

JESSICA WILEN BERG

Case Western Reserve University
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EXPERIENCE

Case Western Reserve University Schools of Law and Medicine Cleveland, OH
Dean (August 2015-); *Interim* (March 2014- Aug 2014); *Acting* (November 2013- March 2014)
Tom J.E. and Bette Lou Walker Professor of Law (August 2014- present)
Professor of Law, Bioethics and Public Health (July 2005- present)
Associate Director, Law-Medicine Center (July 2006- July 2014)
Associate Director, Institute for Global Security Law & Policy (July 2006- July 2007)
Associate Professor (July 2003- July 2005); *Assistant Professor* (December 1999- July 2003)

American Medical Association, Chicago, IL
Institute for Ethics, Director Academic Affairs (June 1998- December 1999)
Section Director, Professionalism (August 1997- December 1999)
Secretary, Council on Ethical and Judicial Affairs (June 1998- December 1999)

University of Chicago Law School Chicago, IL *Adjunct*

Professor (August, 1997- March 1999)

Northwestern University Law School Chicago, IL *Adjunct Professor* (August, 1997-
December 1998)

Michigan State University Medical School East Lansing, M.I. *Visiting Professor* (August
1996-June 1997)

EDUCATION

Case Western Reserve University, School of Medicine
Masters in Public Health (MPH), 2009 4.0 GPA

Cornell Law School
Juris Doctor (JD), 1994 *Cum Laude*
Law Review Notes Editor; Moot Court Board
AmJur Award for the highest grade in Legal Process

Cornell University, College of Arts and Sciences Bachelor of Arts, 1991
Major: Psychology

POST-GRADUATE

University of Massachusetts Medical School Worcester, Massachusetts *Scholar*
in Excellence (January 1995- July 1996)

Center for Biomedical Ethics, University of Virginia Medical School
Fellow (August 1994- December 1994)

Institute for Law, Psychiatry and Public Policy, University of Virginia Law School
Fellow (August 1994- December 1994)

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BOOKS

Berg J, Appelbaum PS, Lidz C, Parker L, Informed Consent: Legal Theory and Clinical Practice (Oxford 2nd edition, 2001).

PUBLICATIONS

Berg J, “The Effect of Social Media on End-of-Life Decision Making”, in Death and Dying (Oxford University Press, 2016)

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, Agatista P and Berg J, “Ethical Issues in Reproductive Medicine: Are Bioethics Educators Ready?” 44(5) Hastings Center Report 21 (2014)

Berg J, “The E-Health Revolution and the Necessary Evolution of Informed Consent”, Indiana Health Law Review (2014).

Berg J and Shaw K, “Capacity and Competence”, in Companion to Bioethics. (Routledge, 2014)

Corley S and Berg J, “Embryo Donation: Ethical Issues”, in Third Party Reproduction: A Comprehensive Guide (Springer 2013).

Berg J, “All For One and One For All: Informed Consent and Public Health,” 50 Houston Law Review 1 (2012).

Berg J, “Surrogate Decision Making in the Internet Age,” 12 American Journal of Bioethics 28 (2012).

Mehlman M, Berg J, Juengst E, Kodish E, “Ethical and Legal Issues in Enhancement Research on Human Subjects,” 20 Cambridge Quarterly of Healthcare Ethics 30-45 (2011).

Goodlander E, Berg J, “Pediatric Decision-Making: Adolescent Patients” in Core Issue in Clinical Pediatric Ethics (2011).

Berg J, Deming N, “New Rules for Research with Human Participants?” Hastings Center Report 10 (Nov-Dec, 2011).

Berg J, Putting the Community Back into the “Community Benefit” Standard, 43 Georgia Law Review 375 (2010).

Berg J, Book Review: The Ethics of Consent, eds. Franklin G. Miller and Alan Wertheimer 10 The American Journal of Bioethics 71 (2010).

Berg J, “What is Left of Charity Care After Health Reform?” Hastings Center Report (July-August 2010).

Berg J, Mehlman M, Rubin D, Kodish E, “Making All the Children Above Average: Ethical and Regulatory Concerns for Pediatricians in Pediatric Enhancement Research,” 48 (5) Clinical Pediatrics 472 (2009).

