changes in authorship, requiring that authors give final approval to the manuscript and requiring that authors critically revise the manuscript.

Overall, the study found that the journals that are most influential have such policies to protect authors, contributors and the integrity of the research process.



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	Health Care & Human Rights Topics Seminar	Public Health Law Lab
Psychiatry and Law	Health Matrix Seminar	Reproductive Rights Lab
Discrimination in Employment	Law and Bioethics	Supervised Research (with approval of the Concentration Director only)
Employment Retirement Income Security Act (ERISA)	Nonprofit Organizations Law	Workers' Compensation
Genetics and Law	Pretrial Practice: Medical Malpractice	
Health Care and Human Rights	Public Health Law	
Health Care Controversies		

THIRD-YEAR FULL-SEMESTER CAPSTONE OPTIONS:

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

ADJUNCT FACULTY

Harlin Adelman Health Law I and II University Hospitals	Franklin Hickman Civil Law & Psychiatry; Criminal Law & Psychiatry Hickman & Lowder	Valerie Propper Health Law I and II University Hospitals
Matt Albers, '00 Health Law I and II Vorys Sater	Ryan Hooper Health Law I and II University Hospitals	Sonja Rajki Health Law I and II MetroHealth System
Luke Cleland Health Law I and II University Hospitals	Dr. Claudia Hoyen Health Law Clinic University Hospitals Rainbow Babies & Children's Hospital	Dr. Phillip J. Resnick Civil Law & Psychiatry; Criminal Law & Psychiatry Case Western Reserve University School of Medicine University Hospitals
Britt Conroy Health Care Controversies Department of Family Medicine & Community Health Case Western Reserve University	Paul Kostyack, '01 Health Law I and II University Hospitals	Michelle Johnson Tidjani Health Law I and II Cleveland Clinic
Dale Cowan, '81 Health Law I and II University Hospitals	Judge Phillip McAfee Health Law I and II Federal Administrative Judge	John Warren, '08 Health Law I and II University Hospitals
Romney Cullers, '90 Pretrial Practice (Medical Malpractice) The Becker Law Firm	Peter Pavarini Health Law I and II Squire Patton Boggs	Seth Wolf, '94 Health Law I and II University Hospitals
Elizabeth Hammack, '04 Health Law I and II University Hospitals	Deborah Pergament, '98 Distinguished Practitioner-in-Residence, Health Law Clinic Children's Law Group, LLC	

FACULTY AND SCHOLARLY UPDATES

JONATHAN ADLER

Johan Verheij Memorial Professor of Law



Publications

The Ad Hoc Implementation and Enforcement of Health Care Reform, in *Liberty's Nemesis: The Unchecked Expansion of the State* (D. Reuter & J. Yoo eds., 2016).

King v. Burwell and the Triumph of Selective Contextualism (w/ Michael Cannon), 15 *Cato Supreme Court Review* 35 (2015).

Baptists, Bootleggers, and E-Cigarettes (w/ Roger Meiners, Andrew Morriss & Bruce Yandle) *Yale Journal on Regulation* (2015).

Symposium Introduction: Marijuana, Federal Power & the States, 65 *Case Western Reserve University School of Law* 505 (2015).

For tobacco-free policy, don't include campus ban on electronic cigarettes, *CWRU Observer*, Nov. 20, 2015.

Redefining Waters of the United States, *PERC Reports*, winter 2015.

Debate: King v. Burwell and the Validity of Federal Tax Subsidies under the Affordable Care Act, 163 *University of Pennsylvania Law Review Online* 215 (2015).

King v. Burwell: Desperately Seeking Ambiguity in Clear Statutory Text (w/ Michael Cannon), 40 *Journal of Health Politics, Policy & Law* 577 (2015).

The Future of Health Care Reform Remains in Federal Court, in *The Future of Health Care Reform in the United States* (M. Schill & A. Malani eds., 2015).

JESSICA W. BERG

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



"Reflections on Shared Law School Leadership," 46 *University of Toledo Law Review* 299-309 (Dean's Issue, 2015) (with Michael Scharf).

"Can We Legislate, Regulate or Litigate Ourselves Thinner?"

University of Rochester, February 2016, University of Wisconsin Madison, March 2016.

Medical Decision Making in the Internet Age, Keynote Address, Bioethics Network of Ohio, Columbus Ohio, April 2016.

PAUL C. GIANNELLI

Albert J. Weatherhead III and Richard W. Weatherhead Professor of Law, Distinguished University Professor



Publications

Co-authored with L. Katz, *Ohio Criminal Laws and Rules* (West Co. 2014).