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- Mehlman M, Berg J, "Human Subjects Protections in Biomedical Enhancement Research: Assessing Risk and Benefit and Obtaining Informed Consent," 36 Journal of Law, Medicine & Ethics 546 (2008).
- Berg J, "Of Elephants and Embryos: A Proposed Framework for Legal Personhood," 59 Hastings Law Journal 369 (2007).
- Berg J, "Legal Issues in End-of-Life Decisionmaking" in Aspen Health Care and Compliance Update 2007 (2007).
- Berg J and King N, "Strange Bedfellows: Reflections on Bioethics' Role in Disaster Response Planning," 6 American Journal of Bioethics 3 (2006).
- Berg J, Film Review "Side Effects & Money Talks" 7(3) American Journal of Bioethics (2007)
- Berg J, "Smokescreen," 36 Hastings Center Report (2006).
- Marshall P, Berg J, "Protecting Communities in Biomedical Research," 6(3) American Journal of Bioethics 28 (2006).
- Berg J, "A Qualified Defense of Legal Disclosure Requirements" 6(2) American Journal of Bioethics 25 (2006).
- Berg, J, "Children and Placebos," in Learning From Cases: Ethics and Research with Children, edited by Eric Kodish (2005).
- Berg J, "Owning Persons: The Application of Property Theory to Embryos and Fetuses," 40 Wake Forest Law Review 159 (2005).
- Hoffman S, Berg J, "The Suitability of IRB Liability," 67 University of Pittsburgh Law Review 365 (2005).
- Berg J, "You say person, I say property: Does it really matter what we call an embryo?" 4 American Journal of Bioethics 17 (2004).
- Berg J, "Understanding Waiver" 40 Houston Law Review 281 (2003).
- Berg J, "Ethics and E-Medicine" 46 St. Louis University Law Journal 61 (Invited Symposium, 2002).
- Berg J, "Grave Secrets: Ethical and Legal Analysis of Postmortem Confidentiality" 34 Connecticut Law Review 81 (2001).
- Doukas D, Berg J, "Genetic Testing and The Family Covenant," 1(3) American Journal of Bioethics 2 (2001).
- Berg J, "When if ever should confidentiality be set aside?" in Ethical Dilemmas in Neurology, W.B. Saunders (2000); adapted as book chapter in Russian Bioethics Textbook (2003).
- Berg J, "Risky Business: Evaluating Oocyte Donation," 1(4) American Journal of Bioethics 18 (2001)
- Wynia M, Latham S, Kao A, Berg J, Emanuel L, "Medical Professionalism," 341(21) New England Journal of Medicine 1612 (1999).

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Berg J, Appelbaum PS: "Patients' Competence to Consent to Neurobiological Research," in Ethics in Psychiatric Research: A Resource Manual for Investigators, American Psychiatric Association, 81-106 (1999).

Berg J, "Waiver of Informed Consent for Emergency Research," 1 Journal of Medicine and Law 1 (Invited, 1997).

Berg J, Appelbaum PS, Grisso T, "Constructing Competence: Formulating Standards of Legal Competence to Make Medical Decisions" 48(2) Rutgers Law Review 345 (1996).

Berg J, "The Legal and Ethical Complexities of Consent with Cognitively Impaired Research Subjects: Proposed Guidelines" 48 The Journal of Law, Medicine & Ethics 18 (1996).

Berg J, Bonnie RJ, "When Push Comes to Shove," in Coercion and Aggressive Community Treatment: A New Frontier in Mental Health Law (1996).

Berg J, "Give Me Liberty or Give Me Silence: Taking a Stand on Fifth Amendment Implications For Court-Ordered Therapy Programs," 79(3) Cornell Law Review 700 (1994).

INSTITUTIONAL AUTHORSHIP

Ozar D, Berg J, Werhane P, Emanuel L, "Organizational Ethics in Health Care: A Model of Ethical Decision-Making by Provider Organizations," Institute for Ethics at the American Medical Association (2000).

Berg J, "Ethical Issues in the Conduct of Clinical Trials," Institute of Medicine (1995).