The 2014 Department of Justice Inspector General Report, 30 *CRIMINAL JUSTICE* 56, (2014).

Regulating DNA Laboratories: The New Gold Standard, 69 *N.Y.U. ANNUAL SURVEY OF AMERICAN LAW* 3 (2014).

Understanding Evidence: Federal and California Rules (2014).

Co-authored with K. Broun and R. Mosteller, *Evidence: Cases and Materials* (West Co. 8th ed. 2014).

Co-authored with K. Broun & R. Mosteller, *Teacher's Manual for Evidence: Cases and Materials* (West Co. 8th ed. 2014).

Co-authored with Salvador, *Ohio Juvenile Law* (West Co. 2015).

Co-authored with E. Imwinkelried, 2015 *Supplement, Scientific Evidence* (Lexis Co. 5th ed. 2012).

Co-authored with F. Gilligan, F. Lederer, and E. Imwinkelried, 2015 *Supplement, Courtroom Criminal Evidence* (Lexis Co. 5th ed. 2011).

2015 *Supplement, Baldwin's Ohio Practice, Evidence* (West Co. 3d ed. 2010).

Ohio Evidence Handbook (West Co. 2015).

"Junk Science": *The Criminal Cases, in Expert Evidence and Scientific Proof in Criminal Cases* (Paul Roberts ed. 2014) (reprinting 84 *JOURNAL OF CRIMINAL LAW & Criminology* 1).

The Massachusetts Drug Lab Scandal, 30 *CRIMINAL JUSTICE* 42 (Spring 2015).

Defense Experts and the Myth of Cross-Examination, 30 *Criminal Justice* __ (Fall 2015).

Closing Argument, 29 *CRIMINAL JUSTICE* 39 (Winter 2015).

Co-authored with Salvador, *Ohio Juvenile Law* (West Co. 2015).

Co-authored with L. Katz, *Ohio Criminal Laws and Rules* (West Co. 2016).

Activities

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

Media

Quotes by M. Hansen, *Badly Burned*, *ABA Journal* 37 (Dec. 2015).

Quoted by K.Worth, "Crime Lab Scandals the Focus of New DOJ Plan," *Frontline*, Dec. 8, 2015.

Quoted by R. Balko, "Forensic Science Reform Is Finally Here. But Will We Get It Right?" *Washington Post*, December 16, 2015.

B. JESSIE HILL

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



Publications

Change, Dissent, and the Problem of Consent, in THE RISE OF CORPORATE RELIGIOUS LIBERTY (Chad Flanders, Zoë Robinson & Micah Schwartzman eds., Oxford University Press 2016) (essay in edited volume).

The First Amendment and the Politics of Reproductive Health Care, 50 *Wash. U. J.L. & Pol'y* (forthcoming 2016).

Review of P. Horwitz, *First Amendment Institutions*, 30 *J. L. & RELIGION* 530 (2015).

Some Thoughts About Discrimination, Wisconsin v. Yoder, and the Freedom of Association, 60 *ST. LOUIS U. L.J.* (forthcoming 2016).

"Libertarians and Abortion Restrictions: Where's the Outrage?" *The Daily Caller*, February 16, 2016.

Co-authored, with I. Glenn Cohen and M. Murray, an amicus brief in the Supreme Court case of *Whole Woman's Health v. Hellerstedt*.

Presentations

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.

The First Amendment and the Politics of Reproductive Health Care, Health Law Professors Conference, St. Louis University Law School, June 2015 (papers to be published in the *Washington University Journal of Law and Policy*).

Panelist, *Medical Marijuana: Truth and Consequences*, sponsored by the Free Clinic, Cleveland, OH, June 2015.

Respondent: *Childress Lecture by Professor Lawrence Sager*, St. Louis University School of Law (November 2015).

Other

Oral argument before the 8th District Court of Appeals of Ohio in *Preterm v. Kasich* (one-subject rule challenge to abortion restrictions in Ohio budget bill).

FACULTY AND SCHOLARLY UPDATES

SHARONA HOFFMAN

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



Publications

Improving Regulatory Enforcement in the Face of Inadequate Resources, 43 JOURNAL OF LAW, MEDICINE, AND ETHICS 33 (Supp. no. 2, 2015).

"Lifting the Taboo on End of Life

Conversations," *The Jewish Advocate*, December 25, 2015.

"How to Become A Member of Your Own Medical Team," *Healthy Aging*.

"Why Your Parents' Finances Are Your Business," *AgingCare.com*.

"Faith in an Unconventional Approach to Find Care," *The Caregiver's Voice*, January 25, 2016.

The Promise and Perils of Open Medical Data, 46 HASTINGS CENTER REPORT 6 (2016).

Electronic Health Records and Medical Big Data: Law and Policy, Cambridge University Press (forthcoming 2016).

"The Promise and Perils of Open Medical Data," 46 Hastings Center Report 6 (2016).

"Citizen Science: The Law and Ethics of Public Access to Medical Big Data," 30 *Berkeley Technology Law Journal* 1741 (2016).

Media

Interviewed on WKAR TV, Michigan State University, "Daughter of late EL rabbi writes guide to planning for old age," September 21, 2015.

Featured in *The Cleveland Plain Dealer*, "Local author Sharona Hoffman explains 'Aging with a Plan,'" June 3, 2015.

Featured in *Cleveland Jewish News*, "Author Hoffman Tackles Age in Debut Book," June 2, 2015.

Interviewed by Senior Voice America Radio, June 8, 2015.

Interviewed on "You: the Owner's Manual" with Dr. Michael Roizen, June 27, 2015.

Featured in June 2015 ASLME Insider.

Featured in Life Matters Media, "Learning To Age Well, With A Plan," July 1, 2015.

Featured in The Faculty Lounge: Conversations About Law, Culture, and Academia, "Aging with A Plan," July 7, 2015.

Interviewed on Cleveland's Channel 3's "Golden Opportunities," July 26, 2015.

Interviewed on WCPN 90.3's Sound of Ideas, August 3, 2015.

Featured on *The Cleveland Plain Dealer*, "University Heights Resident Authors Book On Aging, August 7, 2015.

Featured on Hamilton and Griffin on Rights, "Why I Wrote This Book," June 23, 2015.

Quoted in *The Boston Globe*, "Why Living In A 55-Plus Community May Be Better For Your Health," March 13, 2016.

Interviewed in *MoneyGeek*, "Designate a Decision-Maker," February, 2016.

Quote in *The Washington Post*, "I Needed To Find Care For My Elderly Aunt. What I Found Was An Eldercare Crisis," March 22, 2016.

Quoted in *The Chicago Tribune*, "I Needed to Find Care for My Elderly Aunt. What I Found Was an Eldercare Crisis," March 22, 2016.

Interviewed on "Why? Radio," North Dakota's Prairie Public Broadcasting, April 10, 2016: "How to Think Philosophically about Aging."

Quoted by *The Guardian*, April 12, 2016: "Oxford professor calls for European ethical codes on patient data."

Quoted in "Four Considerations When Hiring An EHR Scribe," *Physicians Practice*, April 18, 2016.

Awards

Distinguished Research Award, Case Western Reserve University School of Law, 2016.

Book Lectures

Professor Hoffman gave the following talks about her book, "Aging with A Plan: How a Little Thought Today Can Vastly Improve Your Tomorrow":

June 14, 2015 – Book Launch at Coventry Village Library, Cleveland Heights, Ohio.

August 11, 2015 – Talk and book signing at The Temple-Tifereth Israel in Beachwood, Ohio.

October 19, 2015 – Federal Reserve Bank of Cleveland, Cleveland, Ohio.

November 1, 2015 – Congregation Shaarey Zedek, East Lansing, Michigan.

November 8, 2015- Cleveland Jewish Community Center Book Fair, Cleveland, Ohio.

December 15, 2015 – Cleveland City Club, Cleveland, Ohio.

April 1, 2016 – Lenox Hill Neighborhood House, New York, New York.

April 3, 2016 – Wellesley College Club of New York City, New York.

April 5, 2016 – Hudson Public Library, Hudson, Ohio.

April 6, 2016 – Anshe Chesed Fairmount Temple, Beachwood, Ohio.

April 11, 2016 – Siegal Lifelong Learning Program, Cleveland, Ohio.

Additional Activities

"Driving While Elderly," Health Law Professors Conference, Boston, MA, June 4, 2016.

"Thinking Ahead: Helping Patients Express Their Preferences for Medical Care," Cleveland Clinic Bioethics Grand Rounds, Cleveland, OH, May 9, 2016.

"Big Data and the Americans with Disabilities Act," Harvard Law School, Big Data, Health Law and Bioethics conference, Cambridge, MA May 6, 2016.