Final Report, Task Force on Association-Corporate Relations (1998).

CEJA Report, "Subject Selection for Clinical Trials," 20 IRB 12 (1998).

CEJA Report, "Patenting the Human Genome" (1997).

CEJA Report, "Ethical Implications of the Human Genome Project (1997).

CEJA Report, "Waiver of Informed Consent for Emergency Room Research" (1997).

CEJA Report, "Ethics Consultation" (1997).

GRANT FUNDED RESEARCH PROJECTS

National Human Genome Research Institute, Center for Genetic Research Ethics and Law 9/1/04-8/31/09, \$5,307,694.00, *Resource Core Leader for Regulatory/Legal Core*

National Human Genome Research Institute, Protecting Human Subjects in Genetic Enhancement Research 10/1/05-8/1/08, \$765,000, *Co-investigator*

Case Presidential Research Initiative Grant: Community Consultation for Genetics Research , 3/1/04-8/15/06, \$50,000, *Co-Primary Investigator*

TEACHING EXPERIENCE

Health Policy and Management

Case Western University Division of Public Health, since 2010

Public Health Law

Case Western University Law School, since 2010

Public Health Ethics

Case Western University Law School, since 2010

FDA Law

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Case Western University Law School, since 2005

Bioethics & Law

Case Western University Law School, since 2000

Northwestern University Law School, Fall 1997 and Fall 1998

Research Law & Regulation

Case Western University Law School, since 2001

Reproductive Law & Ethics

Case Western University Law and Medical Schools, 2000-2005

On Becoming a Professional Scientist: Scientific Integrity and Misconduct

Case Western University Graduate School, 2003-2009

Law, Science & Technology

University of Chicago Law School, Winter 1998 and Winter 1999

Ethical, Legal and Social Implications of the Human Genome Project

Michigan State University, Fall 1996 and Spring 1997

Medical Ethics

Michigan State University Medical School, Fall 1996 and Spring 1997

University of Massachusetts Medical School, Fall 1995 and Fall 1996

Law and Medicine

University of Massachusetts Medical School, Fall 1996

SELECT PRESENTATIONS

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

“Can We Legislate, Regulate, Litigate, or Educate Ourselves Thinner?” University of Wisconsin-Madison, University of Rochester, March 2016

“No Smoke But Plenty of Fire: The battle over e-cigarettes”, 21st Century Club, May 2015

“Surrogate Decisionmaking in the Internet Age”, Grand Rounds Cleveland Clinic, April 2015; Keynote Address, University of Arkansas Medical Center, May 2015

“Conscience Clause Refusals of Reproductive Healthcare”, Cleveland Clinic, April 2014.

“Medical Care: There’s an App for That!”, New York Cornell Club, March 2014.

“Consumerism and Self-Diagnosis” Indiana School of Law, March 2013.

"Testing the baby and the bathwater: Prenatal genetic diagnosis and the law" International Society of Prenatal Diagnosis, Miami, June 3, 2012

“Charity Care, Nonprofit Hospitals and Health Reform” Yale University, New Haven 4/23/12

"Can We Legislate, Regulate, Litigate or Educate Ourselves Thinner?" Yale University, New Haven 4/23/12

"Making Good Health Policy" Ohio Public Health Association, Columbus 3/27/12

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- “Surrogate Decision Making for the Facebook Generation” American Society of Bioethics and Humanities Annual Meeting, Minneapolis 10/13/11; American Public Health Association Annual Meeting, Washington DC 11/2/11
- “What Remains of Charity Care After Health Reform? Community Obligations of Nonprofit Hospitals” Mark A. Nordenberg lecture in Law, Medicine and Psychiatry, University of Pittsburgh 10/6/11
- "Ethics and Enhancement Research" Clinical Research Conference, San Francisco 7/6/11
- “Authorship, Plagiarism and Publication,” Department of Pathology, Cleveland 3/16/11
- “Ethical Issues in Research with EHRs”, National Health Lung Blood Institute, NIH, Washington DC 3/11/11
- “Who owns your genetic material? The case of the Havasupai Tribe v. ASU”, World Health Interest Group, Cleveland 2/4/11
- “The Battle Over Bottled Water” American Public Health Association Annual Meeting, 11/10/09
- “Health System Reform and Nonprofit Hospitals” American Public Health Association Annual Meeting, 11/9/09
- “Public Health and Nonprofit Hospitals” American Society of Bioethics and Humanities Annual Meeting, Washington DC 10/16/09
- “Adolescent Informed Consent” Seattle Children’s Hospital Annual Bioethics Conference, Seattle Washington 7/25/09
- “Pregnant Women and Public Health Ethics: Challenges During Pandemics and Disasters,” Annual Bioethics Summer Retreat, Rocky Gap Maryland 6/26/09
- “International Human Rights Law and International Humanitarian Law,” Management of Humanitarian Emergencies: Focus on Children and Families, Cleveland 6/19/09
- “IVF, Embryos, Stem Cells, Research and Law,” At the Cutting Edge of Stem Cell Science, Harvard University, 6/16/09
- “Confidentiality and Its Limits” Cleveland Clinic Grand Rounds Department of Bioethics 2/3/09
- “Health Care Reform, Ethics and Universities” American Association of University Presidents (AAUP), Cleveland, 10/20/08
- “Building Better Humans” American Society of Bioethics and Humanities Annual Meeting, Cleveland, 10/23/08
- “Role of International Law in Promoting Global Public Health” American Public Health Association Annual Meeting, San Diego, 10/27/08

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- “Conundrum of Community: An analysis of ethical guidelines for genetic research and community engagement” American Public Health Association Annual Meeting San Diego, 10/28/08
- “Medical Confidentiality and its Limits,” Case Western Reserve University Continuing Education Conference, 9/12/08
- “Tax-exempt Hospitals and Community Benefit”, Annual Health Law Professor’s Conference, Philadelphia, 6/6/08
- “Privacy and Gene Doping in Sport,” The Hastings Center, 5/07
- “How to Effectuate End of Life Decisions: Legally, Medically and Religiously,” Adult Education Mini-Series on Medical Ethics: Judaism and End-of-Life Issues, Beth El Heights Synagogue 5/21/06
- “End of Life Decision Making” Keynote Address, Ohio Guardianship Conference, 5/10/06
- “Scientific Integrity,” Case Western Reserve University School of Medicine, 4/26/06
- “Bioterrorism and Katrina—Lessons Learned?” DePaul Health Law Institute Symposium, 4/1/06
- “Terri Schiavo: Lessons Learned,” University of Louisville Medical School, 12/05
- “Strong Opinions: Selections from the AMA’s Code of Medical Ethics,” Georgetown University Medical School, 5/05
- “Research Involving Placebos,” Case Research Seminar Series, 5/05
- “E-Medicine and Ethics” Keynote address, University of Pittsburgh Medical Center, 4/05
- “Ethical and Legal Issues in Genetic Testing,” Akron Jewish Community Center, 2/05
- “Prosecuting Pregnant Women,” Medical College of Wisconsin, 9/21/04
- “E-Medicine,” Milwaukee Academy of Medicine, 9/21/04
- “Sex Without Reproduction and Reproduction Without Sex,” Great Minds Great Friends Dinner, Case Western Reserve University 9/9/04
- “The Fetus as Patient: Ethical, Legal and Societal Issues,” Fetal Surgery Conference, Akron Children’s Hospital Medical Center, 6/17/04
- “You Say “Person” I Say “Property”: What is an embryo?,” Annual Health Law Professors Conference, 6/5/04
- “Research on Cognitively Impaired Subjects,” Case Western Reserve University 4/23/04
- “Professional Misconduct Enforcement and Compliance,” Institutional Animal Care and Use Committee (IACUC) 4/20/04
- “Reproduction in the 21st Century,” Kansas Health Care Ethics Conference, 3/19/04