Other

White House's Precision Medicine Initiative Summit, February 25, 2016. President Obama spoke at the event.

LAURA E. McNALLY-LEVINE

**Director, Milton A. Kramer Law Clinic Center;
Director, Health Law Clinic**



Poster Presentation, "Multidisciplinary Transition Clinic for Youth with Autism: A Unique Role for Medical-Legal Partners" at the National Medical Legal Partnership Summit, April 2016 Indianapolis, Indiana.

Facilitated multiple sessions of the Community Action Poverty Simulation for medical residents, fellows, and doctors, social workers, nurses, lawyers and law students.

Presented sessions on guardianship, special education and public benefits to health professionals and students.

MAXWELL J. MEHLMAN

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



Publications

Reproductive Information and Reproductive Decision-Making, 43 JOURNAL OF LAW, MEDICINE & ETHICS 241-244 (2015).

Can Law Save Medicine? 36 JOURNAL OF LEGAL

MEDICINE 121-157 (2016).

Co-authored with Angoff, Malone, Silver, and Weinberger, *Compensating Persons Injured by Medical Malpractice and Other Tortious Behavior for Future Medical Expenses Under the Affordable Care Act*, 25 ANNALS OF HEALTH LAW 35 (2016).

RUQAIYAH YEARBY

Associate Dean of Institutional Diversity and Inclusiveness and Professor of Law, Associate Director of the Law-Medicine Center, Oliver C. Schroeder Jr. Distinguished Research Scholars



Publication

Involuntary Consent: Conditioning Access to Health Care on Participation in Clinical Trials, 44 J. of L. Med. & Ethics (2016) (forthcoming)

Presentations

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 1-32 (Introduction for Law-Medicine Symposium issue) (2015).

"Missing The 'Target': Preventing The Unjust Inclusion Of Vulnerable Children For Medical Research Studies," Oxford Global Health and Bioethics International Conference, Oxford, UK, September 28-29, 2015.

"Health Equity Is Not Enough: The Continuation of Racial Bias In Health Care," Duke University School of Law, Durham, North Carolina, November 20, 2015.

Keynote Speaker, National Diversity Pre-Law Conference, Howard University School of Law, Washington, D.C., April 1, 2016.

"Individual Choice and Racial Health Disparities: A Fallacy of Relevance," Boston, MA, April 15, 2016.

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

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

Activities

Submitted Comments to the U.S. Department of Health and Human Services regarding rulemaking for Section 1557 of the Patient Protection and Affordable Care Act concerning nondiscrimination, November 8, 2015.

Testified at a Hearing before the Health and Human Services Committee, Cleveland City Council, Cleveland, Ohio, November 20, 2015.

Invited to serve on Ohio Attorney General Advisory Group on Diversity and Inclusion Initiatives.

Other

Mayor Frank G. Jackson issued a proclamation recognizing and congratulating her for being appointed the Inaugural Associate Dean of Institutional Diversity and Inclusiveness, January 29, 2016.

Law professor submits amicus brief in *Whole Woman's Health v. Hellerstedt*

Case Western Reserve University Law Professor B. Jessie Hill, along with professors Melissa Murray and I. Glenn Cohen, submitted an amicus brief supporting the petitioners in *Whole Woman's Health v. Hellerstedt*.

That case, which was heard by the Supreme Court on March 2, 2016, challenged the constitutionality of certain provisions of Texas' abortion statute, House Bill 2 (H.B. 2). The professors' amicus brief focused on the ways in which H.B. 2, which severely reduces access to abortion in Texas, harms women's dignity and equality. The brief drew on the Supreme Court's recent decisions establishing constitutional protection for gays and lesbians in *Lawrence v. Texas*, *United States v. Windsor*, and *Obergefell v. Hodges* to demonstrate that the Constitution requires the state to respect a woman's dignity and status as an equal citizen by allowing her the opportunity to decide for herself whether or not to have a child,



free from undue state interference and state-imposed stigma. The court ruled 5-3 in favor of the petitioners.

By singling out the abortion procedure for uniquely onerous regulation, and forcing Texas women to travel significant distances in order to exercise their constitutionally-protected rights, the brief argued, H.B. 2 deprives women of their dignity and status as equal citizens, in violation of the Due Process Clause.

CLOSE TO HOME JOHN MCPHERSON



Budget ultrasound.



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BY THE NUMBERS

25: Our faculty's ranking in scholarly citations

9: Ranking of our Law-Medicine Center

1: Nation's first health law program



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