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- “Roe v. Wade: Exploring the Past, Present and Future”, American Civil Liberties Union, Cleveland Ohio, 1/22/04
- “Everything you want to know about law but are afraid to ask,” ½ day workshop, American Society of Bioethics and Humanities Annual Meeting, 10/22/03
- “Emerging Fields: Bioethics and Law,” Midwest Association of Pre-Law Advisors, 10/10/03
- “Ethics and E-Medicine in Psychiatry,” Cleveland Clinic Department of Psychiatry Grand Rounds, 11/5/03
- “Legal Status of Embryos,” Health Law Teachers Conference, 6/6/03
- “Legal and Ethical Issue in Informed Consent and Dementia,” Fairhill Center, Ohio 3/26/03
- “Understanding Stem Cell Research, Interfaith Symposium,” Fairmount Temple, Ohio 1/14/03
- “You say ‘Person’ and I say ‘Property’: Does it really matter what we call an embryo?,” 15th Annual Bioethics Summer Retreat, 6/28/03
- “Placebos and Pediatric Research,” Center for Bioethics, University of Pittsburgh, 12/9/02
- “Grave Secrets: Legal and Ethical Implications of Postmortem Confidentiality,” Bioethics Grand Rounds, University of Pittsburgh, 12/9/02
- “Oocyte Donation,” Grand Rounds, Department of OB/GYN University of Pittsburgh, 12/9/02
- “Understanding Oocyte Donation,” College Club of Cleveland, 11/19/02
- “Performing Procedures on the Newly Deceased,” American Society of Bioethics and Humanities Annual Meeting, 10/28/02
- “Getting Informed Consent in a Reproductive Context,” OB/GYN Resident Grand Rounds, University Hospitals, Cleveland, 6/28/02
- “Legal Issue in the Stem Cell Debate,” Cellular and Molecular Biology Retreat, Case Western Reserve University, 4/19/02
- “DNA Databanking: Legal and Ethical Concerns,” Western Reserve Historical Society, March 2002
- “Integrating Bioethics and Law,” Provost Hour Lecture, Case Western Reserve University, 3/21/02
- “Informed consent and Teenage Mothers,” OB/GYN Resident Grand Rounds, University Hospitals, Cleveland, 3/8/02
- “Legal and Ethical Issues in Stem Cell Research,” Cleveland Clergy Advisory Board, 11/6/01
- “Postmortem Confidentiality,” Annual Meeting, American Society of Bioethics and Humanities, 10/28/01
- “E-health and Ethics,” Annual Meeting, American Society of Bioethics and Humanities, 10/26/01

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- “Legal Issues in Informed Consent,” National Institutes of Health 10/10/01
- “Postmortem Confidentiality,” 13th Annual Bioethics Retreat, Massachusetts, 6/20/01
- “Waiver of Informed Consent,” American Association of Law Schools Health Law Professor’s Conference, Boston University School of Law, 6/1/01
- “Legal Issues in Reproductive Medicine,” Wayne State Medical School, Detroit Michigan, 5/3/01
- “Ethics and E-Medicine,” Symposium, St. Louis University School of Law, 4/20/01
- “Fetal Maternal Conflicts,” Morbidity and Morality Rounds, Lakeside Hospital, Cleveland 3/1/01
- “Waiver of Informed Consent,” Grand Rounds, The Cleveland Clinic, 12/18/00
- “How the Distance Between Science and Journalism Threatens America’s Future,” Research!America Media-Scientist Roundtable, 10/18/00
- “Cybermedicine,” American Psychiatric Association, 9/8/00
- “Compulsory Outpatient Treatment,” American Association of Law Schools Health Law Professor’s Conference, 6/10/00
- “The Controversy Surrounding Assisted Suicide,” Panel member, Alumni Reunion Event, Case Western Reserve University, 6/2/00
- “Ethics and the Law: Current and Future Trends,” Banquet Keynote Address, Annual meeting of the Bioethics Network of Ohio, 5/18/00
- “Constitutional Status of Partial Birth Abortion Legislation,” NARAL Ohio *A Choice Gathering*, 5/11/00
- “When Push Comes to Shove: Forced Treatment in Community Settings,” Conversations in Bioethics, Case Western Reserve University, 5/11/00
- “Lessons from the Tuskegee Syphilis Study,” Case Western Reserve Medical School, 5/4/00
- “Health Care Organizational Ethics,” University of Virginia, 1998
- “Professionalism and Professional Associations,” American Medical Association, President’s Forum, 1998
- “Gifts to Physicians,” Food and Drug Law Institute, 1998
- “Competence to Consent to Medical Treatment,” Grand Rounds, Harvard Medical School, 1997
- “Futility in Medical Treatment,” “American Society of Bioethics and Humanities, Annual Meeting, October 1997
- “HIV and the Law,” Michigan State University Medical School, 1997

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“End-of-Life Decision making,” Michigan State University Medical School, 1997

“Mental Health Law: Cases and Concepts,” University of Massachusetts Medical School, 1996

“Pediatric Informed Consent,” University of Massachusetts Medical School, 1996

SELECT NATIONAL MEDIA

The Washington Post, Nonprofit hospitals and Charity Care 8/29/2010

NPR All Things Considered, Personhood Amendment to State Constitution 10/29/08

Nature, Research Ethics Consultation, 3/8/06

Baltimore Sun, Human Cloning, 5/7/06

Cleveland Plain Dealer, Wrongful Birth, 3/6/06

National Public Radio Diane Rehm Show, Terri Schiavo Case, 3/23/05

Voice of America, American legal doctrine of informed consent, 1/12/04

New York Times, End-of-life decisions, 11/4/03

National Public Radio Morning Edition, Workplace confidentiality, 7/13/04

Wall Street Journal, Using newly dead or dying patients for medical training, 11/12/02

APPOINTMENTS

American Journal of Bioethics

Co-Editor, Book Reviews (2005-2008)

Editorial Board (2009-2011)

American Academy of Pediatrics, Ethics Committee (2007-2013)

NIH, National Cancer Institute, Pediatric Central IRB (2006-2009)

NIH, National Heart Lung Blood Institute

IMMEDIATE Trial, PRC (2005-06) and DSMB (2006-2012)

Heart Network, PRC and DSMB (2007-2013)

ISCHEMIA Trial DSMB (2011-2013)

McDonald Women’s Hospital, Reproductive Ethics Committee, Cleveland Ohio (since 1999)

University Hospitals, Ethics Committee, Cleveland Ohio (since 1999)

NATIONAL CONFERENCES ORGANIZED

Co-Chair, *New Technologies, New Challenges: Women and Prenatal Genetic Testing in the 21st Century* (Cleveland, 2012)

Co-Chair, Program Committee, 2007 American Society of Bioethics and Humanities Annual Meeting

Program Committee, 2006 American Society of Bioethics and Humanities Annual Meeting (Denver, Co)

Program Committee, 1998 American Society of Bioethics and Humanities (Houston, Texas)

Co-Chair, Clinical Research in Psychiatry (Boston, 1996)

UNIVERSITY PROFESSIONAL SERVICE

JESSICA WILEN BERG

Dean, School of Law (2013- present)
Department Committee on Promotion and Tenure, School of Medicine
Chair (2011-2014)
Faculty Senate (2009-2012)
Executive Committee (2010-2011 term; 2011-2012 term)
University Callahan Distinguished Lecture Series (2009-2013)
Chair-Elect (2010-2011); Chair (2011-2012)
Strategic Planning Committee, School of Law
Co-Chair (2012-2014)
Stem Cell Oversight Board (2010-2012)
Outside Interests Committee (2010-2012)
Dean Search Committee, School of Law (2010-2011; 2008-2009; 2005-2006)
Appeals and Rules Committee (2007-2008)
Chair (2008)
Promotion and Tenure Committee, School of Law (2005-2007)
Community Committee, School of Law (2000-2001)
Chair (2004)
Curriculum Committee, School of Law (2009-2011; 2002-2003; 2008-2010)
Chair 2011-2012
ABA Self-Study Committee, School of Law (2001-2002)
Admissions Committee, School of Law (2000-2001)

LICENSES AND PROFESSIONAL AFFILIATIONS

Admitted, Massachusetts Bar (1995, current status inactive)
Member, American Society of Law, Medicine and Ethics
Member, American Society of Bioethics and Humanities
Member, The Hastings Center
Member, American Public Health Association

AWARDS

Mather Spotlight Award for Women Faculty Scholarship (2009), Case Western Reserve University
Health Policy Researcher of the Year (2008), Health Policy Institute of Ohio